

COMMITTEE REPORT

Committee: Planning Committee **Ward:** Guildhall
Date: 2 October 2008 **Parish:** Guildhall Planning Panel

Reference: 08/01780/FULM
Application at: Grays Newsagent Ltd Navigation Road York YO1 9UN
For: Erection of student accommodation comprising 232 bedrooms and associated facilities in 1 no. part five/part seven storey building (with rooms in roof) and 1 no. three storey building. New sub-station, bin storage, cycle parking and landscaping.
By: Mr Chris Hale
Application Type: Major Full Application (13 weeks)
Target Date: 10 October 2008

1.0 PROPOSAL

1.0.1 This proposal seeks planning permission for the redevelopment of this vacant site to create student accommodation. The accommodation is divided into 2 blocks and contains associated living and dining facilities.

1.0.2 It is envisaged that this development, if approved, will complement and operate in synergy with the recently opened student accommodation adjacent. The applicants propose to integrate both sites, as a consequence management functions, access and other associated functions will operate as one. Disabled vehicle parking is provided as part of the overall development with cycle parking and associated ancillary services such as refuse storage provided on site.

1.0.3 The accommodation comprises of 2 separate buildings. These are positioned in distinct parts of the site. The siting of these buildings is a response to the constraint imposed by the surface water sewer crossing the site near Navigation Road. This sewer splits the site into 2 distinct segments. However as the sewer does not split the site evenly, the resulting developable areas lend themselves to the provision of a small block at the front of the site (Block 2 - adjacent to Navigation Road) and a larger building adjacent Wormalds Cut (Block 1). The buildings and external spaces are arranged to integrate this site with the recently developed student accommodation adjacent (at the old Pullman Bus Depot site and 3 Percy's Lane).

1.0.4 Block 1 consists of 46 student flats containing 223 'standard' en-suite study bedrooms. These are arranged in groups of four or five rooms with associated living and dining facilities in each 'flat'. Therefore, four or five students will live as a single household in each 'flat'. One flat for a senior student warden is also proposed

1.0.5 Block 1 of the student accommodation is similar in size and massing to the previously approved office building. An 'L' shaped footprint creates frontages to the York and County Press boundary and Wormalds Cut. As such the building does not infringe the underground sewer or easement. A

landscaped courtyard is to be created within the enclosing blocks (Block 1) and the existing student accommodation (denoted as Block A on the accompanying site layout plan).

1.0.6 Block 2 consist of 8 'studio' study bedrooms. These are larger than a 'standard' study bedroom and incorporate more generously proportioned study accommodation with integral cooking and en-suite facilities within each room.

1.0.7 The smaller block (Block 2) is to be sited where a sub-station was to be erected as part of the previous permission granted in 2006. The applicants now propose to erect the sub-station, which is required for the redevelopment of this site, adjacent the existing sub-station which serves Navigation Wharf at the head of Wormalds Cut.

1.0.8 The sub-station is to be sited adjacent the existing substation. The design incorporates an exaggerated overhanging eaves with seating beneath. The applicants hope this will provide a quiet sheltered area at the head of Wormalds Cut.

1.1 THE SITE

1.1.1 The application site consists of approximately 0.31 hectares of land with a frontage of 62.0 m adjacent Navigation Road, north of the junction with Percy's Lane and opposite Rosemary Place. The northern boundary of the site abuts Wormalds Cut, an open watercourse which terminates at Navigation Road. Beyond Wormalds Cut is the five storey Rowntree Wharf, a landmark Grade II listed building which is now in mixed residential/commercial use and its associated multi-storey car park. The eastern boundary of the site faces directly towards residential properties fronting Navigation Road, forming part of Rosemary Place/Rosemary Court residential estate. The southern boundary abuts the former Pullman bus depot, which was used as a covered car park. Planning permission was granted for the erection 231 student study bedrooms in two separate blocks on 28 April 2006. The building was recently completed and students have recently moved in. To the west of the site are the offices of the York and County Press.

1.1.2 The site is within York's Central Historic Core Conservation Area. The application site is vacant, derelict and in a generally unsightly condition. The buildings which previously occupied the site, which were of no architectural merit, were demolished some time ago. The site is also within York's, City Centre Area of Archaeological Importance. Previously approved scheme (04/00885/FULM) included the removal of eight self seeded trees (alder, sycamore and willow) from the waterside frontage of the site, with the new building directly abutting, and rising directly from, the waters edge. 04/00885/FULM and 06/01675/FULM approved an office block of contemporary design, with the external walls erected in facing brick with artstone detailing and incorporating a pitched, tiled roof. The taller part of the building, which was granted additional permission to change from residential use to office accommodation incorporated a "square hip" arrangement.

1.2 History

1.2.1 Members may recall that in February 2005 planning permission was granted for the erection of a four and six storey block of offices together with two apartments and associated external works on an area of unused land adjacent Navigation Road and Wormalds Cut (04/00885/FULM). At that time it was proposed to accommodate approximately 4,950 m² (gross) of office accommodation within a four storey "L" shaped building, together with two "penthouse" apartments located on a fifth and sixth floor in the northwest corner of the new block.

1.2.2 In September 2006 an amendment to the previously permitted scheme was also approved by Committee (06/01675/FULM). The amended scheme principally related to the change of use of the previously approved apartments to offices, no changes were proposed to the footprint of the building. In essence an additional 578 m² (gross) of office accommodation was approved to replace to 2 penthouse apartments. In order to accommodate commercial floor to ceiling heights, the eaves height of the six storey section of the building was increased by approximately 0.80 m to a total of 20.70 m. The difference in eight was compensated for by a corresponding reduction in the roof pitch, resulting in the overall height of the building being contained within the height restriction imposed by the original planning permission of 26.81 m.

1.2.3 The application included elevational changes reflecting the proposed commercial use of the two upper floors of the six storey building. The four storey section of the new block remained as previously approved. Minor changes were also made to the layout and configuration of the refuse storage area and electricity substation, the latter as a result of the statutory requirements of the electricity supplier. The submitted layout made provision for 41 car parking spaces and secure cycle storage for 60 cycles, together with a landscaped area (17.0 x 17.0 m approx) at the head of Wormalds Cut, all in accordance with the originally approved layout.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYGP6
Contaminated land

CYGP9
Landscaping
CYGP15

Protection from flooding

CYNE1

Trees, woodlands, hedgerows

CYE3B

Existing and Proposed Employment Sites

CYED5

Further and Higher Education Institutions

CYED10

Student Housing

CYHE2

Development in historic locations

CYHE3

Conservation Areas

CYHE10

Archaeology

CYT16

Long stay car parks

CYT4

Cycle parking standards

INTERNAL

3.1 HIGHWAYS (NETWORK MANAGEMENT)

3.1.1 The officer commenting upon this scheme recognized that the proposal is to construct student accommodation facilities with a capacity of 232 students. Also that 3 car spaces are proposed to be provided, which will be regulated by the university and only available for use by disabled students. The officer recognises that vehicular traffic movements relating to this site will be limited to occasional servicing traffic and emergency vehicles when necessary.

3.1.2 Information supplied by the applicants identifies that the peak periods in terms of traffic generation will be the term change over times. A Traffic Management Plan has been submitted to support this application. The travel plan identifies the measures that will be undertaken by the University and site management team to stagger the periods over which vehicles will arrive and depart and thus the impact of traffic on the highway. During these periods traffic will be allowed to enter the site via the adjacent Pulman bus depot development and stay on site for up to 1 hour to enable students to load/unload vehicles. This will be managed by the university and once the

prescribed time expires, students will be required to vacate the site and park their cars to public car parks, if necessary.

3.1.3 The officer notes that the surrounding highway network is protected by various parking restrictions which will prevent indiscriminate on-street parking. The site also falls within the a residents parking scheme (R18). Students residing in the halls will not be eligible to apply for permits and thus no additional pressure will be placed upon the surrounding area.

3.1.4 The officer concludes by observing that the site is located in a sustainable location and close to a number of facilities. The city centre and public transport routes are within a short walk. As a consequence of these factors the officer advises that the principle of a car free development is acceptable.

3.2 URBAN DESIGN AND CONSERVATION

3.2.1 The officer comments that although the site is within the Central Historic Core Conservation Area and adjacent to Wormald's Cut it occupies part of the outer fringe of the walled city where there was previously a C19th glassworks. A large post-war Local Authority housing scheme (mentioned in Pevsner) is interspersed between the site and the city walls. Two significant listed buildings close to the site are the former St Margaret's Church (grade I), which occupies the corner of an urban block 100m to the south, and the former Leethams Mill (grade II) 40-50m to the north-west.

3.2.2 The officer notes that planning permission was granted in 2004 for an office block on the site. The scheme was for an L-shaped building rising to 6 floors in height at the knuckle which was towards the rear of the site and away from adjacent housing. The scheme adopted an industrial rather than domestic scale with a large pyramidal roof form over the central area and there was a forecourt car park. The student accommodation scheme on the former Bus Depot site adjacent followed-on from this approval. Its figure-ground connected to the plan form of the office block, the two new blocks being divided by the large drain running across both sites. The rear block took advantage of the additional height in the centre of the urban block whereas new perimeter blocks of 3 and 4 storeys assisted in restoring the domestic massing of the adjacent housing blocks.

3.2.3 The main block would adopt the massing and form of the two previously approved schemes. The officer notes that an additional floor would be accommodated within the previous envelope of the building. This is due to the difference in floor to ceiling heights for residential accommodation compared to the higher floor to ceiling heights required for office accommodation. A smaller road-side building would replace the previously proposed sub-station and the sub-station would be relocated at the head of the Cut. This latter building would provide a scale transition between the line of housing approx 20.0m across the road.

3.2.4 Although the main block will still appear large from Navigation Road and from the amenity space adjacent to Rowntree Wharf, the immediate

foreground will be greatly enhanced over previous proposals by replacing the car parking with landscaping (of grass, shrubs and trees). In addition, setting Block 1 back from the edge of the Wormalds Cut will allow a low green edge to be restored to the water. Boundary railings and shrubs will assist in maintaining privacy and security between the site and its neighbourhood. Access and egress will also be limited to the extreme edges of the whole site.

3.2.5 The officer recognises that whilst the overall massing of the Block 1 is similar to the previously approved scheme (06/01675/FULM), improvements have been made to its design. The large exposed gable facing Navigation Road has been split into two mono-pitch forms, one extruded beyond the other. The common areas have been expressed with different windows and twinned rooms project beyond the face of the elevations to articulate the long facades. These measures will introduce a hierarchy of forms which will provide interest and assist in reducing the apparent scale of the building.

3.2.6 The officer concludes by stating that the proposed scheme would not undermine the dominant form of Rowntree Wharf, which is 9 stories in height. The massing of the new buildings would be part of the more recent industrial landscape of the area which continues along the River Foss and is set at a lower level than the historic street of Walmgate. Improvements to the setting of the complex and to the design of the buildings represent an enhancement over previous schemes. Proposals would not appear to harm the character and appearance of the conservation area or the setting of the listed former warehouse/mill.

3.3 ARCHAEOLOGIST

3.3.1 The Council's Archaeologist recommends that an archaeological watching brief condition be imposed should committee grant approval.

3.4 ENVIRONMENTAL PROTECTION UNIT (EPU)

3.4.1 Initially the Council's Environmental Protection Unit sought further information concerning noise impact upon the proposed student residents. Following further clarification by the applicants noise consultant, the EPU officer is satisfied that it is no longer necessary to complete a further noise survey. The Environmental Protection Unit does not object to this application, however they still have concerns regarding noise having a detrimental effect on the amenity of the occupants of this development. The applicants noise consultant has made recommendations for minimum specifications for the building envelope to achieve a satisfactory acoustic environment. The environmental protection officer recommends that these are implemented. The officer recommends that should planning permission be granted for this scheme a condition is attached to protect the amenity of students and seeks adequate sound protection for residents.

3.4.2 The Council's Contaminated Land Officer recommends that additional site investigation works are required to assess the risks from organic based contamination and ground gases. The Environmental Protection Unit would

therefore recommend that the conditions below be imposed if planning permission is granted.

3.5 CITY DEVELOPMENT

3.5.1 The officer notes that this application relates to development on currently cleared brownfield land off Navigation Road. It is adjacent to another student accommodation scheme, currently nearing completion, on Navigation Road (former Pullman Bus Depot site) and it is proposed that the two schemes can be linked to form a significant student accommodation area within the City.

3.5.2 It is understood that the site was previously a B8 storage and distribution use. However, more recently, the site has 2 extant planning permissions for offices under reference 06/01675/FULM, approved 21st July 2006 and 04/00885/FUL, approved 18th April 2004. It is argued by the developers that the current development market has made the implementation of these permissions unviable and hence an alternative use is sought.

3.5.3 The officer comments that the supporting evidence submitted with the application (Analysis of York Office Market on behalf of Grays Wharfe Ltd) by King Sturge gives evidence that the site has been marketed since 2004 and that there has generally been little interest in the proposed accommodation.

3.5.4 Additionally, the Council has commissioned consultants to undertake an Employment Land Review for the City, which will provide the employment evidence base for the Local Development Framework. Stage 1 has been produced and Stage 2 looks at sites and the need within the City. Stage 2 is currently being drafted and it is envisaged that this will be submitted to the Council around the end of September this year. Therefore, whilst this work will provide an up to date position of employment land supply and demand, it is not advanced enough to be used to assist the determination of this application.

3.5.5 The officer also draws attention to other policy issues such as:

- Need for student accommodation;
- Affordable Housing issues;
- Amenity issues;
- Impact upon the Central Historic Core Conservation Area; and
- Sustainability issues.

These issues are addressed in section 4 (officers report).

3.5.6 The one area of concern raised by the officer concerned flood risk. The officer commented that only following the consideration of additional city centre sites should the Gray's Newsagent site be considered for student accommodation.

3.5.7 Following the application of the Sequential Test the officer noted that if it can be proved that the Gray's Newsagent site cannot be located in areas of lower probability of flooding then the Exception Test needs to be applied. The

three criteria that make up the Exception Test have been looked at by the applicant. It has been shown that the site is on previously developed land and a site specific Flood Risk Assessment has been completed. Comments on the Flood Risk Assessment completed by Faber Maunsell should be sought from the Engineering Consultancy and the Environment Agency to fully understand if the assessment is appropriate. Criteria a) of the Exception Test requires that it be demonstrated that the development provides wider sustainability benefits to the community which outweigh the flood risk. The Planning Support Statement indicates that criteria a) of the Exception Test is covered by the sustainability report prepared by Martin Design Associates (MDA). After looking through the MDA report it was felt that it primarily concentrated on energy efficiency and renewable energy aspects of sustainability. The Exceptions Test should look specifically at the sustainability of the site so that centrally located brownfield sites which are close to services and amenities are kept in use, further information should be sought from the applicant to fully understand the sites sustainability benefits. In relation to this it needs to be demonstrated that the development will contribute to the Core Strategies Sustainability Appraisal set out in Table 5.1 of the SFRA.

EXTERNAL

3.6 GUILDHALL PLANNING PANEL

3.6.1 The Panel objected to this proposed scheme for 3 reasons. Firstly, that it (Block 1) is too large and sits uncomfortably with the modest social housing adjacent the site. Secondly, the proposed use of the site will have a detrimental impact upon the existing residents amenity. Thirdly the proposed building (Block 1) will have a detrimental impact upon the setting of Rowntree Wharf.

3.7 ENGLISH HERITAGE

3.7.1 English Heritage has commented on the development of this site previously. The earlier proposals for a commercial/office scheme were broadly acceptable to Eh, although they considered that there was a lost opportunity in terms of a designated relationship between the wharf/waters edge and the proposed building. Eh also considered that the location of the car-parking to the front of the site presented the approach to this area very poorly and that a car-park was not a sympathetic hard landscaping proposal.

3.7.2 This revised scheme has changed as the site will now be put entirely to student housing and there will be no car-parking on the site. EH welcome this fundamental change as the appearance of the site now has scope to improve dramatically. The architecture of the blocks proposed is related to but appreciably different from that at the currently on-site adjacent units by the same architects. The design difference is also welcome.

3.8 ENVIRONMENT AGENCY

3.8.1 The Environment Agency raise no objections provided that the Council are satisfied that the sequential test has been carried out in an open and

transparent way, in full accordance with Planning Policy Statement no.25 and its practice guide and that it has passed.

3.9 YORKSHIRE WATER

3.9.1 Comments have not been received from YW. An update will be given at committee concerning their comments.

3.10 RIVER FOSS SOCIETY

3.10.1 The society commented that the site is part of what was formerly an industrial zone. However, the conversion of the Rowntree warehouse to apartments, the provision of houses and flats in the Hungate development and now the proposal to supersede the planned office block with student accommodation means that the character of the area is changing from industrial to predominately residential.

3.10.2 The society believe that the landscaping should reflect the future rather than the past and incorporate greener, softer aspects that would be provided by the proposed trees enclosed within a courtyard and the narrow fringe of willow planting on the water's edge. A more sympathetic treatment would also contribute to the function of the river Foss as a green wildlife corridor.

3.11 NEIGHBOUR LETTERS, SITE AND PRESS NOTICE

Support

3.11.1 1 letter of support has been received from a resident at Rowntree Wharf. The supporter is Vice Chancellor of York St. John. She comments that York St. John is a university which is committed to community links and the development of students as good citizens and good neighbours. She also states that she is confident that the development of a student community integrated with local residents will be good for the social and economic well-being of Walmgate. She also comments that the design of the scheme complements the newly completed Percy's Lane development.

3.11.2 An objection letter stated that there may be some benefits from this development by virtue of creating more pedestrian traffic and activity in the area which ought to then prove a deterrent for criminal activity, as well as the significant amount of wanton vandalism and prevalence of graffiti in this particular area of the city.

Objection

3.11.3 Letters from or on behalf of 11 local residents have been received raising objections to scheme on the following grounds:

- Further high density development would be excessive for the area and the site;
- The recently completed development of the adjacent site for student housing was long and drawn out. Adjacent residents amenity was affected due to noise disturbance, dirt of the road and dust;

- Further intensive exploitation of this site should be ruled out and limited to the erection of the previously approved office block. If the site is not developed for a while this will allow the absorption of the new student accommodation into the local community. There is no certainty that the additional students can be absorbed into the community;
- Loss of view. A wait and see approach should be adopted to gauge the impact of the recently finished scheme for student housing adjacent;
- The high rise building (Block 1) is not in keeping with the area and will allow the develop maximum profit from a relatively small site;
- The proposed scheme will have an adverse effect on property values;
- A doubly of the student numbers on this site will have an adverse impact upon the area and is excessive;
- Navigation Road will become congested on a daily basis, risky and noisy from early morning into the late hours as a result of students visiting Morrison's and cycling to and from classes. These likely trends will be reinforced when Hungate bridge is brought into use. Furthermore there is no way authorities can prevent friends and relatives of students using cars in the vicinity of the student accommodation, despite the fact there is no on streetcar-parking available;
- The Council should close Rowntree Wharf walkway to all but residents from Rowntree Wharf. Additional students using this walkway will have an impact upon residents and the police;
- No information has been submitted regarding letting of the student accommodation during holiday periods. Residents are concerned that if the accommodation is let during these periods, it will further add to nuisance etc. within the area;
- The previously approved office block would have far less of an impact upon the surrounding neighbourhood than this proposed scheme. The hours of use will change from 9 – 5 to 24 hour occupation and possibly year round occupation as well;
- It is not a convincing argument to state that no-one has been interested in the site when articles in the Press state that there is a lack of grade A office accommodation in York. There is also office accommodation proposed in Hungate which is close by;
- Mixing such a large number of students with a predominantly elderly neighbourhood is a recipe for disaster;
- The development will be imposing and too large for a conservation area;
- Noise from the development will cause a 'canyon effect' due to the infilling of all gaps abutting Wormalds Cut. Residents at the Tower end of Rowntree Wharf are already experiencing noise disturbance from the residents of Foundry square. The area is at present peaceful and younger people (students) will create an abhorrent intrusion into this hitherto peaceful backwater. Increased footfall from the walkway alongside Rowntree Wharf will also create a noise nuisance;
- This scheme will drastically reduce the quality of life of residents in the area, especially with the decimation of the existing trees and the inadequate planting scheme;
- Residents in Rowntree Wharf will suffer due to loss of privacy;

- The silhouetted outline of the tower of Rowntree Wharf, included as part of the Joseph Rowntree trail will be lost which may affect tourism and is another example of planners cutting off their noses to spite their faces;
- If the scheme is approved, residents to the eastern end of Rowntree Wharf will suffer from loss of light and feeling of space;
- The Council should meet prior to the application being decided to consider the effect of the application from ground level as the plans are deceptive;
- How will the Council feel when beleaguered citizens begin to demand rate reductions en masse due to decimation of everything they prize in their neighbourhood?;
- The previous approved scheme required an otter tunnel and a wildlife area, this should be a stipulation of this development;
- The provision of wardens will not alleviate anxieties about noise nuisance. The provision of wardens is a tacit acknowledgment that problems are anticipated. They are also not practical or realistic measure to ensure quiet or good behaviour in a residential area;
- The increase of students in the area will increase the risk of theft, criminal damage, assaults, burglaries and graffiti. The idea of a Safer Neighbourhood Team office on the site will hardly solve the problem;
- Windows in Rowntree Wharf are single glazed, residents should not have to pay for their upgrading to mitigate against noise nuisance. Noise suppression measures should be introduced to mitigate against this new development;
- No staff are employed on site to monitor the students;
- It would be appropriate to build a wharf adjacent Wormalds Cut as the site is called Navigation Wharf. Such a wharf would maintain a feeling of wharfage and also provide a useful external amenity for occupiers of the units within the proposed development; and
- The development should be higher nearer to the middle of the site and tier down in height towards Wormalds Cut. This would reduce impact upon the residents of Rowntree Wharf.

4.0 APPRAISAL

4.1 KEY ISSUES

- Principle of the development;
- Design issues - impact on character and appearance of conservation area;
- Impact on local residents;
- Sustainability;
- Highway and parking issues
- Flood Risk;
- Affordable housing/occupancy; and
- Other issues.

4.2 PLANNING POLICY

4.2.1 PPS1: Planning for Sustainable Development sets out the Government's national policies on different aspects of land use planning in England. PPS1 sets out the overarching planning policies on the delivery of sustainable development through the planning system. 'The planning System: General Principles', the companion document to PPS1, advises the importance of amenity as an issue. Enhancement of the natural and historic environment, the quality of and character of existing communities is also encouraged through this document.

4.2.2 PPG13 – Transport. The note seeks to promote more sustainable transport choices for people, and to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and seeks to reduce the need to travel especially by car in new developments. It offers guidance on the location of housing in town and city centres to promote more sustainable patterns of development and to make better use of previously developed land. Additional guidance is offered in relation to mix of uses on sites, design and safety.

4.2.3 PPG 15 – Planning and the Historic Environment. Central Government advice in relation to listed building control contained within this document states in paragraph 3.3 that whilst the listing of a building should not be seen as a bar to all future change, the starting point for the exercise of listed building control is the statutory requirement on local planning authorities to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses" (Section 16 of the "Planning (Listed Buildings and Conservation Areas) Act 1990"). This reflects the great importance to society of protecting listed buildings from unnecessary demolition and from unsuitable and insensitive alteration and should be the prime consideration for authorities in determining an application for consent.

4.2.4 PPG 15 recognises that generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use (para 3.8), and that many listed buildings can sustain some degree of sensitive alteration or extension to accommodate new or continuing uses (para 3.13). Paragraph 3.15 states that achieving a proper balance between the special interest of a listed building and proposals for alterations and extensions is demanding and should always be based on specialist expertise, and often demands a flexible and imaginative approach by all the parties involved.

4.2.5 PPG 16 – Archaeology and Planning. This PPG sets out the government's policy on archaeological remains on land and how they should be preserved or recorded both in an urban setting and in the countryside.

4.2.6 PPG 24 – Planning and Noise. This policy statement gives guidance on the use of planning powers to minimise the adverse impact of noise. It outlines considerations to be taken into account, introduces the concept of noise exposure categories and recommends appropriate levels for exposure to different sources of noise and advises on the use of conditions to minimise the impact of noise.

4.2.7 PPS 25 – Development and Flood Risk. This guidance explains how flood risk should be considered at all stages of the planning and development process in order to reduce future damage to property and loss of life. It sets out the importance the Government attaches to the management and reduction of flood risk in the land-use planning process, to acting on a precautionary basis and to taking account of climate change. The planning system should ensure that new development is safe and not exposed unnecessarily to flooding by considering flood risk on a catchment-wide basis. It should seek where possible to reduce and certainly not to increase flood risk. It should help ensure that flood plains are used for their natural purposes, continue to function effectively and are protected from inappropriate development. The guidance also outlines how flood risk issues should be addressed in regional planning guidance, development plans and in the consideration of planning applications.

4.2.8 Sustainable Communities: Building for the Future (February 2003) – sets out the Government's wider drive to raise the quality of life in our communities through increasing prosperity, reducing inequalities, more employment, better public services, better health and education, tackling crime and anti-social behaviour, and much more is set out in this document.

4.2.9 It sets out a long-term vision flowing from the Government's strong commitment to sustainable development. The way our communities develop, economically, socially and environmentally, must respect the needs of future generations as well as succeeding now. This is the key to lasting, rather than temporary, solutions; to creating communities that can stand on their own feet and adapt to the changing demands of modern life. Places where people want to live and will continue to want to live.

4.2.10 The Yorkshire and Humber Plan, Regional Spatial Strategy to 2026 was published in May 2008. It defines York as a main urban area which should, in accordance with policies YH4, YH5, YH7, Y1, E1 and H2 be the focus for economic and housing development in the sub-region. York is highlighted in the guidance as being of regional significance and development should be accommodated to build on the success of its economy in a sustainable way which respects its historic character.

4.2.11 Policy Y1 (York Area sub area policy). This policy lists 7 key areas for the development of York. The 7 key areas are: (1) Roles and functions of places; (2) Economy; (3) Environment; (4) Transport; (5) Strategic patterns of development; (6) Regionally significant investment priorities; and (7) Joined up working. Of particular relevance to this application are the following points:-

- (Economy) Diversify and grow York as key driver of the Leeds City region economy by encouraging the business and financial services sector, knowledge and science based industries, leisure and retail services and the evening economy and further developing its tourism sector;
- (Environment) Protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas;

- (Environment) Improve air-quality;
- (Environment) Protect and enhance the particular biodiversity, landscape character and environmental quality of the York sub-area;
- (Transport) Develop York as a key node for public transport services in the sub-area;
- (Transport) Implement stronger demand management in York and in relation to the strategic highway network;
- (Transport) Improve accessibility to and within York, particularly by improved facilities for walking and cycling, increased capacity and quality of public transport;
- (Strategic patterns of development) Focus most development on the sub-regional City of York, whilst safeguarding its historic character and environmental capacity;
- (Regionally significant investment priorities) Develop the sub area economy with major new development and initiatives including Science City York; and
- (joined up thinking) Promote partnership approaches to economic diversification, regeneration, housing distribution, development and flood risk management through the York sub area.

4.2.12 Policy E3 (Land and Premises for Economic Development) states that plans, strategies, investment decisions and programmes should make use of appropriately located previously developed land and current allocations, and ensure the availability of sufficient land and premises in sustainable locations to meet the needs of a modern economy and in particular take account of:

- The need for additional floorspace for office, retail and leisure uses and the considerable scope for this to be focussed on city and town centres;
- The ongoing restructuring and modernisation of the manufacturing sector and the guidance on land for industrial uses;
- The need for land and extended premises to support the development of public services, health, sport, leisure, tourism, cultural industries and education as key employment generators and the contribution of
- mixed use development to employment supply.

4.2.13 Other relevant policies include:

- YH4 Regional Cities and Sub-Regional Cities and Towns;
- YH5 Principal Towns;
- ENV9 Historic Environment;
- ENV10 Landscape;
- E1 Creating a Successful and Competitive Regional Economy;
- E2 Town Centres and Major Facilities;
- E3 Land and Premises for Economic Development;
- E5 Safeguarding Employment Land;
- T1 Personal Travel Reduction and Modal Shift;
- T2 Parking Policy; and
- T3 Public Transport.

4.2.14 Relevant Local Plan policies

- Policy SP6 'Location Strategy' of the City of York Local Plan Deposit Draft sets out a location strategy for developing brownfield land within the urban area of the city sequentially before urban extensions; surrounding settlements; selected public transport corridors; and lastly Greenfield sites.
- Policy GP1 (Design).
- Policy GP3 'Planning Against Crime' of the City of York Local Plan Deposit Draft requires that new development should, where deemed appropriate, to incorporate crime prevention measures to achieve: a) natural surveillance of public spaces and paths from existing or proposed development; and b) secure locations for any associated car and cycle parking; and c) satisfactory lighting; and d) provision of CCTV, where the proposal would include the consumption of alcohol or the congregation of large crowds or would contribute to a significant increase in traffic, pedestrian activity, or the parking of significant numbers of vehicles. Supporting text of this policy further states that the principle of reducing opportunities for crime by means of careful design of buildings and the spaces between them is widely acknowledged (e.g. PPG1) and is capable of being a material planning consideration. Circular 5/94 (Planning Out Crime) outlines that the type of environment created by development can be closely related to the causes of crime and violence. Attractive, well-managed and vibrant environments that are designed to take into account the security of residents and property can help to reduce the potential for crime. The variation and mix of different land uses in the same vicinity can also go some way to create environments that are lively and well used, especially in the evenings.
- Policy GP4a (Sustainability)
- Policy GP9 (Landscaping)
- Policy GP15a (Development and Flood Risk)
- Policy NE1 (Trees, Woodlands and Hedgerows)
- Policy T4 (Cycle Parking Standards)
- E3b (Existing and Proposed Employment Sites)
- ED10 (Student Housing)
- GP15a (Development and Flood Risk)
- HE2 (Development in Historic Locations)
- HE3 (Conservation Areas)
- The City of York Council's Strategic Flood Risk Assessment (SFRA), September 2007
- Interim Planning Statement: Sustainable Design and Construction (approved by Planning Committee on 22nd November 2007).

4.3 PRINCIPLE OF DEVELOPMENT

4.3.1 The application relates to an amendment to two previously approved applications for office accommodation on this site. The original planning permission 04/00885/FULM granted permission for 4 and 6 storey office accommodation including two penthouse apartments, planning permission for

which was granted on 10 February 2005. The second planning permission 06/01675/FULM, related to 3/4/5 storey office accommodation. Although this is a new application, the starting point for its consideration is the fact the original planning permission remains extant and could still be implemented. Thus only the proposed changes to the originally approved scheme can realistically be considered, rather than the proposal as a whole. However, any significant policy changes which have taken place since the original granting of planning permission can reasonably be taken into account when considering the proposed amendments. It is now proposed to erect a 5/6 storey building to accommodate students. There are changes to the footprint of the originally approved building, and changes to the design of the building, reflecting the proposed residential use of the building.

4.3.2 The floor plan of the extant planning permission office building (06/01675/FULM) measures 23.80 m x 16.30 m for the larger of the 'L' shape of the building and 8.60 m x 10.00 m for the smaller of the 'L' shape of the building. The proposed scheme measures 27.30 m at its longest section and 25.0 m at its shortest section of the largest section of the of the building x 8.20 x 7.50 m for the smaller of the 'L' shaped sections of the building.

4.3.3 The height of the extant planning permission office building (06/01675/FULM) measures 25.60 m at its highest section (5 storey section), 19.50 m at the 4 storey level and 19.50 m at the 3 storey section of the building. The proposed student accommodation building measures 25.60 m at its highest section (6 storey section), 20.00 m at the 4 storey level with accommodation in the roof and 19.00 m at the 4 storey section of the building adjacent the existing student accommodation (denoted as Block b of the site plan).

4.3.4 Regional Planning Guidance(RPG) is contained within the Yorkshire and Humber Plan, which was approved in May 2008. One of the fundamental objectives of this document is to diversify and grow York as a key driver of the Leeds City Region economy by encouraging the business and financial services sector, knowledge and science-based industries, leisure and retail services and the evening economy, and further developing its tourism sector. In particular, Policy E1 states that one of the principal keys to generating a competitive and successful regional economy which by supporting the potential of higher and further education institutions, hospitals and research institutions and other knowledge-intensive industries. Policy E2 states the centres of Regional Cities and Sub Regional Cities and Towns should be the focus for offices, retail, leisure, entertainment, arts, culture, tourism and more intensive sport and recreation across the region. The centres of Principal Towns, and District Centres within Regional and Sub Regional Cities and Towns, should be the focus for local services and facilities.

4.3.5 Policy E3 of the Regional Spatial Strategy for the Yorkshire and Humber 2008 (RSS) advises that plans/policies should direct development towards centres, by making use of appropriately located previously developed land and current locations. Sufficient land and premises in sustainable locations to meet the needs of a modern economy should be available. The amount of land required should take account of the projected growth, as set

out in the RSS, be informed by local employment land reviews, which should monitor and review employment sites and provide a range and choice of employment land, sites and premises. The RSS recognises that uses such as tourism can also generate employment.

4.3.6 Policy E5 advises that where considered necessary local policy should protect employment sites from falling into other uses when a review of employment land has been carried out and sites are deemed worthy of retention in employment use. This approach is required to provide local job opportunities and reduce people's need to travel to work.

4.3.7 The RSS sets out the potential annual job growth in the region from different land uses as of 2006. For York it advises that 480 jobs each year will be in B1 uses, i.e. offices/business whereas 450 jobs will be in retail and leisure.

4.3.8 Stage 1 of City of York Council's Employment Land Review (ELR) was released in 2007. Stage 1 reports the current situation and future economic prospects for York. The second part of the study will identify sites to meet the demand for employment land and may include a further land review. It is set to be completed by the end of 2008. The ELR advises there is demand for between 12,500 to 15,000 m² of (mainly high quality) office space per year. This could rise if high quality sites were available within the city centre. The review advises there is a shortage of high quality space in the city, and in 2007 most of the completed developments, or those under construction were occupied. Supply in relation to demand is described as limited, and depends mainly upon the refurbishment of existing buildings. This may change in future when sites such as Terry's (Bishopthorpe Road), Holgate Park and York Central are developed, although York Central will not be available in the short term. Demand for secondary office space is described as "patchy".

4.3.9 Draft Local Plan policy E3b states that any sites or premises either currently or previously in employment use, will be retained within their current use class. This policy lists 4 key criterion which should be addressed if a proposal is to be considered which would change the use from employment. Planning permission for other uses will only be given where there is a sufficient supply of employment land to meet both immediate and longer-term requirements over the plan period in both quantitative and qualitative terms. In addition either unacceptable environmental problems should exist, or the development of the site for other appropriate uses will lead to significant benefits to the local economy, or the use is ancillary to an employment use.

4.3.10 Policy ED5 recognises that adequate student housing will be needed to support amongst a number of educational facilities, York St. John. The policy states that where a dual use can be provided which would provide a community benefit this will be encouraged.

4.3.11 Policy ED10 addresses the issues of student housing for both the University of York and York St John's. The policy allocates two sites for student accommodation (one of which is the adjacent Former Bus Depot site). The policy lists a number of criteria which windfall student accommodation

must meet - it notes that such developments must be easily accessible to the relevant educational establishment and a range of local services and facilities must lie within 5 minutes walking distance of the site. Any proposal for student accommodation must be sympathetic to the amenity and character of the surrounding area.

4.3.12 To support the application King Sturge have compiled an assessment, on behalf of the applicants, of the office market in York. It concludes that considering vacant space at present and that which will emerge through proposed developments within the next 12 months, there is some 20,937 m² available in and around the city centre in offices of comparable size to the application site. They mention such sites as;

Currently available

- Heworth Green;
- Alliance House - Holgate Road;
- Holgate Villa – Holgate Road;
- The Edge – Fulford Road;
- Albion Wharf – Skeldergate,

Proposed refurbishments

- Ryedale building – Piccadilly;
- West Offices – Station Rise;
- Hudson House – Toft Green;

Future development sites

- Centrum – Blossom Street;
- The Chocolate works Former Terry's site;
- Quartz point – Stonebow;
- York Northwest; and
- Nestle - Wigginton Road

Out of town office accommodation

- Monks Cross – South;
- Monks Cross – North;
- York Eco Business Centre
- Link Road Court

4.3.13 Based upon the findings of the ELR, reports from the applicants and data from York England there is a lack of high quality office space presently available within the city centre (of a size comparable to that at the application site) as none of the city centre sites currently available offer such space. The status of the sites within the city centre are as follows -

Site	Space available (sq m)	Status
Hudson House*	up to 4,000	To be refurbished
Quartz Point	up to 1,054	Construction about to commence
Hungate	1,800	Yet to be built
York Northwest	(around) 970,000	Yet to be built
Albion Wharf		Occupied
West offices		Not high quality space
Ryedale building		Future uncertain due to Castle Piccadilly redevelopment.

4.3.14 York England advise much of Hudson House is mostly occupied, only around 500 m² is available. Within the city centre the sites that potentially could provide high quality office space are either yet to be built (Quartz Point) or require upgrading (Hudson House). It is uncertain when the other sites will be available. Of the current office supply in the wider urban area (i.e. edge of centre) there is Heworth Green (which is already part occupied as only 2 of the 6 units are available) and The Edge in Fulford that are completed and offer high quality office space.

4.3.15 The application site has planning permission to be redeveloped and potentially offers a significant amount of office space reasonably close to the city centre (considering accessibility, being in a desirable area - within city centre and Central Historic Core Conservation Area). Generally such a site is one which would preferably be retained for office/employment use, as the ELR identifies a strong requirement for, and limited availability of such land. To allow the proposed change of use would be contrary to the RSS which advises that employment land supply should be based upon on a local evidence base and policy E3b of the local plan which seeks to retain employment sites in that use when there are not adequate alternative sites, in terms of quality and quantity.

4.3.16 However, on balance, by providing student accommodation in an actively managed environment and in a central, sustainable location, the proposal could reduce the pressure on private housing in established residential areas (such as The Groves and South Bank), where significant numbers of dwellings have been purchased by landlords and rented to students, reducing the supply of first time buyer/family houses in these areas. Anecdotal evidence provides evidence that there is still a significant proportion of students housed within the City's private rented sector. Also the proposed scheme will almost certainly bring benefits to area in terms of additional business for the area and will hopefully, in conjunction with the other student accommodation, help to regenerate this area further. In addition it is envisaged that future permissions for such sites Terry's, Nestle and York Central will fulfil the employment requirement. It is also noted that due to current economic climate, the market for such developments has dropped significantly.

4.3.17 When the original application was considered, concern had been expressed by the Environmental Protection Unit in relation to the proximity of

the proposed apartments to the York and County Press offices to the west of the site, and the associated night time noise nuisance. However the applicants have accepted a condition requiring levels of sound insulation to be adequate.

4.4 DESIGN ISSUES - IMPACT ON CHARACTER AND APPEARANCE OF CONSERVATION AREA

4.4.1 Policy GP1 is a general policy relating to design. This policy includes the expectation that development proposals will: respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, using 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. The site is within a designated conservation area (Central Historic Core). When determining planning applications within conservation areas, the Council has a statutory duty to consider the desirability of preserving or enhancing the character or appearance of the area. Draft Local Plan Policy HE2 relates to development within historic locations and states that within or adjoining conservation areas, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. The policy also requires proposals to maintain or enhance existing urban spaces, views, landmarks, and other townscape elements, which contribute to the character or appearance of the area.

4.4.2 Policy HE10 of the Draft local Plan relates to sites within the York City Centre Area of Archaeological Importance and the need to ensure that archaeological remains are properly recorded, and that minimal disturbance takes place, when developments are carried out.

4.4.3 The overall size, scale, footprint, massing and design of the building and external areas has been accepted by virtue of the previous granting of planning permissions. The 2006 permission remains extant. Thus in relation to these matters, the applicant has an extremely strong "fallback" position in that the approved scheme could be implemented at any time.

4.4.4 In terms of the scale, massing, design and external appearance of the building, the location of the site within the Central Historic Core conservation area is an important consideration. However, the overall appearance of the proposed building is not significantly different from that which was previously approved, the principal variation being the slight increase in the plan form. The proposal also incorporates amendments to the originally proposed elevations reflecting the proposed change to residential student use. Other amendments include the 2 storey studio flat accommodation and the re-siting of the electricity substation.

4.4.5 The previously approved scheme included the removal of eight self-seeded trees (alder, sycamore and willow) from the waterside frontage of the site, with the new building directly abutting, and rising directly from, the waters

edge. The scheme did, however, incorporate new planting along the western boundary of the site, within the site itself, and also within a landscaped/seating area (17.0 m x 17.0 m approx) at the head of Wormalds Cut. The revised application goes further than this and as 41 car-park spaces are being removed further landscaping will be provided. As a consequence of the above, it is considered that the scheme is appropriate in terms of design and impact upon the central core conservation area.

4.5 IMPACT UPON LOCAL RESIDENTS

4.5.1 The site is enclosed by a number of commercial uses, including the York and County Press headquarters. The former Pullman Bus Depot (which is also being developed for student housing) to the north and also 3 Percy's Lane which is also being developed for student accommodation, the car park of an electrical contractors (Herbert Todd & Son) to the east, and a motorcycle dealership (Infinity Motorcycles) to the south. There are no residential properties in the immediate vicinity of the site, the nearest properties being approximately 43 meters in Rowntree Wharf and 66 metres away in Navigation Road.

4.5.2 A common cause of concern with developments of this nature, especially bearing in mind the existing planning permissions granted adjacent for student accommodation, is that it would introduce a large number of students with different lifestyle patterns into an established residential area. The proposal would add a further 232 student rooms to the 231 (former Pullman site) and 39 at 3 Percy's Lane, that have already been approved on the adjacent sites, an increase close to double. In effect, all developments will operate as a single entity and would share the same management arrangements. Surrounding residents have been consulted on the application. One letter of support and eleven letters of objection have been received. It is not considered that the proposal would have an unduly harmful impact on adjacent occupiers, particularly bearing in mind that it would effectively form an integral part of the managed student accommodation that has previously been approved on the adjacent site.

4.5.3 It is also considered that the revised scheme will not have a significant additional impact on the occupiers of adjacent residential properties, particularly bearing in mind that the overall height of the building would be contained within the previously imposed height restriction. The section of the building that would be altered is approximately 43 metres away from the nearest residential properties in Rowntree Wharf (across Wormalds Cut) and approximately 66 metres from the nearest properties in Navigation Road. As a consequence the additional visual impact is likely to be minimal. Car parking spaces on the site been omitted, thus the number of vehicle movements associated with the site is likely to be minimal (except at the beginning and end of each semester). It is accepted that there may be an increase in the number of pedestrian/cycle movements to and from the site. However, this is only likely to improve the vitality of the area and increase levels of security and surveillance for the benefit of the whole population.

4.5.4 As a consequence it is considered that the proposed scheme is acceptable in terms of impact upon the local community. Whilst the author of this report has some empathy with residents requests for a wait and see approach to the development of this site, it is not considered that such an approach would be robust should the applicants appeal such a decision or legal. The applicants have gone to great lengths to provide a strategy for the site, which should have a minimal impact upon existing residents.

4.6 SUSTAINABILITY

4.6.1 RSS Policy ENV5 (Energy) seeks new development to include on-site renewable energy as part of the building/sites overall energy use/consumption. Policy GP4a (Sustainability) requires a sustainability statement to be submitted with applications of this nature. The Council's Interim Planning Statement (Sustainable Design and Construction) requires developments to provide 10% of their energy through the use of renewable energy.

4.6.2 Condition 27 of this planning application requires a statement on sustainability, which should conform to the sustainability principles contained within the submitted sustainability statement. The applicants or future applicants should demonstrate how the principles and policies within the sustainability statement can be achieved.

4.6.3 The report submitted covers most of the essential sustainability considerations required for a sustainability statement. Such required considerations are outlined in the Council's Interim Planning Statement: Sustainable Design and Construction (approved by Planning Committee on 22nd November 2007). In particular the report demonstrates a commitment to the following:

- Energy efficient design – with a strategy to reduce demand and generate energy where possible from sustainable sources;
- Achieving BREEAM very good/targeting excellent for all buildings/Eco-homes standard for residential housing;
- Achieving where possible reductions in CO2 emissions and reduced energy consumption for occupants above Parts L1 and L2 of Building Regulations 2006;
- Use of renewable energy, and in particular, the proposed use of solar collectors and geothermal systems (linked in with possible biomass boilers to supply additional energy requirements) which will link all major buildings and allow efficient transfer of thermal energy;
- Use and involvement of the local community as a labour force and wherever possible for locally sourced of materials;
- Use of renewable or recycled sources;
- Minimising pollution;
- Targeting excellent in BREEAM standards;
- Heat pump based system for heating and cooling and reuse of heat in other buildings by the geothermal system;
- Use of solar shading considerations in the design; and
- Use of rainwater harvesting

4.6.4 The Council's Sustainability officer noted that the assessment could provide greater detail regarding the total amount of energy to be generated onsite from renewable sources and could also provide additional details on the use of green roofs, sustainable transport considerations and site waste management plans. It is therefore proposed to impose the Council's BREEAM condition and a further condition to ensure that 10% of the total energy generation of the site is provided by renewable energy.

4.6.5 However with the imposition of appropriate conditions, it is considered that this scheme meets the requirements of policy GP4a, the Council's IPG regarding Sustainable Design and Construction and policy ENV5 of the Yorkshire and the Humber Regional Spatial Strategy.

4.7 HIGHWAY AND PARKING ISSUES

4.7.1 Policy T4 requires all new developments to provide cycle parking in accordance with standards set out in Appendix "E" of the Draft Local Plan. The majority of highway and traffic issues relating to the development of the site were considered as part of the previous applications. In terms of parking, Planning Policy Guidance Note 13 "Transport" (PPG13) states that minimum parking standards should not be imposed, and that developers should not be required to provide more spaces than they themselves wish other than in exceptional circumstances. PPG13 also promotes the widespread use of travel plans in order to secure reductions in car usage and to increase public transport use, in addition to walking and cycling. The proposed development does not provide any car-parking for this particular scheme. 3 disabled car-parking spaces are provided as part of the existing student accommodation. Although this figure falls below the theoretical maximum, the site is considered to be in a highly sustainable location with good access to public transport services. Bus stop facilities are available within 300 metres on Walmgate, which are served by a number of high frequency services. Alternatively, the city centre is within walking distance with wide access to a number of bus services and York St. John's is within 15 minutes walk.

4.7.2 The development would provide a largely car free environment, with only a small number of parking spaces being provided on site for disabled people and for operational needs. The proposal would result in a loss of 41 car parking spaces, which is considered to be a positive benefit in terms of reducing the number of private vehicles entering the centre of York. This is in accordance with Policy T16 of the Draft Local Plan which states that the Council will seek to reduce the level of private commuter parking spaces in or adjacent to York City Centre through negotiation with site owners as redevelopment proposals come forward. This is clearly a positive factor in assessing the sustainability of the proposed development.

4.7.3 The development provides covered and secure cycle parking to a high standard for students and any visitors. A traffic management plan and transport statement have been submitted with this application and would form the basis of a comprehensive traffic management plan. It is proposed, that should this application be approved these matters can be secured by

condition. The transport statement and traffic management plan have been assessed and officers are confident that it can be enforced and will work to actively reduce car travel to and from the site. The site would be served by an existing access from Navigation Road, which offers adequate visibility and is of a suitable design to serve the proposed development.

4.8 FLOOD RISK

4.8.1 Policy GP15a provides guidance on development and flood risk. The site lies within Flood Zone 3a(ii). The City of York Council's Strategic Flood Risk Assessment (SFRA) states that in this zone, student halls of residence are classified as being a 'More Vulnerable Use' and consequently a Sequential Test will be required to prove there is no other appropriate site in Flood Zone 1, 2 or 3a(i). The developers have provided a Sequential Test as part of the application. This looked at an appropriate area of search of a 13 minute walk time from St John University. The sites that were assessed as part of the Sequential Test for this application included:

- Gillygate Car Park
- Museum Gardens
- City Hospital
- The Grove Working Men's Club, The Grove
- Land between Whitecross Road and Ashville Street (The Co-op Site)

4.8.2 The availability and appropriateness of these sites are questionable, the Sequential Test must be robust in terms of the sites that are being assessed. There maybe more city centre sites in lower flood risk zones which could be assessed such as the housing sites stipulated within the Draft Local Plan 4th Set of Changes document.

4.8.3 PPS 25 states that the overall aim of decision-makers should be to steer new development to Flood Zone 1. Where there are no reasonably available sites in Flood Zone 1, decision-makers identifying applications for development at any particular location should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2, applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should decision-makers consider the suitability of sites in Flood Zone 3, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required.

4.8.4 The application is accompanied by a comprehensive Flood Risk Assessment due to the location of the site within an area at high risk of flooding. The Environment Agency are satisfied that the development can be protected from flooding by ensuring that floor levels are set at least 600mm above the highest known flood level of 9.98 metres above Ordnance Datum (AOD). Accordingly, the proposed floor slab for the development is set at an elevation of 10.58 metres AOD. The finished floor level of the development can be controlled through the imposition of an appropriate condition.

4.9 AFFORDABLE HOUSING/OCCUPANCY

4.9.1 The proposal would consist of 8 "studio" rooms and 46 student flats containing 223 'standard' en-suite study bedrooms, the latter being arranged in groups of five rooms with shared facilities. Thus four or five students would live together as a single household in each "flat". There are 46 "flats" (or groups of rooms) in the development, bringing the total number of units to 54. The accommodation proposed is capable of being occupied by single households, both in terms of the individual studios which are fully self contained, and the "flats" which each have their own entrance and facilities designed to be shared by four or five people. This could enable the development to be used in the future for open market housing without planning control. The number of units proposed would normally require a proportion of affordable housing (nominally 50%) to be provided as part of the development.

4.9.2 However, as the proposed accommodation is specifically designed for occupation by students, and provided the occupancy is controlled by condition, it is not considered that there is a requirement for affordable housing on this site. Such a condition would secure the occupation of all of the accommodation in perpetuity by full time students enrolled in further or higher education within the City of York. An occupancy condition would also ensure that a fresh application would be required in order for the accommodation to be let or sold on an open market basis, at which time the issue of an affordable housing contribution could be fully addressed. An identical condition was attached to the planning permission for the development of the adjacent site in order to achieve similar objectives.

4.10 OTHER ISSUES

4.10.1 The site is within the City Centre Area of Archaeological Importance, and the Council's Archaeologist has recommended that an archaeological watching brief condition be imposed on any planning permission that may be granted. A contaminated land report submitted with the previous application indicated that there could be localised areas of contamination as a result of previous use(s) of the site, and appropriate conditions were imposed in order to address this issue. Although I understand that some preliminary work in this respect has been carried out, involving the removal of old fuel tanks, none of the conditions have been formally discharged and thus it will be necessary for them to be re-imposed in the event that planning permission is granted. The issue of flooding was fully considered in relation to the previous application and was addressed through the imposition of a minimum floor level condition. Again, this could be re-imposed, and it is not considered necessary to re-consider this matter bearing in mind the extant nature of the original planning permission.

4.10.2 The Council's Countryside Officer has pointed out that there are opportunities to incorporate bat roosting sites within the fabric of the building at very limited cost and without any future conflict with future occupants. This can be achieved through the inclusion of an appropriate condition on any planning permission that may be granted.

4.10.3 Policy GP6 relates to planning applications for development on, or adjacent to, land which may have been contaminated by previous uses, and the need to address any issues that arise by means of an assessment of potential impacts and/or the imposition of planning conditions. The applicants have submitted adequate technical data/mitigation measures to address this issue.

4.10.4 The Police Architectural Liaison Officer has verbally stated that the scheme would provide a safe and secure environment and has no comments to make on the application in relation to "Designing Out Crime".

4.10.5 An open space contribution is required for this site. A contribution towards sport facilities may also be required. Further details of the exact figure/s required will be updated at Committee.

5.0 CONCLUSION

5.0.1 The site occupies a sustainable location with good access to public transport and is within easy walking distance of a wide range of facilities within the city centre. The scheme seeks to achieve an integrated design response respectful of surrounding sites and conditions, and could act as a catalyst for further regeneration of the area. In comparison to the condition of the site at present, it is considered that the development overall would have a beneficial impact on the character and appearance of the conservation area. The response of English Heritage towards the scheme is generally positive.

5.0.2 Provided the occupancy of the development is controlled by condition, it is not considered that there is a requirement for affordable housing on this site. An occupancy condition would ensure that a fresh application would be required in order for the accommodation to be let or sold on an open market basis, at which time the issue of an affordable housing contribution could be fully addressed. It is considered that the proposal is respectful of the amenity of existing adjacent properties bearing in mind its urban location, and that it would not result in unacceptable impacts in terms of overlooking, overshadowing or loss of light. In terms of the nature of the occupation of the development, advice in Planning Policy Guidance Note 3: "Housing" states that the Government believes that it is important to help create mixed and inclusive communities which offer a choice of housing and lifestyle. It does not accept that different types of housing and tenures make bad neighbours.

5.0.3 The Environmental Protection Unit are satisfied that acceptable living conditions can be provided for the occupants through the provision of mechanical ventilation, a solution that has been adopted on other residential schemes elsewhere within the city centre as a means of overcoming environmental problems associated with noise and air pollution. The development would provide a largely car free environment, with only a small number of parking spaces being provided on site for disabled people and for operational needs. The proposal would result in a loss of 41 car parking spaces from within the existing building, which is regarded as a positive benefit in terms of reducing the number of private vehicles entering the centre of York.

5.0.4 The Environment Agency are satisfied that the development can be protected from flooding by ensuring that floor levels are set at least 600mm above the highest known flood level. No objections are raised to the proposal by the Council's Archaeologist or Countryside Officer, or by the Police Architectural Liaison Officer. It is considered that the proposal is acceptable subject to the imposition of appropriate planning conditions.

5.0.5 The principal concern with this scheme is the loss of employment land and in particular office accommodation. However due to the existing student accommodation which is adjacent the site and the existing and proposed office accommodation which will most likely be provided within the near future, it is not considered that this scheme will have a detrimental impact upon the city's future employment needs.

5.0.6 It is also considered that the design changes required to achieve this, which are relatively minor, would not detract from the character or appearance of the conservation area. Car parking provision has been deleted from the scheme and it is not considered that the amenity or living conditions of local residents would be significantly affected by the proposed amendments to the original proposal.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2

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

D-401- B Block 1 Front Elevation - received 11.07.08
D-402- B Block 1 Rear Elevation - received 11.07.08
D-403- B Block 1 Side R Elevation - received 11.07.08
D-404- B Block 1 Side R Elevation - received 11.07.08
D-405- B Block 1 Side L Elevation - received 11.07.08
D-406- B Block 2 Elevations - received 11.07.08
D-407 Site Section - received 11.07.08
D-409- A Block 1 Colour Elevations - received 11.07.08
D-410 Block 1 Colour Elevations - received 11.07.08
D-411- A Block 2 Colour Elevations - received 11.07.08
D-412 - Sub Station Elevations - received 11.07.08
D-601- A Aerial Perspective 1 - received 11.07.08
D-602- A Aerial Perspective 2 - received 11.07.08
D-603-A Sketch Perspectives 1 - received 11.07.08
D-604- A Sketch Perspectives 2 - received 11.07.08
D-605 Artists Impression - received 11.07.08
D-1201- D Ground Floor Plan - received 11.07.08
D-1202- D First Floor Plan - received 11.07.08
D-1203- D Second Floor Plan - received 11.07.08
D-1204- D Third Floor Plan - received 11.07.08

D-1205- D Fourth Floor Plan - received 11.07.08
D-1206- D Fifth Floor Plan - received 11.07.08
D-1207- C Sixth Floor Plan - received 11.07.08
D-1208- C Roof Plan - received 11.07.08
D- 250-001 Landscape Masterplan - received 11.07.08
D-408- A Comparison of Proposed and Approved Buildings – received
11.07.08
D-2201- B Block 2 GA Floor Plans - received 11.07.08
1071-017-001 Rev C - Proposed Site Plan - received 10.04.08
1071-017-200 Rev D - North and South Elevations - received 10.04.08

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

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

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: The area below each buildings eaves level and the area at the top of the articulated dormers are not specified. It is important these materials are controlled so as to protect the character and appearance of the Central Conservation Area and nearby listed buildings.

Informative: 'honey-coloured' bricks not agreed at this stage as the site needs to mediate between the earlier industrial red-brown bricks and the newer housing

4 Sample panels of the brickwork and render panels to be used as part of this development shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork/ stonework and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. These panels shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

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

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

(a) Boundary walls, gates and railings;

- (b) Sections at 1:20 and 1:5 through the external walls at key places to include eaves and gable details of both buildings;
- (c) Entrance canopies, columns and exposed soffits;
- (d) Windows and external doors;
- (e) Ramps and steps including plinth walls and balustrades; and
- (f) New sub-station;
- (g) Cycle shelters; and
- (h) The roof vents and other external apparatus.

Full details should be provided of external lighting.

Reason: In the interests of visual amenity and to protect the amenities of occupants of adjoining properties.

Informative: The main entrance to the main block should have high levels of lighting under the canopy. Elsewhere light pollution should be restricted to a minimum.

6 LAND1

7 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 25.60m at the highest section and 19.50m at its lowest section, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

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

8 Prior to the commencement of development, details of any associated soil and vent stacks, heating and air conditioning plant etc, with details of any external ducting, shall be submitted to, and approved in writing by, the Local Planning Authority (LPA) before. Development shall then be carried out in strict accordance with the written approved details from the LPA.

Reason: In the interests of visual amenity and to protect the amenities of occupants of adjoining properties.

9 The development shall proceed in accordance with the approved Flood Risk Assessment incorporating the accepted mitigation measures into the construction of the development. Finished floor levels of all habitable accommodation should be set no lower than 10.58m AOD. Flood water should be able to enter the undercroft car parking area unrestricted.

Reason: To minimise the impacts of flooding.

10 Flood warning notices shall be erected in numbers, positions and with wording all to be agreed with the Local Planning Authority. The notices shall be kept legible and clear of obstruction. The notices should outline the Evacuation Plan for occupants.

Reason: To ensure that owners and occupiers of premises are aware that the land is at risk of flooding and know what to do in the event of a flood.

11 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

Informative: From 1st march 2002, the Environment Agency should be informed of any instance where the following is proposed:- more than 3500 litres of oil stored at any single private dwelling - more than 200 litres of oil at an industrial, commercial or institutional site. The above activities are regulated by the Council of Pollution (Oil Storage) (England) Regulations 2001. These guidelines are intended to help reduce pollution caused by inadequate storage of oil in fixed tank installation. For further information, please refer to the Agency web page:www.environment-agency.gov.uk/business.

12 Prior to the commencement of any works on site, a settlement facility for the removal of suspended solids from surface water run-off during construction works shall be provided in accordance with details previously submitted to and approved in writing by the LPA. The approved scheme shall be retained throughout the construction period.

Reason: To prevent pollution of the water environment.

13 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment.

Informative: Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

There should be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via

soakaways. To prevent pollution of the water environment see Agency website link for guidance: http://www.environment-agency.gov.uk/business/444251/444731/ppg/_version_1_lang__e

14 Prior to the commencement of development approved by the planning permission (or such other date or stage in development as may be agreed in writing with the LPA), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

(a) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risk arising from contamination at the site.

(b) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(c) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect controlled waters.

Informative: The site has a relatively high sensitivity in relation to controlled waters as part of the proposed development is underlain by sand and gravel drift and it is in close proximity to Wormald Cut. We would require to see the preliminary risk assessment and site investigation (including additional hydrocarbon analysis) before we would consider discharging any part of this condition.

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

Reason: To protect controlled waters.

16 If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise

agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA for an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To protect controlled waters.

17 HWAY18

18 HWAY31

19 HWAY36

20 HWAY40

21 Prior to the occupation of any part of the development, the developer shall agree with the Local Planning Authority in writing a traffic management plan which shall, amongst other things, make appropriate provision for the waiting, loading, unloading and routing of all vehicles visiting the site, particularly at the commencement and conclusion of each academic term.

Reason; In the interests of the safe and free flow of traffic.

22 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of construction works shall be submitted to and approved in writing by the LPA. The statement should include at least the following information.

Reason - In the interests of highway safety and amenity of local residents

23 Prior to the occupation of any part of the development, the applicant shall submit and agree in writing with the Local Planning Authority a Travel Plan in respect of the travel arrangements of occupants of the development and their visitors.

Reason: To ensure the development complies with Central Government advice contained in PPG13 (Transport) and in Policy T13a of the City of York Council Draft Local Plan which seeks to promote sustainable modes of transport and restrict reliance on the private car.

24 The building envelope shall be constructed so as to achieve internal noise levels of 30 dB LAeq 1 hour and 45 dB LAMAX between the hours of 23:00 and 07:00 in bedrooms and 35 dB LAeq 1 hour between 07:00 and 23:00 in all other habitable rooms. These noise levels are with windows shut and other means of acoustic ventilation provided. The detailed scheme shall be approved in writing by the local planning authority and fully implemented before the use hereby approved is occupied.

Reason: To protect the amenity of occupiers of the development from noise.

25 Arch2

26 All demolition and construction works and ancillary operations, 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	

Reason: To protect the amenity of local area.

27 The developer shall submit in writing and be approved by the local planning authority a formal BREEAM assessment for the Design and Procurement stages for all appropriate buildings in the whole Chocolate Works development. All assessments shall be followed by a BREEAM Post Construction review to be submitted after construction at a time to be agreed in writing by the local planning authority. Both assessments shall confirm the minimum 'Very Good' rating anticipated in the preliminary BREEAM assessment submitted with the application.

Reason: To ensure that the proposal complies with the principles of sustainable development.

28 Prior to commencement of any building in the whole development, full details of a renewable energy strategy shall be submitted to and approved in writing by the local planning authority. The strategy shall include (i) the site's proposed renewable energy generation, which shall be at least 10% of total energy generation (ii) measures to reduce energy demand for the buildings (iii) measures to reduce CO2 emissions to a level lower than required under Building Regulations Part L.

Reason: To ensure that the proposal complies with the principles of sustainable development and the council's adopted Interim Planning Statement on Sustainable Design and Construction.

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

Following the completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the 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.

30 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 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.

7.0 INFORMATIVES: Notes to Applicant

1. Reason for approval

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

Principle of the development;
Design issues - impact on character and appearance of conservation area;
Impact on local residents;
Sustainability;
Highway and parking issues
Flood Risk;
Affordable housing/occupancy; and
Other issues.

As such the proposal complies with relevant policies indicated in section 4.2 of this report concerning the Yorkshire and the Humber Regional Spatial Strategy 2008, National Planning Guidance and Statements and Local Plan Policies GP1, GP4a, GP6 GP9, GP15a, NE1, E3b, ED5, ED10, HE2, HE3, HE10, T16 and T4 of the City of York Local Plan Deposit Draft and the Council's Interim Planning Statement – Sustainable Design and Construction (2007) and the City of York's Strategic Flood Risk Assessment (2007).

2. Demolition and Construction - Informative

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a scheme remediation to the satisfaction of the Local Planning Authority. Should City of

York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990. The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

- (i) All demolition and construction works and ancillary operations, including deliveries to and despatch 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.
- (ii) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".
- (iii) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.
- (iv) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.
- (v) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.
- (vi) There shall be no bonfires on the site

3. Informative: The Environment Agency recommends that developers should:

- (a) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- (b) Refer to the EA Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.
- (c) Refer to our website at www.environment-agency.gov.uk for more information.

Informative: Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- (i) Duty of Care Regulations 1991
- (ii) Hazardous Waste (England and Wales) Regulations 2005
- (iii) Waste Management Licensing Regulations 1994 (as amended)
- (iv) Pollution Prevention and Control Regulations (England and Wales) 2000
- (v) Landfill (England and Wales) Regulations 2002

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed off site operations is clear. If in doubt, the EA should be contacted for advice at an early stage to avoid any delays.

4. INFORMATIVE:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361
Cafe Licence - Section 115 - Heather Hunter or Anne-Marie Howarth (01904) 551418

Contact details:

Author: Richard Beal Development Control Officer
Tel No: 01904 551610