

COMMITTEE REPORT

Date: 24 March 2011 **Ward:** Fishergate
Team: Major and Commercial **Parish:** Fishergate Planning Panel
Team

Reference: 11/00050/OUTM
Application at: 6 - 18 Hull Road York
For: Demolition of existing dairy distribution facility and development of student accommodation comprising 123 unit clusters (329 bed spaces) in 5no. blocks plus ancillary office and warden studio with associated access and parking
By: Uniliving Ltd
Application Type: Major Outline Application (13 weeks)
Target Date: 12 April 2011
Recommendation: Approve

1.0 PROPOSAL

1.1 The proposal relates to the erection of student accommodation blocks on the site of the now defunct Hull Road Dairy. This lies on the south side of Hull Road in close proximity to the junction with Melrosegate and Green Dykes Lane. The proposal follows earlier schemes for 332 bed spaces considered by this Committee in June 2010 and refused on the grounds of over development and a further scheme for the construction of 282 bed spaces in 75 unit clusters approved by this Committee in October 2010. The new scheme follows further extensive negotiation and through the adoption of a new design approach incorporates additional bed spaces within the roof area of the main Hull Road elevation.

1.2 The site is mainly bordered by residential development consisting of two storey town houses and flats with mainly flats in Nicholas Gardens. Further substantial residential development lies to the north of Hull Road. The existing dairy buildings are generally 1 to 2 storeys in height. The land levels rise by approximately 3.5 metres from north to south across the site with the Hull Road frontage being lower than the rear. However the land rises at a steady rate of increase across the site and the levels are largely uniform between the site and adjacent houses. The main difference is with the adjacent buildings on Nicholas Gardens, which are approximately 1.5 metres lower than the application site.

1.3 The current scheme envisages the erection of 123 clusters of student bed spaces arranged in five blocks giving 329 bed spaces in total. An on-site warden's flat and studio would be incorporated into the scheme and the range of accommodation would be divided between units suitable for postgraduate accommodation in lower rise units to the rear of the site with under graduate accommodation laid out in blocks facing Hull Road. The blocks as previously would be arranged around a central courtyard incorporating landscaping and the standard parking and servicing activities accessed from Hull Road. Each accommodation block averages 4 1/2 storeys in height with smaller 2 1/2 storey blocks to the rear.

1.4 In terms of previous site history an Outline planning application for residential development was submitted in 2007 but was withdrawn prior to determination. The site is allocated for housing in the Draft Local Plan. Two schemes have previously been submitted in respect of student housing. The initial scheme ref: 10/00583/OUTM sought Outline Planning Permission for erection of 7 blocks comprising 332 bed spaces incorporating a warden's flat. The scheme was refused on the grounds of over-development and the impact of the proposal upon the residential amenity of neighbouring properties. The second scheme ref:10/01743/OUTM sought Outline Planning Permission for the erection of 282 bed spaces in 75 unit clusters in 5 blocks with associated landscaping and access works. Permission was given on 12th October 2010.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

CYED10
Student Housing

CYGP1
Design

CYGP4A
Sustainability

CYGP6
Contaminated land

CYH1
Housing Allocations

CYHE10
Archaeology

CYL1C
Provision of New Open Space in Development

CYT4
Cycle parking standards

3.0 CONSULTATIONS

INTERNAL:-

3.1 Environmental Protection Unit raise no objection to the proposal subject to any permission being conditioned appropriately to deal with any land contamination, lighting and noise issues.

3.2 Structures and Drainage Engineering Consultancy raise no objection to the proposal subject to the details of drainage being conditioned for further approval.

3.3 City Development raise no objection to the proposal subject to any permission being conditioned to require retention of the development as student housing.

3.4 Lifelong Learning and Culture raise no objection to the proposal subject to any permission being conditioned to require making of a payment in lieu of on-site open space provision.

3.5 Highway Network Management raise no objection in principle to the proposal but express some concern with regard to the available space for cycle parking within the site. A number of conditions are recommended to deal with the issue.

3.6 Design, Conservation and Sustainable Development raise no objection to the proposal on archaeological grounds providing any permission is conditioned to require the full implementation of the previously agreed mitigation measures. No objections are raised from an ecological, sustainability or landscape perspective. In design terms the scheme is felt to be acceptable on balance providing any permission is conditioned to require prior submission and approval of large scale details of the elevations including typical cross sections of the elevations at 1:20.

EXTERNAL:-

3.7 The Environment Agency raise no objection to the proposal .

3.8 Yorkshire Water Services Limited raise no objection to the proposal subject to any permission being conditioned to require the submission of a full surface water drainage scheme for further approval.

3.9 Six letters of objection have been received in respect of the proposal. The following is a summary of their contents:-

- * Concern that inadequate space has been provided on site for cycle parking and that students will bring cars to park on nearby residential side roads;
- * Concern that the proposal remains out of scale and over dominant when viewed against its surroundings;
- * Concern that the revised proposals represent over development of a physically tight site;
- * Concern that the proposal will lead to significant increases in crime and anti-social behaviour in the locality;
- * Concern that the proposal would result in an adverse impact upon the residential amenity of neighbouring properties by virtue of increased noise, overlooking, loss of light and loss of privacy.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- * principle of the development;
- * affordable housing/occupancy;
- * impact upon the character and appearance of the area;
- * impact upon residential amenity;
- * living conditions of future occupants;
- * parking and highway issues;
- * open space issues;
- * archaeological significance of the site;
- * sustainability.

PLANNING POLICY CONTEXT:-

4.2 Central Government Planning Guidance outlined in PPS1(Delivering Sustainable Development), PPS3 (Housing) and PPS 5 (Planning for the Historic Environment) has been considered in relation to assessing the current proposal.

4.3 Policy ED10(Student Housing) of the York Development Control Local Plan is of particular relevance in considering this application. This requires that planning applications for off-campus residential accommodation on windfall sites should meet a series of criteria. Applicants must demonstrate an identified need for the development and give consideration to accessibility to educational establishments by means other than the car, scale and amenity of nearby residents. Car parking must also be satisfactorily managed.

4.4 Policy H1(Housing Allocations) of the York Development Control Local Plan is of particular relevance in considering this application. This allocates sites for housing developments within the City of York Council area. The site is allocated as housing site under this policy.

4.5 Policy GP1(Design) of the York Development Control Local Plan is of particular relevance in considering this application. This is a general policy where proposals will be expected to respect or enhance the local environment and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area. They should also avoid the loss of open spaces, respect/enhance existing urban spaces and public views, provide individual or communal amenity space, provide appropriate waste recycling and litter collection arrangements and ensure that residents are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.6 Policy GP4a)(Sustainability) of the York Development Control Local Plan is of particular relevance in considering this application. The policy says that all development should have regard to the principles of sustainable development as outlined in the criteria listed in the policy. Reference should also be made to the Council's IPS on Sustainable Design and Construction which requires developments such as this achieve a BREEAM rating of "very good" (the development is classed as a commercial development as opposed to residential)

and 10% of the expected energy demand should come from an on-site renewable source.

4.7 Policy HE10 (Archaeology) of the York Development Control Local Plan is of particular relevance in considering this application. This requires that planning applications for development involving the disturbance of existing ground levels require a field evaluation to assess the extent and importance of any remains found. It must be demonstrated that less than 5% of any archaeological deposits will be disturbed or destroyed.

4.8 Policy GP6 (Contaminated Land) of the York Development Control Local Plan is of particular relevance in considering this application. This requires that applications for development on land, which may have been contaminated by a previous use, should be accompanied by a desk study of the potential for contamination. Should this preliminary assessment indicate a potential for contamination, a more detailed site investigation should be submitted prior to determination, by the applicant

4.9 Policy L1c) (Open Space Provision) of the York Development Control Local Plan is of particular relevance in considering this application. Developments for all housing sites or commercial proposals will require to make provision for the open space needs of future occupiers.

PRINCIPLE OF THE DEVELOPMENT:-

4.10 The development site is allocated for housing in the Draft Local Plan under Policy H1 and the continuing suitability of the site has been assessed through the Strategic Housing Land Availability Assessment with particular reference to location, accessibility and conformity with other strategic policies. Given the nature of the proposal there would be no policy objection with regard to the principle of student development on the site subject to the criteria within Draft Local Plan Policy ED10 being complied with.

4.11 A needs based assessment as required by Policy ED10 has been submitted by the applicant which clearly demonstrates a demand for student housing of the type suggested. The issue of student housing land supply is being examined in detail by City Development and initial findings are reflected in the conclusions drawn by the applicant in the submitted needs assessment here. By providing student accommodation in an actively managed environment and in a central, sustainable location, the proposal would reduce the pressure on private housing in established residential areas (such as Badger Hill), where significant numbers of dwellings have been purchased by landlords and rented to students reducing the supply of both first time buyer and family homes in those areas.

AFFORDABLE HOUSING/OCCUPANCY:-

4.12 The accommodation proposed would be capable of being occupied by non-students as single households subject to the appropriate consent being forthcoming. Such occupation on a site of this size would normally require the provision of affordable housing and as such future control over this will need to be exercised. Student accommodation in York forms an important element of the private rented market and competes directly with those on low incomes. Providing the occupancy is suitably controlled by condition, it is not considered that there is a

requirement for the provision of affordable housing in connection with this particular development.

IMPACT UPON THE CHARACTER AND APPEARANCE OF THE AREA:-

4.13 The application site lies to the east of the City Centre along Hull Road. It lies in a mixed use area with a predominance of residential accommodation either as flats or conventional dwelling houses. Properties to the rear of the site are generally of two or three storeys with more substantial structures along the Hull Road street frontage notably to the north and north west of the application site. The previous application envisaged the erection of 282 bed spaces in 75 unit clusters arranged in five blocks with the highest 3 1/2 storey blocks facing Hull Road and the lower 2 1/2 storey blocks more suitable for post graduate accommodation to the rear.

4.14 The current proposal envisages the erection of two blocks of a conventional three and a half storeys but with further accommodation incorporated within the mansard roof above, framing a formal central entrance courtyard with landscaping. The roof form and the overall design philosophy of the scheme has altered significantly from that previously approved enabling the number of available units to increase substantially from 282 to 329. This has resulted in a more Modern contemporary look but without a materially detrimental increase in height or massing.

4.15 The further revised scheme continues to broadly reflect the varied built form of adjoining properties along Hull Road/Lawrence Street and further detailed amendments have secured improvements in both scale and massing along the Hull Road frontage. In terms of landscaping, the site is densely developed in common with other flatted developments across Hull Road to the north. It is felt that sufficient scope exists within the submitted proposal to secure an appropriate landscape scheme at Determination of Reserved Matters stage.

4.16 Officers are satisfied that the scheme as further amended continues to reflect the height, density and massing characteristics of the wider street scene and that the proposal in terms of Central Government Guidance outlined in PPS1 (Delivering Sustainable Development) is appropriate in its context. It is furthermore felt that the terms of Policies ED10 and GP1 of the Draft Local Plan have now been complied with in relation to the proposal.

IMPACT UPON RESIDENTIAL AMENITY:-

4.17 Clear concerns continue to be expressed by objectors in relation to loss of amenity through noise and disturbance as a result of the development, together with overlooking of private gardens and the overpowering and over-dominant nature of the development close to the site boundaries. Central Government guidance outlined in PPS3 "Housing" actively encourages the creation of mixed communities and the achievement of a mix of housing types and household types in any given area. It states that it is important to create mixed and inclusive communities which offer choice in housing and lifestyle. It does not accept that different types of housing and tenure necessarily make bad neighbours. The current proposal would be actively managed on site with a permanent on-site management presence which would significantly reduce issues of noise and anti-social behaviour.

4.18 In terms of overlooking and over dominance the massing and ridge height of the proposal, where it runs close to the boundary with residential development to the rear, matches that of the previous proposal. The additional units have been achieved by the provision of additional height within the proposed mansard roof of the blocks adjoining the Hull Road Street elevation. Separation distances with neighbouring residential properties to the rear remain well within those normally accepted in these circumstances. The previously approved scheme incorporated a significant degree of reinforcement of the rear site boundaries with what were referred to as "green walls". The current scheme does not include them, however in view of their significant contribution towards mitigating the overall impact of the scheme it is recommended that their inclusion be required as part of the proposed landscaping for the site. The scheme as redesigned is considered not to have a materially greater impact than that previously approved, and is therefore acceptable.

LIVING CONDITIONS OF FUTURE OCCUPANTS:-

4.17 The scheme as resubmitted incorporates dedicated amenity space for each block of accommodation, with the two more substantial blocks at the street frontage intended for use by undergraduates having secluded areas to the rear some 14 metres by 28 metres in area. The smaller blocks intended for occupation by post graduate students to the rear would have dedicated informal amenity space serving each unit. Lack of appropriate separation distances have previously been a cause for concern in respect of proposals at the site. The two blocks on the main Hull Road remain some 12.4 metres apart at the closest point with an average distance of 15.4 metres apart. Each block of postgraduate accommodation is some 12.4 metres apart with a distance of 6 metres between the rear of blocks B and C at the closest point. The site layout and availability of amenity space are now considered acceptable in terms of the living conditions afforded the likely prospective student occupants.

PARKING AND HIGHWAY ISSUES:-

4.18 The site is in a highly sustainable location with good transport links to the City Centre and the nearby University Campus. It is also close to well defined and well used cycle and pedestrian links. Car parking remains restricted to 8 spaces all for disabled use, and is the appropriate amount for student accommodation of this number and type. Earlier concerns in respect of the layout and distribution of spaces have once again been satisfactorily addressed in respect of the current application. The operational management plan submitted with the application details indicates that tenancy agreements will be used as a means to prevent students bringing cars into the area other than to move in and out of the accommodation.

4.19 In terms of cycle parking provision the level from the previously approved scheme would be maintained and which accords with the accepted University standard for student accommodation. Previous concerns in respect of the quality of cycle accommodation have now been resolved and each area of secure spaces has been successfully integrated into the open space for each block together with the bin stores.

OPEN SPACE PROVISION:-

4.20 Policy L1c) of the York Development Control Local Plan sets down a firm policy requirement for the provision of a suitable range of open space or its securing off-site by means of a commuted payment secured through a Section 106 Agreement in relation to new residential and employment related developments. The level of commuted sum is determined according to a formula contained in adopted interim supplementary guidance dating to April 2007. The need for a commuted sum in relation to the provision of informal open space and outdoor sport facilities was agreed in relation to the previously approved scheme by the applicant. In relation to the current scheme a substantial allowance has been calculated to allow for on-site informal open-space provision. Taking this into account a figure covering residual informal open space and provision of outdoor sport facilities is arrived at of £82,531. The applicant has indicated that he is in principle willing to meet the commuted sum providing it can be undertaken on a phased basis with specific end users identified through the vehicle of a unilateral undertaking. This is considered acceptable providing a satisfactory undertaking is received within a reasonable timescale on or before the 11th April. In the event of this not being possible then it is recommended that Officers be given delegated authority to refuse the application on that basis.

ARCHAEOLOGICAL SIGNIFICANCE OF THE SITE:-

4.21 The application site lies within the Area of Archaeological Importance. The applicant has submitted a detailed desk-based assessment with the application and this identifies that the site has the potential to preserve significant archaeological features and deposits. The evaluation highlights the well preserved remains of a 19th Century tannery within the site. The study of such sites elsewhere has been identified as a research priority as important information relating to construction, layout, development over time and technological innovation may be easily gleaned. Whilst the likely remains are significant they are not such as to warrant preservation in situ. The applicant has submitted a detailed evaluation report and has agreed that the associated mitigation strategy may be implemented. The terms of Policy HE10 of the York Development Control Local Plan together with the requirements of Central Government Planning Guidance as outlined in PPS5 "Planning for the Historic Environment" would thus be complied with.

SUSTAINABILITY:-

4.22 The application has been accompanied by a full sustainability statement, the content of which is acceptable. The applicant has furthermore committed to achieving a BREEAM rating of "very good", the use of a demolition protocol to maximise the re-use and recycling of existing materials, adherence to the Considerate Constructors Scheme and the provision of a minimum of 10% of the energy needs of the site from renewable sources. Providing any permission is conditioned to secure a BREEAM rating of "very good" together with the provision of a minimum of 10% of the energy need of the site from renewable sources then it is felt that the terms of Policy GP4a) of the Draft Local Plan together with the requirements of the Adopted Interim Policy Statement on Sustainable Construction will have been complied with.

5.0 CONCLUSION

5.1 The former COOP Dairy Hull Road comprises a substantial former industrial site lying adjacent to one of the principal approaches into the City Centre. The surrounding area is predominantly residential and the site itself is allocated for residential use. A previous approval exists on the site for a 282 bed space scheme. The current scheme is for the construction of 329 bed spaces with additional accommodation within the proposed mansard roof along the Hull Road frontage only. To achieve the additional accommodation the design of the scheme has been amended to give a more modern contemporary appearance which is felt to be acceptable. In common with other similar residential type uses and the previously approved scheme a commuted sum is sought derived from adopted guidance related to Policy L1c) of the Draft Local Plan to cover open space and sports provision arising from the extra accommodation created. Provided satisfactory agreement is reached in respect of payment of this commuted sum then the development is considered to be acceptable. Taken as a whole it is felt that the scheme would not have a materially greater impact than that previously approved and approval is therefore recommended.

6.0 RECOMMENDATION: Approve, subject to the submission of an acceptable Unilateral Undertaking under Section 106 of the 1990 Town and Country Planning Act on behalf of the applicant covering the payment of a commuted sum in respect of off-site open space provision on or before 11th April 2011.

1 OUT1 Approval of Reserved Matters

2 Fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works, and the development shall be carried out in accordance with such details:

Details to be submitted: landscaping.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006.

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

Drawing Refs:- 1043-02-01 ; 1043-50-02; 1043-05-04; 1043-05-03; 1043-05-01 Rev A; 1043-03-02; 1043-03-04; 1043-03-03; 1043-03-0G; 1043-02-02; 1043-03-01; 1043-05-02 Rev A; 1043-04-01 Rev A;

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

4 VISQ8 Samples of exterior materials to be app

5 VISQ4 Boundary details to be supplied

6 DRAIN1 Drainage details to be agreed

7 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 13.7 metres, 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 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details:

Typical sections through the principal elevations at scale 1:20.

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

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|----|--------|--|
| 9 | HWAY31 | No mud on highway during construction |
| 10 | HWAY40 | Dilapidation survey |
| 11 | HWAY18 | Cycle parking details to be agreed |
| 12 | HWAY22 | Internal turning areas, details reqd |
| 13 | HWAY14 | Access to be approved, details reqd |
| 14 | HWAY10 | Vehicular areas surfaced, details reqd |
| 15 | HWAY19 | Car and cycle parking laid out |
| 16 | HWAY36 | Servicing within site, details reqd |

17 The development shall not be first occupied until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the verge to match adjacent levels.

Reason: In the interests of good management of the highway and road safety.

18 The development hereby approved shall be let to or hired by and occupied by either students engaged in full time further or higher education within the City of York administrative boundary or who are delegates attending part time courses or conferences within the City, the details of which shall be included within an occupancy management plan to be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of any part of the development.

Reason: In order to ensure that the Local Planning Authority retain control over the future occupancy of the development and to ensure that the proposal accords with the submitted needs assessment dated January 2011.

19 No development shall commence until the applicant has secured the implementation of the document:- Old Dairy Mitigation Proposal, Mike Griffiths and Associates Ltd. February 2011 and submitted a written archaeological methods statement and these have been agreed in writing by the Local Planning Authority.

Reason: This development will have an effect on locally and regionally significant archaeological deposits which are preserved within the site and must be preserved prior to development commencing.

20 The development hereby approved shall be constructed to a BREEAM standard of "very good". A Post Construction assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate shall be submitted to the Local Planning Authority prior to occupation of the building. Should the development fail to achieve a "very good" BREEAM rating a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a "very good" rating. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving sustainable development in accordance with the requirements of Policy GP4a) of the York Development Control Local Plan and the Adopted Interim Planning Statement "Sustainable Design and Construction."

21 No building work shall take place until details have been submitted to and approved in writing by the Local Planning Authority to demonstrate how the development will provide, from on-site renewable energy 10% of the development's predicted energy demand. The development shall be carried out in strict accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before first occupation of the development. The site shall thereafter be maintained to at least the required level of generation.

Reason: In the interests of achieving sustainable development in accordance with the requirements of Policy GP4a) of the City of York Development Control Local Plan and the Adopted Interim Planning Statement "Sustainable Design and Construction."

22 Prior to any works commencing on site, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration and dust resulting from the site preparation, groundwork and construction phases of the development. Once approved the CEMP shall be adhered to at all times, unless agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of occupants of adjacent properties during the development of the premises.

23 The hours of construction , loading or unloading on the site shall be confined to 08:00 to 18:00 Monday to Friday , 09:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

24 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to c of his condition have been complied with:-

a) Site Characterisation:- An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:-

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

ii) an assessment of the potential risks to:

* human health;

* property(existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;

* adjoining land;

* ground waters and surface waters;

* ecological systems;

* archaeological sites and ancient monuments;

* an appraisal of remedial options and proposal of the preferred options.

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

b) Submission of Remediation Scheme:-

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 11 A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) Implementation of the Approved Remediation Scheme:-

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 the commencement of the remediation works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that development can be carried out safely without risks to workers, neighbours and other off site receptors.

25 The development hereby authorised shall be undertaken and operated in strict accordance with the submitted Operational Management Statement Vs 2 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the residential amenity of neighbouring properties.

26 A scheme of mitigation measures necessary to adequately protect the amenity of local residents from light intrusion shall be submitted in writing to the Local Planning Authority for approval prior to development. The approved mitigation measures must be fully installed prior to the use hereby permitted being commenced. The scheme shall include:

- i) A contour map showing illumination spill beyond the site boundary measured in lux in the horizontal plane;
- ii) The main beam angle of each light source;
- iii) The uniformity ratio in respect of the lighting;
- iv) The level of illuminance measured in lux, in the vertical plane at the windows of the nearest residential properties facing the site;
- v) The height of any lighting stanchions.

Reason: To protect the amenity of local residents

27 A scheme of sound insulation must be submitted to and approved in writing by the Local Planning Authority before construction commences. This should demonstrate that external noise can be controlled to the following:-

- * Less than 35 dB(A) 16 hour Leq in study bedrooms during the day time.
- * Less than 30 dB(A) 8 hour Leq in study bedrooms during the night time.
- * Less than 35 dB(A) 16 hour Leq in living rooms during the day time.
- * Less than 35 dB(A) 8 hour Leq in living rooms during the night time (23:00 to 07:00).

Reason: To protect the amenity of the occupiers of the proposed blocks of accommodation.

28 The internal pedestrian routes within the development shall be constructed to have a minimum clear width of two metres, and thereafter be so maintained.

Reason: In the interests of pedestrian safety.

29. Two metre by two metre sight lines, free of all obstructions which exceed the height of the adjacent footway by more than 1.0 metre, shall be provided at the junction of pedestrian footpaths within the site and thereafter be so maintained.

Reason: In the interests of pedestrian safety.

7.0 INFORMATIVES: Notes to Applicant

1. HIGHWAY WORKS:

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

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

2. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the principle of development, affordable housing/occupancy, impact upon the character and appearance of the area, impact upon the living conditions of future occupants, parking and highway issues, open space issues, archaeological significance of the site and sustainability. As such the proposal complies with Policies ED10, GP1, GP4a) GP6, H10, L1c) and T4 of the City of York Development Control Local Plan.

3. CONSTRUCTION AND DEMOLITION:-

i) 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.

ii) 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.

iii) 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.

iv) There shall be no bonfires on the site.

v) Details of when piling works are to be carried out should be notified to local residents, giving the dates, times and duration.

Contact details:

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