

COMMITTEE REPORT

Date: 22 November 2012 **Ward:** Fishergate
Team: Major and **Parish:** Fishergate Planning
 Commercial Team Panel

Reference: 12/02609/FULM
Application at: 32 Lawrence Street York
For: Demolition of existing car showroom and erection of 3, 4 and 5 storey high blocks of student accommodation comprising 244 bedrooms within 43 clusters together with associated external works
By: Mr Richard Lockey
Application Type: Major Full Application (13 weeks)
Target Date: 22 November 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 This is a full application for the demolition of existing buildings on a former garage site and the construction of new development to provide student accommodation. The site is the former Reg Vardy garage site at Lawrence Street, York.

1.2 The site is located on the south side of Lawrence Street one of the main routes into York. It is an L-shaped plot which has a frontage to Lawrence Street of 28 metres with vehicular access from this frontage. The site extends back as far as the boundary with properties on Barbican Mews, approximately 100 metres and then turns east wards and extends to a frontage with Lawrence Lane (approximately 38 metre frontage). The site is 0.55Ha in size and the ground level rises from north to south with a height of 13.4 metres AOD on Lawrence Street and 15. 8 Metres AOD on the area near Lawrence Lane. Lawrence Lane is a well used pedestrian link between the city centre and surrounding outer areas. Opposite the site on the Lawrence Lane frontage the site of Local Authority pre -fabricated bungalows have been replaced by three storey flats, two storey houses and single storey bungalows. The site is bounded to the south by existing residential development on Barbican Mews, to the west is the grade II listed flax mill (also known as the Tannery) which has been converted into apartments and ground floor business units and developed within its curtilage to form addition residential units. St Lawrence Church, a grade II listed building, the tower of the former church , a grade I listed building and site of archaeological importance and the Ellen Wilson grade II listed single storey almshouses, are located to the east and north of the application site. The site is within an area of archaeological importance. The central historic core conservation area runs along the front boundary of the site. The conservation area boundary

encompasses the Ellen Wilson Bungalows to the east and has recently been extended to include St. Lawrence Church and its surroundings.

1.3 The application site lies in the AAI in an area that has produced pre-Roman, Roman, Anglo-Scandinavian and medieval deposits and is either on or immediately adjacent to the line of a Roman road running east from York. It is possible that there will be deposits relating to Romano-British exploitation of this area. The site lies south-east of the medieval city, adjacent to the site of the medieval church of St Lawrence. The former medieval church and its graveyard is a scheduled ancient monument (SAM No 34838; DYO1604). The monument includes standing and buried remains of the medieval church of St Lawrence and the majority of its burial ground. It is located in the churchyard of the 19th century St Lawrence's Church on Lawrence Street. A recent archaeological watching brief at 27 Lawrence Street has recovered a Bronze Age cremation, a first within the City of York.

1.4 The application, which has been amended since first submission, is to demolish the existing buildings on site, lower the land on the rear part of the site adjacent to Lawrence Lane by approximately 400mm and to construct three blocks of student accommodation consisting of 43 clusters. A cluster is the term used to identify a number of bedrooms being served by a kitchen and living area. The total number of bedrooms proposed is 244. Vehicular access to the site is from the Lawrence Street frontage with a secondary pedestrian access from Lawrence Lane. Internally the site provides 13 car parking spaces and turning area, areas of open space and provision for secure cycle parking for 140 cycles as well as visitor cycle spaces for approximately 26 cycles.

1.5 Block A - located on the Lawrence Street frontage provides 76 en-suite bedrooms in 14 clusters over four floors. The block has a frontage to Lawrence Street of 18.5 metres with a height to eaves of 8.25 metres and to ridge of 12 metres. The fourth level of accommodation is provided within the roof area and the pitched roof is designed around a metal standing seam flat roof with aluminium fascia. The block provides a small office on the ground floor adjacent to the entrance.

1.6 Block B - located to the rear of block A, block B provides 90 en-suite bedrooms in 16 clusters of accommodation over four and five floors. The five storey element gives the structure a maximum height of 14 metres.

1.7 Block C - located on the Lawrence Lane frontage, is set back from Lawrence Lane by a minimum of 13 metres and provides 78 en-suite bedrooms in 13 clusters over three and four floors. The block has a frontage to Lawrence Lane of approximately 22 metres with a height to eaves of approximately 8 metres and to ridge of approximately 11 metres.

1.8 The buildings are proposed to be predominantly brick construction with aluminium cladding and aluminium windows. The upper floors and roof areas are a mixture of pitched roofs, which are proposed to be slated, and metal standing seam flat roofs with aluminium fascias and aluminium windows.

1.9 The application is supported by several reports including a design and access statement incorporating heritage statement, transport assessment, draft management plan, needs assessment, a planning support statement, arboricultural reports, ecology report, drainage strategy, noise report and sustainability statement.

SITE HISTORY

1.10 Planning permission for the development of student housing was refused by Planning Committee in September 2010 (Planning ref: 10/01359/FUL) because of the impact of the development on the residential amenity of adjacent occupiers by virtue of the location and density of the development and because the location and density of development as well as its excessive scale, height and mass was considered to impact on the character and appearance of the conservation area and the setting of adjacent listed buildings. An appeal against the decision was dismissed in July 2011. The Inspector considered that the design of the student blocks along the Lawrence Lane frontage and extending back from this frontage detracted from the setting of the church and unreasonably impinges on the amenity of the adjacent occupiers of properties within Barbican Mews.

1.11 The sites former use as Reg Vardy showroom and garage generated a number of applications, none of these application are directly relevant to this application.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYED10

Student Housing

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CYGP1
Design
CYGP4A
Sustainability
CYL1C
Provision of New Open Space in Development
CYGP3
Planning against crime
CYSP6
Location strategy
CYHE2
Development in historic locations
CYHE10
Archaeology

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management - No objections subject to conditions which include the installation of a BLISS system to the bus stop outside the Wagon and Horses public house, a travel plan and conditions to ensure the proper implementation of the scheme.

3.2 Environmental Protection - require conditions to ensure that residents are not affected by noise during construction and to protect future residents from noise from Lawrence Street. Conditions are suggested regarding hours of work, a CEMP and to provide sound attenuation to the envelope of the building. Due to the history of the site and adjacent sites a contaminated land condition is required. The site is located within an air quality management area. A condition is requested for those bedrooms facing Lawrence Street to have fixed windows and mechanical ventilation installed.

3.3 Integrated Strategy - An updated assessment of student housing need has been submitted which successfully demonstrates a need for student housing within the city. As such the principle of student housing on this site is established through Policy ED10. Conditions should be attached to ensure that the development is occupied for student housing to prevent the development becoming open market housing accommodation. Such open market housing would require a contribution towards affordable housing.

3.4 Communities and Neighbourhoods - Clarification is needed about how waste will be dealt with in the site. Communities and Neighbourhoods say from experience; Excess waste is likely to be produced due to students living as separate households rather than cooking together. Rubbish stored in upper floor bin stores will need to be transferred for collection on a weekly basis. Recycled waste must be correctly

segregated or will not be taken. It is advisable to reconsider the location and number of the bin stores to be sited closer to the kitchens. Bin stores will require routine cleaning to prevent the build of waste, odour and possible nuisance. A clear management plan to address recurring problems as described above will be paramount to avoid complaints and public health issues.

3.5 Design Conservation and Sustainable Development (DCSD) - Design and Conservation Officer - The revised scheme now shows a development proposal which does not cause harm to the setting of the conservation area or the adjacent listed landmark buildings as identified in the conservation area appraisal. The relationships between the blocks C and the church and block B and the former flax mill maintain the dominance of the listed buildings. The development has the potential to enhance the conservation area through the Lawrence Street frontage, although this will require careful material choice and detailing to the both the site boundary and the block A elevation eaves and roof. Overall the quality of the scheme requires careful resolution of detail where there are complex junctions between architectural elements.

3.6 DCSD- Sustainability Officer - No objections in principle but a minimum requirement of the Interim planning statement on sustainable design and development (IPS) where demolition is required is for the implementation of measures that maximise the reclamation of materials for recycling and reuse. The sustainability statement should refer to this. Conditions should be attached to any permission to ensure BREEAM 'very good' is achieved and 10% of energy demand from low carbon or zero carbon sources.

3.7 DCSD - City Archaeologist - The proposed development will have a substantial impact on the significance of archaeological features and deposits (undesigned heritage assets). However, the significance of these assets is not sufficient to warrant refusal of this application. Preservation in-situ, as set out in City of York Council Policy HE10, will be very difficult to achieve given the scale of the development and its associated ground works. It will be appropriate therefore to require, in line with the guidance set out in the NPPF and with the recommendation contained in the YAT Archaeological Statement, that the archaeological features and deposits (undesigned heritage assets) on this site are recorded through an archaeological excavation prior to development commencing. Conditions to achieve the excavation and recording are suggested.

3.8 DCSD - Landscape Architect - No objections subject to conditions to protect existing trees on the boundary of the site and to ensure a suitable landscaping scheme.

3.9 DCSD - Countryside Officer - an Ecological Appraisal and general walk over survey has been carried out since the time of the last application by an ecologist in July this year (2012). Overall the site was found to be of relatively low ecological

value and the buildings were assessed as offering low-negligible potential for roosting bats. The Countryside Officer agrees with these conclusions. There are opportunities for enhancing the site to benefit a range of wildlife species. A condition should be attached to any consent given to secure enhancements to the building and the landscape to help increase the biodiversity value of this site.

3.10 Strategic Flood Risk Management - No objections in principle subject to drainage conditions. The site is within flood zone 1

EXTERNAL

3.11 Fishergate Planning Panel - Support the application provided that the details follow the broad outline of the letter from the Students' Union.

3.12 Yorkshire Water Authority - No objections in principle, however conditions are requested to ensure that the development has an adequate water supply.

3.13 Environment Agency - No objections. Informatives are suggested in relation to the management of off site contaminated waste disposal.

3.14 English Heritage - English Heritage say that their remit is limited in terms of the design of the buildings. The presence of the adjacent heritage assets needs to be fully taken into account and the documents need to show this. There should be a robust archaeological mitigation strategy agreed with the City Archaeologist.

3.15 Conservation Area Advisory Committee - The panel felt that the massing of this proposal should be reduced by 1 storey at both ends of the site. The panel felt that the architect should not rely on the Church as a guide to height and massing, as churches should be seen as individual buildings and not indicative of the general surroundings. The panel felt that the architectural style should be reassessed to relate to the more typical domestic buildings within the locality.

3.16 There have been 47 letters of objection and comment covering the following points:-

- Concerned about the overall height and amount of development
- Concern about the amount of people living on such a small site, lack of bin storage and no warden control
- Systems have insufficient capacity to take extra waste water
- The height of the development is incompatible with the surrounding development
- The height of the building will dominate the Tannery Mews block
- Bedrooms in the Tannery Mews block rely on velux roof lights. The height of the new development will mean that there will be a direct view into Tannery Mews bedrooms.
- There will be a significant increase in noise levels from the site
- The noise report does not make reference to the church bells

- The level of parking provision is not adequate; students will park off site on adjacent unrestricted streets such as Farrar Street
- Increase in student housing will have a negative impact on the area. It seems that the Lawrence Street area has taken a significant proportion of the student housing for its size.
- The development will not reduce the need for private housing as the University has expanded and is unable to contain students within the campus
- The site should be used for first time buyer housing or as a car park
- The development will have anti-social effects and will devalue property
- There is already an increase in anti-social behaviour and noise in the area
- Crime will increase as students are seen as an easy target. Insurance premiums will rise for adjacent residents
- More student housing is not required
- Although the site has suffered from squatters since the site has been properly secured there have been no problems
- Privacy and light will be lost to properties on Tannery mews as a result of the height of the proposed buildings
- Site would be better suited to local shop use or a community centre
- The facilities and ambience of the church will be spoilt
- Development will overlook gardens of Barbican Mews
- The amount of students has the potential to discourage new comers to the city and tourists
- The scheme shows an increase in student rooms over the previous refused scheme
- The scheme needs an agreed management policy
- The level of parking is inadequate and will affect businesses operating on Leake Street.
- Future residents should be made aware of the church bells and suitable insulation should be placed within buildings.
- The bells are sometimes used very intensively as they are used for teaching bell ringing, measures should be incorporated into the development to ensure that bell ringing can continue with no additional restrictions or cost.
- The development on the old dairy site is too big and too dense, Lawrence Street is in danger of being swamped by student housing.
- The development of this brown field site will take pressure off greenfield sites.
- The development will impact on the setting of St. Lawrence's church
- The needs assessment does not take account of the student scheme being constructed on Carmelite Street

3.17 A letter of support, with a number of caveats, has been received from the York Students Union and can be summarised as follows:-

- Committed to improving student housing in three ways by increase choice, quality and value for money. The union believe that short term rental accommodation will drive up standards through competition and will reduce the need to convert properties to HMO's

- The union is committed to reducing car parking tensions in the area and consider that car parking should be increased or conditions be placed in tenancy agreements that residents can not park cars near the property.
- There should be adequate secure parking for bikes.
- There should be 24 hour security staff on site.
- To keep noise to a minimum there should be 24 hour staffing of the site and a night Marshall Scheme should be introduced.
- To deal with end of term litter the currently operated Big Green Clean scheme should be extended to include the site to reduce the risk of refuse littering the streets outside.
- The scheme should provide some rooms for students with families.

4.0 APPRAISAL

4.1 key Issues :-

- Principle of the development
- Design including impact on the setting of listed buildings and the conservation area.
- Landscaping and amenity areas
- Highways, access arrangements and parking
- Residential amenity
- Archaeology
- Sustainability
- Open Space
- Drainage and flood risk
- Biodiversity
- Crime Prevention
- Other matters relating to occupation

4.2 The site is 0.55 ha of previously-developed land in a sustainable and accessible location close to the city centre.

4.3 The National Planning policy Framework (NPPF) says there are three dimensions to sustainable development economic social and environmental. These roles should not be taken in isolation, because they are mutually dependent. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. (Para. 7 and 8)

4.4 Paragraph 14 of the NPPF says at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development.

4.5 Section 6 of the NPPF addresses the delivery of a wide choice of high quality homes. Housing applications should be considered in the context of the presumption in favour of sustainable development. (Para. 49).

4.6 Section 7 of the NPPF requires good design. Paragraph 56 says good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment (Para 61).

4.7 Section 12 of the NPPF is concerned with conserving and enhancing the historic environment. In determining applications paragraph 128 says Local Planning Authorities should require an applicant to describe the significance of any heritage assets affected including any contribution made by their setting. Local Planning Authorities should take account of, among other things, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability and the desirability of new development making a positive contribution to local character and distinctiveness.

4.8 Paragraph 139 says non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

4.9 Paragraph 141 says that developers should record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

4.10 The practice guidance to PPS5 currently remains extant despite PPS5 having been superseded by the NPPF. The practice guide provides detailed advice on how to manage heritage assets. Paragraph 80 of the document says the design of new development contributes positively to the character, distinctiveness and significance of the historic environment. A successful scheme will be one whose design has taken account of the following characteristics of the surroundings, where appropriate: - The significance of nearby assets and the contribution of their setting, the general character and distinctiveness of the local buildings, spaces, public realm and the landscape, landmarks and other features that are key to a sense of place, the diversity or uniformity in style, construction, materials, detailing, decoration and period of existing buildings and spaces, the topography, views into and from the site and its surroundings, green landscaping, the current and historic uses in the area and the urban grain. The guide says some or all of these factors may influence the

scale, height, massing, alignment, materials and proposed use in any successful design.

4.11 The following City of York Local Plan (2005) Policies are considered to be relevant to this proposal:

- Policy SP6 'locational strategy' says that development will be concentrated on brownfield land within the built up urban area of the city and urban extensions.
- Policy ED10 - Student housing says that off campus residential accommodation will need to meet certain criteria. These are that there is a recognised need for the development; there is good accessibility by foot, cycle and public transport to the relevant educational institution and local facilities; the location and scale of the development is appropriate to the immediate surroundings; the development would not be detrimental to the amenity of nearby residents and the design and access arrangements would have minimal impact on the local area; car parking is of a satisfactory standard.
- Policy GP1 'Design' includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.
- Policy GP3 'planning against crime' requires new development where deemed appropriate to incorporate crime prevention measures
- Policy GP4a 'Sustainability' states that proposals for all development should have regard to the principles of sustainable development. Development should: provide details setting out the accessibility of the site by means other than the car and, where the type and size of development requires, be within 400 metres walk of a frequent public transport route and easily accessible for pedestrians and cyclists; contribute towards meeting the social needs of communities within the City of York and to safe and socially inclusive environments; maintain and increase the economic prosperity and diversity of the City of York and maximize employment opportunities; be of a high quality design, with the aim of conserving and enhancing the local character and distinctiveness of the City; minimize the use of non-renewable resources, re-use materials already on the development site, and seek to make use of grey water systems both during construction and throughout the use of development. Any waste generated through the development should be managed safely, recycled and/or reused. The 'whole life' costs of the materials should be

considered; minimize pollution, including that relating to air, water, land, light and noise; conserve and enhance natural areas and landscape features, provide both formal and informal open space, wildlife area and room for trees to reach full growth; maximize the use of renewable resources on development sites and seek to make use of renewable energy sources; and make adequate provision for the storage and collection of refuse and recycling.

- Policy GP9 requires where appropriate developments to incorporate a suitable landscaping scheme

- Policy SP3 'safeguarding the historic character and setting of York' gives a high priority to the protection of the historic character and setting of York. The policy requires the protection of the environmental assets and landscape features which enhance the historic character and setting of the City as well as the protection of the main gateway transport corridors into York from development which, cumulatively, could have an adverse impact on the character and setting of the corridor and the surrounding environment.

- 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 be required to make provision for the open space needs of future occupiers

- Policy HE2 'Development in Historic Locations' says within or adjoining conservation areas, and in locations which affect the setting of listed buildings development proposals must respect adjacent buildings, open spaces, views, landmarks and other townscape elements which contribute to the character or appearance of the area.

- Policy HE10 'Archaeology' says that planning applications for development that involves disturbance of existing ground levels on sites within York City Centre Area of Archaeological Importance will be granted provided the extent and importance of any archaeological remains are evaluated and that the applicant can demonstrate that less than 5% of any archaeological deposits will be disturbed or destroyed.

4.12 The site is located adjacent to the Central historic core conservation area which was originally designated in 1968 and has recently been subject of a review which increased the area included within the conservation area adjacent to the site.

PRINCIPLE OF THE DEVELOPMENT

4.13 The site is a vacant garage site. The premises were last used for both car sales and repairs. It is Officers opinion that the existing use is not an employment use as defined by the Town and Country (use classes) Order 2005. There is therefore nothing within the Local Plan which sets out sequentially preferable uses for the site.

4.14 The previous application on this site and the subsequent dismissed appeal do not raise objections to the principle of student accommodation at this site. Policy ED10 sets out the criteria against which off site campus accommodation should be considered. The criteria are set out in paragraph 4.11 above. The current proposal is supported by a needs assessment which concludes that the application scheme will provide much needed accommodation to meet both existing and future student housing requirements and will directly assist in releasing existing market housing to meet the identified affordable housing needs particularly of the Fishergate ward. The Integrated strategy team consider the report successfully demonstrates there is a need for student housing. A letter of objection raises the concern that the needs assessment does not take into account the approval for student housing at Carmelite Street for 258 student flats. This scheme is currently under construction. The integrated strategy team acknowledge that the scheme is not considered in the needs assessment but say that the inclusion of the Carmelite Street site would not significantly alter the conclusions of the needs assessment. Taking into account the Carmelite Street site there is still a need for student housing. The site is sustainably located on the edge of the city with good pedestrian, cycle and public transport links. The principle of the development is considered to comply with the principle requirements of Policy ED10. The consideration of the details of this scheme is set out below.

DESIGN INCLUDING IMPACT ON THE SETTING OF LISTED BUILDINGS AND THE SETTING OF THE CONSERVATION AREA

4.15 The NPPF says at section 7 with regard to good design that planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area; establish a strong sense of place; optimise the potential of the site to accommodate development; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

4.16 The application is supported by a design and access statement and a heritage statement. The heritage statement concludes that the design, scale and layout will offer a positive contribution to the area without causing a negative impact on the heritage assets surrounding the site.

4.17 The existing site has few redeeming features it is an industrial, hard surfaced area with no landscape features. There is one main industrial structure located on the western boundary of the site. Any visual quality the site has is a result of its relationship to adjoining sites, existing adjacent tree cover and existing boundary

walls which have the potential to be significantly enhanced by the redevelopment of the site.

4.18 St. Lawrence Church, the adjoining Ellen Wilson almshouses, the church hall and the grade 1 listed church tower have a well defined, mostly walled, site boundary. The setting for the church and the surrounding listed buildings is mainly contained within this boundary wall as the environs and surrounding features which directly contribute to the atmosphere of the building are contained within this space. Despite the built up nature of the area there are views into and out of the church site which contribute to the visual quality of the area, in particular the approach to the church along Lawrence Lane footpath, the Ellen Wilson almshouses are visible along the Lawrence Street frontage and the church itself is visible above the adjacent buildings from most directions. To the west side of the site is the grade II listed flax mill building (also known as the Tannery) which has been surrounded by new development. Again the setting of this building is mainly contained within its boundaries apart from the view to the elevation which shares a boundary with the application site and views through to the building from Barbican Mews. In considering development proposals, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard should be paid to the desirability of preserving the setting of listed buildings. In the context of the impact of the development on the church and adjacent listed buildings in Officers view the main issues to address are: the height of the development; its impact on views along Lawrence Lane; proximity of the new blocks to the church and the relationship of the development to the almshouses. The conservation area boundary includes the almshouses and in the most recent review of the conservation area boundary has been extended to include the whole of the churchyard. Therefore views into and out of the conservation area are an important consideration in relation to the Listed building and Conservation Area Act 1990 and the practice guide to PPS5.

4.19 The proposed block A on the Lawrence Street frontage of the site will almost match the height of the adjacent block on the flax mill (Tannery) development. The proposed block has a pitched roof with use of the roof space being achieved by a flat roof structure incorporated in to the pitch to give the appearance of dormer windows to the street elevation. The roof structures on the street frontage are set in by 3 metres on the roof so that when approaching the site from the east they will not be significant part of the gable elevation. The gable elevation when approaching from the east is considered to be appropriate to the street scene.

4.20 Block A brings development significantly closer to the almshouses and closes up the street frontage so that little of the rear of the site will be visible from Lawrence Street. The almshouses have a substantial boundary wall dividing them from the site and this change of scale is not inappropriate in a varied street scene. It is considered that the design of block A presents an acceptable visual presence along the street frontage subject to well executed detail including; boundary treatment, windows, window heads and sills and eaves details. All these elements of the

building design are proposed to be conditioned. In terms of the approach to the site from the west views are already obscured by existing development and the further frontage building will not significantly alter views from this direction or adversely affect the adjacent heritage assets. The appeal Inspector in considering the appeal scheme, which proposed a very similar height of structure along the site frontage, concluded that the front block of that scheme would 'not harmfully dominate or visually enclosing the almshouses whose principal elevation is east-facing into the churchyard enclave. Nor would the presence of the block result in such loss of views of the church when approaching from the west along Lawrence Street, that this would be harmful to the setting of the heritage assets; views which in any event are gained at present across an unattractive expanse of hardstanding and are partially obscured by existing trees within the grounds of the church'. Having regard to the appeal decision and the general considerations set out above the siting and design of block A along the frontage of the site is considered to be acceptable.

4.21 At the appeal for the previous scheme the Council and the Inspector agreed that the most significant view of the church is gained walking in a northerly direction along Lawrence Lane. From here the imposing bulk and grandeur of the structure can be appreciated in contrast to the more domestic-scaled development round about. The Inspector considered the previous scheme for this area of the site was unacceptable because the structure would become a dominant foreground element in the approach towards the church. The previous scheme was for a block some 6 metres back from the Lawrence Lane frontage. The approach on this scheme is to set the block further back into the site so that the south transept of the church is less dominated by the proposed structure. The proposals for block C shows an angled frontage to Lawrence Lane so that the building is set back from this frontage by between 13 and 20 metres. The height of the structure, being designed with a pitched roof with roof windows over four floors, is approximately 8 metre to eaves and 11 metres to apex, higher than the previous scheme. (The height is taken from the slightly lowered ground level to be reduced by 400mm). However the position of the block means that, in Officer opinion, when approaching the site along Lawrence Lane the bulk of the church and its relative dominance will still be the primary view. It is considered that the new position of the structure allows the visibility and dominance of the church to remain and overcomes the Inspectors previous concerns.

4.22 The frontage of Block C is 22 metres long; to the northern side of the block is a set back area which provides a bedroom at three levels. Officers are concerned that this side addition complicates the design of the block, obscures visibility to the entrance of block C for Lawrence Lane entrants and narrows the gap between the church and the site. An amended plan has been requested which removes this side addition from the design of the building. A further amended plan to address this matter will be reported to Committee.

4.23 The flax mill building to the west of the site is Grade II listed. The redevelopment of the flax mill site means that there is already a considerable amount of development within its own curtilage which has to a degree affected the setting of the listed building. The remaining qualities of the buildings setting lie in the height of the structure and its dominance of its immediate neighbours. Block B which is located to the rear of block A, and separated from it by a gap of 5 metres, is four and five storeys high. Block B is designed so that it is sited along the western boundary set away between 3 and 4 metres and is set back from the southern boundary with Barbican Mews by 26 metres which means that the end elevation of the flax mill building, which is currently obscured by existing industrial buildings, will be revealed and will be set against the open space for the development. Views from the church yard towards the flax mill building will be dominated by block B. However the existing views from the church to the mill buildings are obscured by significant trees, the existing buildings on the site and the development within the curtilage of the mill itself. Despite the height of Block B officers are satisfied that the overall height of the scheme will not impact on the dominance of the flax mill buildings.

4.24 The height of the development overall is at its maximum 14 metres to apex on block B and 12 and 11 metres on blocks A and C. The more distant views of the church with its substantial height and presence will not be affected by this height and in terms of the setting of the listed building the height of the proposed structures is considered to be acceptable.

4.25 The site is surrounded by a mix of development types with varying elevational treatments and a variety of materials, layout, scale, mass and design. This makes the identification of a particular urban grain (pattern of arrangement of street blocks and plots) for the area difficult. What can be identified is that the earlier structures surrounding the site benefit from slate roofs, good quality simple brick work and pitched roofs. The juxtaposition of buildings is varied as is the scale and massing. In this context the use of the materials proposed (slate roofs and brick work) with the introduction of a modern element (grey metal panelling) would in Officers opinion relate the development to its surroundings. The scheme is self-contained within the plot but the access both pedestrian and vehicular remains related to the surrounding road/ footpath network. As with the previous scheme, the roofscape is somewhat complicated, having significant flat roof areas within the pitched roofs; this is a function of the requirement to achieve a high density development. However the roofscape presents an acceptable frontage to the main view points into the site and in other areas is not considered to dominate the design so as to warrant refusal of the application. The Design and Conservation Officer considers that it is important that as a principle the development does not compete with the dominance of the church and the flax mill buildings in the cityscape. In the final iteration of the design this balance is achieved by the reduced height of elements of block C and limited extent of the 5 storey element of block B which ensures that the adjoining former flax warehouse retains its dominance. There are reservations about the roof detail and the Design and Conservation Officer says that the success or otherwise will rest

in the resolution of detail. Such detail is the subject of proposed conditions. Overall the design of the scheme is considered to meet the requirements of advice in the NPPF and the draft local plan

LANDSCAPING AND AMENITY AREAS

4.26 The scheme incorporates two relatively substantial areas of open space. The positioning of these spaces is a function of the need to retain views through the site. The first space is located to the front of block C adjacent to Lawrence Lane. The Landscape Architect says that this space should be planted so as to assist the setting of the buildings. Landscaping of this area can be sought by condition and should include a variety of trees. The second space is to the rear of block C and is bounded by the southern boundary with Barbican Mews and the western end elevation of the flax mill building. This area is capable of providing a useful outdoor space and appropriately planted will enhance the use of the space and setting of the existing and proposed buildings. The structural planting scheme submitted, which provides the overall suggested planting areas, incorporates a good number, range, and size of trees. Conditions are proposed to achieve a suitable landscaping scheme.

4.27 The Landscape Architect refers to three sycamore trees that are located within the adjacent church site but which overhang the application site. These trees are not worthy of a Tree Preservation Order but are afforded some protection as they are located within the conservation area. The arboricultural report that supports the application acknowledges the amenity value of the trees and indicates that no works are proposed to the trees. The report also suggests protection during the construction phase of the development. The trees currently provide maturity and visual quality to the site and a condition is proposed to ensure their protection during the construction of the development.

RESIDENTIAL AMENITY

4.28 Policy GP1 requires that, among other things, development proposals should ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. Similarly one of the core principles within the NPPF says that development should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'

4.29 The site is a former garage which operated as retail showroom and repair/servicing facility. The front of the site was used as a forecourt/car sales area. The rear part of the site provided parking and entrance to the vehicle repairs area. The site is bounded by residential development to all its boundaries, apart from the area where the church is located. A residential redevelopment scheme for the area of the site adjacent to Lawrence Lane is almost complete. The site has well

established boundary treatment consisting of mainly brick walls of varying height, age and quality, the rear part of the site is also enclosed by a substantial metal security fence.

4.30 Officers consider that the amenity concerns about the development can be split in to two main areas; the first being the impact of the structures themselves and second being the more general concern about the intensity of the development, the behaviour patterns of students and the impact of this behaviour on the residential amenity of existing residents.

4.31 Structures - To the west is the site of the former flax mill. The flax mill building has been converted into apartments with ground floor business units. Within the boundary of the flax mill new dwelling units have been constructed and on the joint boundary with the application site stands new development which provides three levels of accommodation in a structure that stands about 6.5 to eaves and 9.5 to apex. The only window facing on to the site on these units are roof lights to each unit which provide light to the second bedroom and to the hallway. There are also glass bricks in the walls to bring a little additional light in to the buildings. Beyond these structures to the south is an open space area which extends 14 metres along the western boundary of the site and then the gable end of the flax mill which is a four storey structure standing about 11 metres to eaves and 14 metres to apex. To the front of the mill site on the western boundary is a further new building the side of which extends almost to the boundary and provides a full three storeys of accommodation with use of the roof space. Within the application site there are existing building running along the western boundary. These buildings extend forward as far as the new buildings.

4.32 The proposed development on the western boundary consists of two blocks (referred to as block A and B) of four and five storeys of accommodation the upper level of each being provided within the roof space. Single storey flat roof buildings are located up to part of the boundary to provide cycle parking. The front part of block A is located 1.5 metres off the boundary and is adjacent to the blank gable of the adjoining building. The depth of this part of the structure is similar to the adjacent block. The positioning of this part of the block will have no impact on the adjacent development on the western side. The rear part of block A is located 4 metres from the western boundary and 5 metres from the three storey mews properties. This part of the block stands just over 9 metres to eaves and 11.2 metres to ridge. This part of the block is 20 metres long. There is a 5 metre brake between block A and block B and then block B runs along the western boundary at a distance of between 6 and 7 metres from the boundary. This part of block B is 19 metres long and is the same height as the rear part of block A. The entrance area to block B is then set back from the boundary by 11 metres and is attached to a five storey part of block B which is gable end on to the western boundary at between 2 and 4 metres away. This part of the block stands 11 metres to eaves and 14 metres to full height. However there is

an area of flat roof adjacent to the boundary side that stands 11 metres to maximum height. The length of the gable is approximately 12 metres and extends beyond the mews properties by 6 metres leaving the remaining length of the boundary undeveloped. Windows in the lower part of block B and in the rear part of block A face the boundary, the third level windows have been designed with restricted views.

4.33 The appeal inspector in considering the previous application on this site said 'The proximity and height of Blocks Two and Three would result in some loss of outlook. However, I do not consider any loss of light or sense of domination resulting from the proposals would be so great that this would in its own right be sufficient to warrant rejection of the scheme'. The previous scheme had a greater amount of development along the length of the boundary and was generally closer to the boundary; the overall height of the structures were, however, lower. In Officers opinion the current scheme will restrict views across the site that are currently visible from roof lights but because of the distances from the boundary, the break in the building between Blocks A and B and the set back of entrance areas further from the boundary the development is not considered to so dominate roof light windows that refusal of the scheme is warranted.

4.34 The single storey almshouses are located on the eastern side of the site close to the entrance point for the development. The almshouses are sited 6 metres away from the boundary and 4 metres from a rear off-shot which has a small frosted window in the rear elevation. The boundary between the site and the almshouses is defined by a wall approximately 2 metres high. The site is to be accessed via the existing access located at this eastern boundary. Block A runs parallel with the eastern boundary the block is located between 8 and 9 metres away from the joint boundary. Again in the determination of the previous scheme the appeal Inspector said that being to the rear he did not consider that the proximity, height or bulk of the frontage block would result in any undue loss of amenity for occupants of the almshouses by reason of being overly dominant or overbearing. The current proposal introduces a similar massing to the previous scheme along this boundary although the block is a consistent 9 metres from the boundary along the length of the almshouses where as the previous scheme after the initial gable was set further from the eastern boundary. However Officers consider that because of the orientation of the almshouses and the distance of the block from the boundary the structures will not be unduly dominant. The elevations facing the almshouses will have bedroom windows which will be facing the almshouses at a distance between the rear elevations to the block of 16 metres. In the context of the design, orientation and amenity space of the almshouses the intervening access proposed and the existing boundary treatment the distance of 16 metres is considered to be acceptable.

4.35 The area of Barbican Mews adjacent to the boundary is two storey development consisting of a mix of flats and houses. The gable elevations of the

properties face the site with a small number of windows serving hallways and kitchens on the gable ends. The boundary between the site and the Mews is mostly defined by a 3 metre high wall although the eastern most part is defined only by the security fence and is therefore more open. The proposal adjacent to the Barbican Mews is to construct block 4 and 3 storeys high at between 3 metres and 7 metres from the joint boundary for a distance of 39 metres along the boundary, the remainder of the boundary remains open (approx. 45 metres). The part of the block facing Lawrence Lane is 3 metres from the joint boundary and stands 8.5 metres to eaves and 11 metres to apex. The block extends 9 metres in front of Barbican Mews properties. The rear part of block C faces the joint boundary with Barbican Mews at a distance of 7 metres and has been designed at a lower level along the boundary standing 6 metres to eaves and 10 metres to apex. First floor windows face the boundary, with second floor lighting being achieved through velux roof lights. Overall development along this boundary has been significantly reduced as part of this scheme. In officers opinion the amount of development, its height and design provides a satisfactory relationship with the adjacent development within Barbican Mews.

4.36 Intensity of the development/use of site for students - many of the letters of objection raise concerns about the general behaviour pattern of students which in essence is considered to be one of excess and the impact of having such an intense number of students in one location. The applicant has said that the site will be managed, has indicated that they would be happy to comply with a condition requiring a management plan to be submitted to and agreed by the Local Planning Authority and have set out the issues they anticipate to form part of the management of the site. These issues include car parking; change over days, security measures, anti-social behaviour, maintenance, fire safety, and student liaison and community involvement.

4.37 The site has two main entry points the vehicular and pedestrian access from Lawrence Street and the pedestrian access from Lawrence Lane. To get to these entry points access is along Lawrence Street from town or Hull Road or from the Heslington Road area along Lawrence Lane. Entrance from Lawrence Street is set against a back drop of a busy road and other commercial enterprises which operate until the late evening. The access itself from Lawrence Street has been a commercial entrance and has had an established pattern of relatively frequent day time use so that despite the proximity of the site to the almshouses there has, for a considerable time, been traffic and pedestrian movements in this area. In the later part of the evening there will be a certain reliance on the management plan proposed to ensure that residents entering and leaving the site have regard to neighbours but this is not considered significantly different than would be expected in any residential area. Similarly the Lawrence Lane entrance as an established pedestrian route provides a separate route to the site which passes relatively few dwelling frontages. Much of the development itself is facing into the site so that main room windows are away from the surrounding residential properties and shielded

from them by the bulk of the buildings. The site therefore is relatively contained. Furthermore the management for the site would be an important tool in managing behaviour on the site. Officers consider that given the layout of the development and the conditioning of the scheme to ensure a management plan for the site that the development can be accommodated without affecting the amenity of adjacent residential sites.

4.38 The Environmental Health Officer has raised concerns about the amenity of future occupiers of the site. The concerns relate to the noise from the road and the location of the site within an air quality management area. Letters of objection have raised concerns about the proximity of the site to the church bells. The application is supported by a noise report and the Environmental Health Officer is satisfied that subject to conditions which ensure the envelope of the building is designed to achieve appropriate internal noise levels the application is acceptable. In relation to the proximity to Lawrence Street and the Air Quality Management area the suggested condition from Environmental health would result in all windows on the Lawrence Street frontage having fixed openings. Officers are investigating whether it would be necessary to fix all windows on this elevation as this is not an ideal solution particularly where these are the main habitable rooms. Members will be updated at committee on this issue.

HIGHWAYS, ACCESS AND PARKING ARRANGEMENTS

4.39 The site has formerly been used as a car garage which would have generated high levels of traffic, including HGV movements. Access is to remain from Lawrence Street however the existing northernmost access point is proposed to be closed up and the frontage reinstated with cobbles, full height kerbs and footway as in the locality.

4.40 Thirteen car spaces are proposed three of which are to be restricted to disabled students and staff/wardens. The peak demand for car parking will be generated during the term time start/end periods as students arrive and leave. In order to assist with the management of car parking during these periods informal areas for temporary car parking is available within the site. A management plan is also to be implemented which will ensure that the units are occupied/vacated in a staggered approach in order to further minimise and manage the number of cars entering the site. Information supplied by the applicant indicates that this may be achieved through a booking system where students have to book a time slot in which to move. Such an approach has been previously agreed by the authority at two adjacent sites on Navigation Road. Surrounding streets are protected by various waiting restrictions, which will reduce the potential for indiscriminate parking. Furthermore it is proposed to include a restrictive covenant within the lease agreements that the student occupiers do not bring vehicles to the site. Officers therefore do not have concerns with the level of car parking being proposed on such a type of development in this location.

4.41 Covered and secure cycle parking has been provided at various locations around the site and there are also areas of visitor cycle spaces. Cycle parking provision is above 50% of the CYC Annex E maximum standards, which compares favourably with recently approved schemes at Navigation Road and Heslington East where 50% provision has been approved. This is considered to be a realistic level of provision.

4.42 The site is located close to the city centre and has bus stops within a short distance of the site, serving locations such as the university. The applicant has also confirmed in writing that they are willing to fund the provision of a real time BLISS display at the adjacent stop outside the Wagon and Horses public house. Highway network management require conditions to cover the detailed implementation of the scheme.

ARCHAEOLOGY

4.43 An archaeological evaluation of the site has been carried out in advance of an earlier application for development on this site. MAP Archaeological Consultants to carry out the evaluation between February and March 2009. A report on the evaluation has been submitted to the City of York HER (SYO1171).

4.44 The applicant has submitted an Archaeological Statement prepared by York Archaeological Trust (YAT) and dated 30/07/2012. The Statement references the evaluation work carried out by MAP and recommends that (those areas to be disturbed by ground works are subject to an archaeological excavation, undertaken prior to the start of the development).

4.45 The City Archaeology has noted the recommendation and assessment contained in the YAT Archaeological Statement and also used the information contained in the MAP evaluation report (a) to determine the impact of the proposed development on the significance of the heritage assets preserved on this site and (b) to determine what mitigation measures are reasonable and proportionate.

4.46 Six evaluation trenches were excavated. 4 of these trenches to the rear of the site were all heavily disturbed by nineteenth and twentieth century structures and service trenches. Medieval features dating from the twelfth to fourteenth centuries were found in trenches 1, 3, 5 and 6. Post-medieval features, dating from the seventeenth and eighteenth centuries, were found in trenches 4, 5 and 6. Trench 2 contained only modern features. Residual finds included shreds of Roman pottery and pre-Conquest/Saxo-Norman pottery and suggest a background of earlier activity in the area. These archaeological features and deposits are not of national importance.

4.47 The archaeological features and deposits recorded in the archaeological evaluation indicate that there are medieval features and deposits preserved across the site. The residual material of Romano-British and Anglo-Scandinavian date suggests the potential for this site to produce features and deposits from these periods. The find of a Bronze Age cremation at 27 Lawrence Street also suggests the potential for this site to produce prehistoric material.

4.48 The proposed development will have a substantial impact on the significance of these archaeological features and deposits (undesigned heritage assets). However, the significance of these assets is not sufficient to warrant refusal of this application. Preservation in-situ, as set out in City of York Council Policy HE10, will be very difficult to achieve given the scale of the development and its associated ground works.

4.49 It will be appropriate therefore to require, in line with the guidance set out in the NPPF and with the recommendation contained in the YAT Archaeological Statement, that the archaeological features and deposits (undesigned heritage assets) on this site are recorded through an archaeological excavation prior to development commencing. The archaeological excavation will include (a) the excavation of the footprints of the proposed blocks to formation levels and (b) the excavation of all service trenches, attenuation tanks and other excavations for services and utilities. It will be necessary to have an archaeological watching brief on all other ground works (e.g. removal of foundations, storage tanks etc). The archaeological project must also include post-excavation analysis, reporting and publication of the results of the excavation; deposition of the archive with the Yorkshire Museum; and community access and involvement in all stages of the project. Conditions are proposed to ensure that the above archaeological work is secured.

SUSTAINABILITY

4.50 The Sustainability Officer has indicated that the achievement of a BREEAM 'very good' rating should be achieved and suggests a condition to ensure that a Post Construction assessment is submitted to secure a 'very good' rating. In terms of achieving 10% renewables on site the applicant has confirmed that a number of suitable renewable technologies are to be considered for the project. A condition to ensure 10% renewables is achieved for the development is proposed. Such a condition is in line with the requirements of the IPS on Sustainable Design and Construction. On the basis of the information submitted and with the conditions proposed it is considered that the development complies with the requirements of GP4a and the interim planning statement on sustainable development.

OPEN SPACE

4.51 An off-site open space contribution is required for sports pitches in accordance with policy L1c of the DLP. There is no requirement for a commuted sum towards amenity open space as there is sufficient space provided on site. The contribution for off site outdoor sports provision is based on £199 per unit. The sum required for off site sports pitches is £48556 based on 144 dwelling units. The applicant has indicated that such a commuted payment would be acceptable in principle and it is hoped that prior to committee there will be a unilateral undertaking in place to cover this amount. Further information on this matter will be reported to committee.

DRAINAGE AND FLOOD RISK

4.52 The development is in low risk flood zone 1 and should not suffer river flooding. The application is supported by drainage strategy. Strategic Flood Risk Management raises no objections to the application subject to conditions ensuring satisfactory drainage. Yorkshire water Authority are raising no objections to the principle of the development subject to conditions which require the upgrading of the water supply and condition the details submitted within the drainage strategy.

BIODIVERSITY

4.53 The existing buildings on site are considered to have low potential for supporting bats as most of the buildings are very open; however there is some possibility of summer roost or temporary roost for individual or small numbers. Therefore care should be taken during demolition. There is good habitat within the immediate surrounding area, particularly with the mature trees within the grounds of the church and the river and the city wall embankments are also close. The development of the site is a good opportunity to carry out habitat enhancement work to benefit bats as well as other wildlife species known to use the surrounding area (e.g. swifts). A condition is suggested to ensure the incorporation of measures within the design of the building to accommodate enhanced wildlife.

CRIME PREVENTION

4.54 The NPPF says at paragraph 58 and 69 that planning policies and decisions should aim to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

4.55 The Police Architectural Liaison Officer says that the behaviour of homeless persons/squatters on the current site has placed a huge demand on police resources. Development of this land will help to improve the environment and eradicate some of the crime and disorder problems that have been experienced. It is being requested by the police Architectural Liaison officer that if planning permission is not granted section 215 of the Planning Act should be used to clear up the site. In terms of the detail of this application there is concern that the application does not

provide sufficient information about how the site will be managed. Conditions proposed on the permission require full details of the management of the site to be submitted and specifically requires details of crime prevention measures to be incorporated into the scheme to be approved and implemented. With these conditions it is considered that the concerns of the Architectural Liaison Officer and the requirements of the NPPF are satisfied.

OTHER ISSUES

4.56 Occupancy - A condition is proposed to ensure that the student accommodation is occupied by student studying within York (Condition 14). This will ensure that the accommodation is used to alleviate the use of other housing in York for student accommodation as suggested in the needs assessment. Integrated Strategy also suggest the condition could be used so that affordable housing could be secured were the site to revert to non-student housing. However it is Officers opinion that to return the use to a housing use would require planning permission and therefore affordable housing could be sought through any future planning applications.

5.0 CONCLUSION

5.1 Policy ED10 sets out the criteria against which off site campus accommodation should be considered. The criteria are set out in paragraph 4.11 above. The application is supported by a needs assessment. Integrated Strategy are satisfied that the applicant's needs assessment successfully demonstrates a demand for student housing in accordance with the requirements of policy ED10. Furthermore the Inspector in dealing with an appeal against student housing on this site did not object to the principle of the development.

5.2 The site is located close to the city centre and has bus stops within a short distance of the site, serving locations such as the university. The site is sustainably located on the edge of the city with good pedestrian, cycle and public transport links. It is considered that the locational requirements of policy ED10 are satisfied.

5.3 In terms of the design of the scheme including the impact of the development on the setting of surrounding listed building and the adjacent conservation area; overall it is Officers opinion that the design of the scheme meets the requirements of advice in the NPPF and the requirements of local plan policies ED10 and GP1. The Design and Conservation Officer is not objecting to the scheme.

5.4 Officers consider that the amenity concerns about the development can be split in to two main areas; the first being the impact of the structures themselves and the second being the more general concern about the intensity of the development, the behaviour patterns of students and the impact of this behaviour on the residential amenity of existing residents. In terms of the siting of the buildings there remains a

tight relationship between sites as is the nature of development in this location. Officers consider that overall the scheme, as amended, is sufficiently well related to surrounding properties to support the application. In terms of the use; the site is relatively contained and has a previous industrial use Officers consider that with a management plan in place the use of the site is acceptable. The principle of the use of the site was accepted by the appeal Inspector on the previous scheme.

5.5 In all other respects it is considered that the scheme can be adequately conditioned for the development to accord with policies in the draft local plan and to meet the requirements of the NPPF. It is anticipated that the contribution for off site outdoor sports provision will be agreed via a Unilateral Obligation from the applicant prior to Committee.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

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

Plans to follow

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

3 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs . This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

4 Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees as well as any works proposed to the trees shown within adjoining land but overhanging the site on the approved

drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations shown on a plan of protective fencing, phasing of works, site access during demolition/construction, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles and storage of materials, location of marketing cabin.

Reason: To protect existing trees which are considered to make a significant contribution to the amenity of this area and/or development.

5 VISQ8 Samples of exterior materials to be app -

6 VISQ7 Sample panel ext materials to be approv -

7 HWAY10 Vehicular areas surfaced, details reqd -

8 The development shall not be brought into use until the existing vehicular crossing not shown as being retained on the approved plans has been removed by reinstating the the kerbs, footway and cobbles incorporating landscape features to match adjacent levels.

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

9 HWAY18 Cycle parking details to be agreed -

10 HWAY19 Car and cycle parking laid out -

11 HWAY21 Internal turning areas to be provided -

12 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

Real time BLISS display at outbound Lawrence Street bus stop outside of Waggon and Horses public house

Reason: In the interests of the safe and free passage of highway users.

13 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;

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- the routing for construction traffic that will be promoted
- a scheme for signing the promoted construction traffic routing
- where contractors will park
- where materials will be stored within the site
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

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

14 The site shall not be occupied until a Full Travel Plan has been submitted and approved in writing by the LPA. The travel plan should be developed and implemented in line with local and national guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan. Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure the development complies with advice contained in National Planning Policy Framework and in policy T20 of the City of York deposit Draft Local Plan, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users.

15 The development hereby approved shall be constructed to a BREEAM standard of 'very good'. A formal 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 a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction'

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

the required level of generation.'

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

17 ARCH1 Archaeological programme required -

18 ARCH2 Watching brief required -

19 C1 Development on Land Affected by Contamination 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 this 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,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

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

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 historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must

include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c. Implementation of 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 commencement of the remediation scheme 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 the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

20 C2 Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment

must be undertaken in accordance with the requirements of the previous condition, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the previous condition.

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.

21 A full Lighting Impact Assessment shall be undertaken by an independent assessor (not the applicant or the lighting provider), and shall be submitted together with detail of all proposed external lighting. The details of the lighting and assessment shall be approved in writing by the Local Planning Authority. The Lighting Impact Assessment shall include the following:

- A description of the proposed lighting: number of lighting columns and their height, and proposed lighting units.
- Drawings showing the illuminance levels (separate drawings for each item listed):
- A plan showing horizontal illuminance levels (Eh), showing all buildings within 100 metres of the site boundary
- A plan showing vertical illuminance levels (Ev), showing all buildings within 100 metres of the site boundary.
- A specification of the Environmental Zone of the application site, as defined in The Institution of Lighting Engineers' Guidance Notes for the Reduction of Light Pollution.
- A statement of the need for floodlighting.

The approved scheme shall be implemented to the satisfaction of the Local Planning Authority.

Reason: In the interests of residential and visual amenity

22 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 Council retain control over the future occupancy of the development and to ensure that the proposal accords with the submitted needs assessment dated August 2012 and addendum dated October 2012.

23 Prior to the first occupation of any student unit on the site, there shall be submitted by the applicants for approval by the Local Planning Authority a management plan that will seek to address the environmental concerns set out in

the management statement dated October 2012 and in particular shall include a compulsory tenancy agreement. The management plan and tenancy agreement shall remain operative at all times from the first occupation of any part of the development. Any variations to the management plan and tenancy agreement shall be agreed in writing by the Local Planning Authority before such variations are implemented.

Reason: In the interests of visual and residential amenity.

24 Notwithstanding the information contained on the approved plans, the height of each block shall be agreed in writing, as measured from the proposed ground level or existing ground level as appropriate. Before any works commence on the site, a means of identifying the existing ground level on the site and for identifying the ground level at which the development will be built from (including a levels plan which confirms proposed levels on the area adjacent to Lawrence Lane) 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 and proposed 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.

25 Prior to the commencement of the development or within such longer period as may be agreed in writing with the Local Planning Authority (LPA), details of the materials for all external hard surfaced areas within the development shall be approved in writing by the LPA and thereafter implemented in accordance with the approved scheme.

Reason: In the interest of visual amenity

26 Prior to the commencement of the development or within such longer period as may be agreed in writing with the Local Planning Authority details of all repair works to boundary treatment and details of new means of enclosure within the site and to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the details approved shall be implemented before any part of the development is occupied.

Reason: In the interests of the visual and residential amenity of the area.

27 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.

- Eaves
- Heads, sill and reveals to all window types as appropriate
- Window types and materials
- Connection between the flat and apex of pitched roofs
- Roof windows

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

28 Prior to the commencement of the development or within such longer period as may be agreed in writing with the Local Planning Authority (LPA), a statement of crime prevention measures to be incorporated in to the design of the scheme shall be submitted to and agreed in writing by the LPA. Thereafter the scheme shall be implemented to the satisfaction of the LPA before any dwelling is occupied. Crime prevention measures shall accord with the advice set out in the National Planning Policy Framework and comply with the aims and objectives of 'secure by design'.

Reason: In the interest of the amenity of future occupiers of the development.

29 No development shall take place until details have been submitted to and approved in writing by the Council of what measures are to be provided within the design of the new buildings and landscaping to enhance the biodiversity of the area. The work shall be completed in accordance with the approved details. Features suitable for incorporation include measures for species that use buildings such as bats and birds.

REASON - This is proposed to take account of and enhance the habitat and biodiversity of the locality.

30 No development shall take place until works have been carried out to provide facilities for the delivery of an adequate water supply.

Reason: In order to protect the existing mains infrastructure and ensure that the site has an adequate supply of water.

31 The development shall not be carried out except in complete accordance with the details shown on the submitted drainage plan drawing no. QL 1248 revision P1 dated 03/08/2012 that has been prepared by BSCP unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of satisfactory and sustainable drainage

32 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning

Authority, thereafter the development shall be carried out in accordance with the approved details prior to any part of the development being brought into use .

Details to include:

1. Peak surface water run-off from the proposed development must be restricted to a maximum 42.4 lit/sec.
2. Site specific details of the flow control devise manhole limiting the surface water to the 42.4 lit/sec.
3. Storage volume calculations, using computer modelling must be provided, and must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. The full range of modelling should be provided.
4. Site specific details of the storage facility to accommodate the 1:30 year storm and details of how and where the volume above the 1:30 year storm and up to the 1:100 year storm will be stored.
5. Proposed ground and finished floor levels to Ordnance Datum shall be shown on plans. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.
6. Details should be provided of the future management / maintenance of the proposed drainage scheme.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and that provision has been made to maintain it.

33 Prior to commencement of the development, an Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development

shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason. To protect the amenity of local residents

34 All construction and demolition works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

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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 residents

35 The building envelope shall be constructed so as to provide sound attenuation against externally generated noise to achieve internal noise levels of not more than 30dB(A) Leq 8 hour from 11.00pm to 7.00am, 45 dB(A) Lmax between 11.00pm

and 7.00am, and 35dB(A) Leq from 7.00am to 11.00pm in all bedrooms of the development, with alternative methods of ventilation where required. The detailed scheme shall be approved by the local planning authority and fully implemented

before the use hereby approved is constructed. All works which form part of the scheme shall be completed before any part of the development is occupied. The works provided as part of the approved scheme shall be permanently retained and

maintained as such except as may be agreed in writing by the Local Planning Authority. The aforementioned written scheme shall demonstrate that the noise levels specified will be achieved.

Reason: To protect the amenity of residents of the proposed development.

7.0 INFORMATIVES:

Notes to Applicant

1. 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:

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 :-

- Principle of the development
- Design including impact on the setting of listed buildings and the conservation area.
- Landscaping and amenity areas
- Highways, access arrangements and parking
- Residential amenity
- Archaeology
- Sustainability
- Open Space
- Drainage and flood risk
- Biodiversity
- Crime Prevention

As such the proposal complies with Policies ED10, GP1, GP4a, L1c, HE2, HE10, of the City of York Development Control Local Plan.

Contact details:

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

Tel No: 01904 551351