### **COMMITTEE REPORT**

Date: 22.8.2013 Ward: Guildhall

Team: Major and Parish: Guildhall Planning Panel

**Commercial Team** 

**Reference:** 13/01916/FULM

**Application at:** Yorkshire Evening Press 76 - 86 Walmgate York

For: Erection of 1no. three storey and 1 no. four to seven storey block

and the conversion of Wards Warehouse to provide student accommodation (648 student rooms and management facilities); the erection of a 3 storey office (class B1), extension to the Poads Building and the provision of associated cycle and car parking

facilities and landscaping works

By: Mr Chris Hale

**Application Type:** Major Full Application (13 weeks)

**Target Date:** 3 September 2013

**Recommendation:** Approve

### 1.0 PROPOSAL

#### **APPLICATION SITE**

- 1.1 The proposals affect the York Press site, located at Walmgate and Wards warehouse. The Press site incorporates the frontage building onto Walmgate, the attached Poads building (on the corner of Walmgate and Hirst's Yard), the redundant former print works within the site and a storage building which is next to the river. The remainder of the site is car parking.
- 1.2 The Poads building and Wards Warehouse are currently vacant. The Wards building has planning permission to be converted into residential (Permission renewed in 2013 13/00451/FULM for 10 apartments).

### SURROUNDING AREA

- 1.3 A residential development (Dixons Yard) adjoins the western boundary. The blocks which adjoin the site are the riverside block; 4 floors above car parking, and the block behind, which is part 3, part 4 storey in height.
- 1.4 Melrose's Yard (to the rear of properties fronting onto Walmgate) also adjoins the western boundary. The building is 3-storey; used as a recording studio and offices. 74 Walmgate is next door to the site. The building accommodates a commercial use at ground floor level, with flats above.

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- 1.5 There is student accommodation development to the east of the site. The site accommodates up to 502 students and buildings vary in height between 3-storey and 7-storey.
- 1.6 Womald's Cut is immediately north of the site. On the opposite side of the river is the Grade 2 listed Navigation Wharf. The building accommodates car parking and offices on the lower levels, residential above.
- 1.7 The site is within character area 15 within the Central Historic Core Conservation Area Appraisal. The appraisal describes the area, noting that along Walmgate are C18 and C19 developments, now in commercial and residential use, whilst the area behind and the Press site contains 'backland development' and modern residential and office blocks. Historically next to Womald's Cut were larger warehouses and industrial uses. The 'Poads' building and 'Wards' warehouse (on Hurst's yard) are identified as 'Buildings of Merit'. In terms of key views within the area, of note there is a strategic view of The Minster from the City Walls, looking over Walmgate.

#### **PROPOSALS**

- 1.8 It is proposed to develop the site for student housing and relocate the Press offices within the Poads building. The C20 Press buildings and later additions to the rear of the Poads building (84-86 Walmage) would be demolished.
- 1.9 There would be a replacement frontage building along Walmgate, which would be 3.5 storey in height. The Poads building (nos. 84/86) and Wards warehouse would remain, with extensions added to the rear of each. Within the site would be a G-shaped block which would vary between 4 and 7 storey in height.
- 1.10 The Poads building would be refurbished, converted and extended to create 630 sq m of offices for the relocated Newsquest (Press) operations. Previously the site accommodated 2,464 sq m office space. All existing staff would remain on site.
- 1.11 The student accommodation would be managed by Student Castle who operate similar scaled developments in other cities. The accommodation would have capacity for 648 students. There would be a management and communal area/reception within the ground floor of the building that would face onto Walmgate.
- 1.12 The site would provide 9 car parking spaces (down from 91) and 324 cycle spaces, with room for further spaces if demand required.
- 1.13 It has been determined that an Environmental Impact Assessment would not be required for the proposals see application 13/00971/EIASN.

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

### 2.0 POLICY CONTEXT

## 2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area

Conservation Area GMS Constraints: Central Historic Core

Contaminated Land GMS Constraints

Floodzone 2 GMS Constraints

Floodzone 3 GMS Constraints

#### 2.2 Policies:

CYED10 Student Housing

CYE3B Existing and Proposed Employment Sites

CYSP3 Safeguarding the Historic Character and Setting of York

CYGP1 Design

CYGP3 Planning against crime

CYGP4A Sustainability

CYGP15 Protection from flooding

CYHE2 Development in historic locations

CYHE3 Conservation Areas

CYHE10 Archaeology

CYT4 Cycle parking standards

CYL1C Provision of New Open Space in Development

CYNE2 Rivers and Stream Corridors, Ponds and Wetland Habitats

CYNE8 Green corridors

### 3.0 CONSULTATIONS

# DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

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

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

### **SUSTAINABILITY**

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

### **ENVIRONMENTAL PROTECTION UNIT**

- 3.3 No objections. Make the following recommendations -
- The site is close to a number of noise sensitive properties. As such a condition is recommended that a construction management plan is approved by the Local Planning Authority and that times of construction are restricted.
- It is asked that any associated plant/machinery associated with the proposed development does not exceed 5dB above the existing background level
- Internal noise levels should meet WHO standards and a condition is recommended to ensure this.
- An electric vehicle charging point is requested on site.
- Details of lighting to be agreed, to avoid light pollution.
- With regards land contamination a site investigation is required, followed by remediation if necessary. This should be secured through a planning condition.

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### HIGHWAY NETWORK MANAGEMENT

- 3.4 Officers have no objection to the proposed development in principle and are content with the proposed traffic management plan. Officers raise the following issues:-
- It is asked for a contribution towards amending road traffic orders in the area, if, when the development is operational on street parking materialises to be a problem.
- All the cycle parking is shown in one area and preferably there would be an area in each of the blocks.
- A Travel Plan should be developed which clearly sets out how use of the cycle parking will be monitored and the relevant trigger criteria for the introduction of further cycle parking. The TP should provide details of how sustainable travel will be promoted and detail the type of information that will be supplied in a welcome pack to students highlighting sustainable travel and preventing vehicles being brought to the city by students. Given the size of the office element of the scheme a TP for this part of the site would not be required.

#### PUBLIC REALM/OPEN SPACE OFFICERS

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

### **ENGLISH HERITAGE**

- 3.6 English Heritage initially raised concerns that the building would be too high; it would have an adverse impact on panoramic views from Clifford's Tower, removing views of church spires and the Navigation Wharf tower.
- 3.7 English Heritage later confirmed they were content with the revised scheme (which reduced buildings in height) and following further information provided (photomontages). EH confirmed that this information demonstrated that the proposed development would appear to sit comfortably within the roofscape, below the skyline; it would not obscure views of churches, nor the Navigation Wharf tower. The information also demonstrated that the view of the Minster from the City Walls, past Walmgate (key view 14 in the Central Historic Core Conservation Area Appraisal views analysis), would not be impeded.
- 3.8 EH welcomed the retention and re-use of the Poads and Wards buildings, which are identified as being buildings of merit in the Central Historic Core Conservation

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

#### **ENVIRONMENT AGENCY**

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

### POLICE ARCHITECTURAL LIAISON OFFICER

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

### **RIVER FOSS SOCIETY**

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

#### YORKSHIRE WATER

3.12 No objection.

### **PUBLICITY**

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

# Support for:

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

#### Concern about:

• More students in the area - noise and management issues

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

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

Proposed use / loss of employment land

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

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# Design / scale

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

# Amenity of surrounding occupants

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

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## Impact on highways

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

# **Ecology**

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

### **Public Consultation**

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

### 4.0 APPRAISAL

#### 4.1 KEY ISSUES:-

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

### PRINCIPLE OF THE PROPOSED USE

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

# Loss of employment land

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

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- 4.4 Local Plan policy E3b seeks to safeguard all existing employment land. However the National Planning Policy Framework specifically states that Planning Authorities should not safeguard employment land where there is no reasonable prospect of the site being used for that purpose. Recent legislation has gone a step further in making a change of use from offices to residential permitted development, and there is a drive to significantly boost housing supply in sustainable locations.
- 4.5 The applicants have been trying to develop the site for the last 7 years and this is the first scheme that is viable and deliverable. The Press offices would remain on-site. The remainder of the site is no longer required, as the printing and distribution elements have relocated. The proposals are therefore consistent with the NPPF which states that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities. It is therefore felt that it would be difficult to resist the part loss of the site to employment use under draft local plan policy E3b
- 4.6 The NPPF requires Local Planning Authorities support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Purpose built student accommodation is demonstrably in demand in the city, funding has been secured and sites have been developed recently for St Johns at Hungate (Carmelite St) and the site adjacent the Press site and there have been other private developments along Hull Road. The city centre is an appropriate location for such development as it is within walking distance/well linked by public transport to the universities.
- 4.7 There are heritage benefits in that buildings identified as being of merit in the Central Historic Core Conservation Area Appraisal (Poads and Wards) will be refurbished and brought into active use. The buildings have previously been vacant/under-used as it has not been possible to find them a viable use.

Whether student accommodation would have an acceptable impact on the locality

- 4.8 The relevant policy in the Local Plan is ED10 which relates to student housing. The policy advises that proposals for off-campus residential accommodation will need to meet the following criteria -
- There is identified need
- The universities are accessible from the site
- The development is of appropriate design
- The would not be a detrimental impact on nearby residents

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- 4.9 There are around 20,000 students attending full time courses in York. By October 2013, there will be around 7,120 bed spaces in dedicated student accommodation (provided by the higher education establishments and the private sector). Whilst a certain percentage of students will at some point want to be in private accommodation, rather than managed residencies, there is clearly a demand in the market for the type of accommodation proposed. The developers are confident the proposals are viable and this view is not challenged. If in future demand were to change the building(s) could easily be converted or adapted to provide different house types. A condition would require this to be considered through a planning application as such a change may also trigger the need for affordable housing and education contributions.
- 4.10 Both universities are easily accessible from the application site. Design is discussed elsewhere as is the impact on surrounding occupants as a consequence of the proposed building.
- 4.11 Objections have been raised that there would be an undue concentration of students in the area, which would alter the character of the area. The proposed development could accommodate 648 students. The site next door can accommodate 502 students and the new development on Carmelite Street, which will be occupied from September this year, will have 258 rooms.
- 4.12 Considering this issue, the proposed development would, as the other developments nearby have, bring regeneration; long-term vacant/underused buildings and sites have been brought back to life and new buildings added which make a positive contribution towards the setting. The increase in population benefits local businesses.
- 4.13 The student accommodation adjacent to the site has been operation for sometime now. The site is managed on a 24-hour basis and there is regular dialogue with the community police. This is the proposal for this site also. The Environmental Protection Unit and the Police have not raised any concerns over introducing further student accommodation. It has not been reported that there has been a material impact on crime and anti-social behaviour and the Environmental Protection Unit have not reported complaints of disturbance as a consequence of the student population. Evidence suggests that reasonably well managed student accommodation can operate without harm and overall have a positive impact on the locality.

#### **DESIGN**

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

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

- 4.15 CABE and English Heritage publication: Building in Context considers a successful approach will:
- Relate well to the geography and history of the place and the lie of the land
- Sit happily in the pattern of existing development and routes through and around it
- Respect important views
- Respect the scale of neighbouring buildings
- Use materials and building methods which are as high in quality as those used in existing buildings
- Create new views and juxtapositions which add to the variety and texture of the setting.
- 4.16 The Local Plan places a high priority on safeguarding the historic setting and character of York. This is established in Local Plan policy SP3, which requires development to protect key historic townscape features and protect the Minster's dominance (in distant views) on the York Skyline and the city centre roofscape. These requirements are developed further in the Central Historic Core Conservation Area Appraisal which identifies key views within the conservation area and distant views of the Minster.

# Walmgate frontage

- 4.17 The existing frontage building accommodates the Press offices and reception area. The building dates from the 1980's; it is a dominant building, being of larger scale, bulk and depth in plan in comparison to the older buildings which front onto the Walmgate. It is uncharacteristic of the street where typically there is a variety of smaller buildings creating a picturesque streetscape. Its deep plan is expressed in the broad blank gable visible from the corner of Hurst's yard. The building has not been identified as a detractor in the conservation area appraisal, though it is of too large a scale and quite bland to sit comfortably within its historic context.
- 4.18 It is proposed to replace the Press offices with a 3.5 storey building, which would provide a reception block at ground floor level, student rooms and ancillary facilities above. The building would have a direct access from Walmgate signalled by the recessed glazed bay and the copper clad dormer. Controlled access into the site is through the replacement underpass.
- 4.19 The building expresses itself in four component parts to simulate historic plot widths. Deeply recessed vertical windows provide rhythm along the street and cill and head bands are expressed at detailed level. The frontage building would have a

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

### **Poads Extension**

- 4.20 In order to provide adequate office floor-space within the development, a 3-storey extension between Poads and Wards is proposed, in replacement of single storey buildings to be demolished. The building's scale is transitional between the two buildings. The eaves level is aligned with the Poads building and the top floor is recessed/within the roof form.
- 4.21 The extension has been designed so as not to compete with the buildings to either side. It has a simple vertical bay rhythm of deep set windows and a separate glazed storey in the pitched roof. The new roof would be modelled to hide the plant equipment between the two new roof pitches.

#### Riverside /student block

- 4.22 The proposed buildings would be situated towards the edges of the site, and create landscaped areas within the centre of the site and along the vista down to Womald's Cut from Hurst's Yard. Buildings would cover approximately half of the overall site area.
- 4.23 The unbroken linear form of the building has been designed to enable internal escape routes to discharge to higher ground in case of flooding. Although there would be an overall increase in proposed built footprint (by approx a quarter of the existing area including block), hard surfacing would be significantly reduced, and soft landscaping (including tree planting) and the flood storage capacity would both increase.
- 4.24 The proposed building on its western side, adjacent Dixon's Yard is of five floors with the top floor set back under the low eaves line of the pitched roof. So on this side the building would be of comparable scale to Dixon's Yard. On the eastern side the building steps up to 6-storey. A short section forms a seventh storey in the NE corner adjacent to Gray's Wharf (approx 1/3 site width) and then the building steps down to 6-storey where it meets Wards. In each of these areas the top floor is within the roof form which has been amended and reduced in height (by around 1.7m) and scale since the original submission.
- 4.25 Building elevations are generally in brick with the base "grounded" by a rhythm of contrasting brick frames which project around groups of windows at low level to provide a hierarchy of scale. The massing is broken down and visual interest added by the series of the brick arches at low level and "pulled out" projecting gables and

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

- 4.26 The pitched roofs would be in slate. Slate has been chosen as the roofing material as this blends in with the sky better than pantiles, and is therefore more appropriate on roofs of a large scale. The form has been simplified and reduced in height since the submission (typically the ridge level is 1m lower, the pyramid shaped roofs are approx 1.7m lower) and the highest part of the roof in the north east corner would be lower than the adjacent block at Gray's Wharf. Exposed gable ends are generally divided by vertical stacks clad in copper. Long eaves lines are broken with windows incorporated into an overhanging gantry form.
- 4.27 The building has sufficient level of interest and integrity over its extent to enable it to contribute positively to the character of the local area. It also draws on local materials, proportions and forms without using pastiche. It has greater merit in its architecture and landscape that the existing buildings and spaces of the site. Therefore it would enhance the character and appearance of the conservation area.

# Views analysis

- 4.28 The impact of the scheme on street level views has been demonstrated as being positive.
- 4.29 The scheme would not undermine the riverside setting and public views of Rowntree Wharf. These views are mainly experienced from the walkway on the north bank (as identified in the Central Historic Core Conservation Area Appraisal), though there is also a glimpsed view of the tower from Foss Bridge.
- 4.30 The historic skyline of York and the dominance of the Minster have special protection within Local Plan policy SP3. Photomontages have been produced to examine viewpoint 14 from city walls near Walmgate Bar, and viewpoint 16 the panorama from Clifford's Tower (ref Central Historic Core conservation area appraisal, strategic views analysis). In both these views the new roofscape would appear varied with the highest point being compatible with the ridge of Rowntree Wharf. The scheme would not block church towers visible within the existing panoramas, nor would it be seen close to, or competing with, the Minster. The panorama from Clifford's Tower also shows that a distant tree-lined backcloth would be maintained.

### AMENITY OF SURROUNDING OCCUPANTS

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

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

# Noise pollution

- 4.33 The noise surveys undertaken suggest that noise levels will reduce if the development were to proceed. There is currently night-time noise generated at the Press site due to vehicle movements/deliveries, which would cease.
- 4.34 An acoustic consultant has considered noise as a consequence of the 'tunnelling effect' of introducing a tall building by the river. In the opinion of the consultant there will not be an adverse noise effect if the proposed development were to proceed.
- 4.35 Rowntree Wharf Residents Association stated that there has been a problem with noise from Air-Sourced Heat pumps at the adjacent Grays Wharf student housing development. This has been investigated previously and it was found that the noise source was equipment at the Press site. The Residents Association were advised of this in writing in 2011.

Over-looking, over-dominance and overshadowing

Impact on Navigation Wharf

- 4.36 The proposed development would be between 22m (similar to the separation from Dixon's Yard) and 41m from Navigation Wharf. This distance is adequate for an urban location to avoid over-looking.
- 4.37 Apart from the west tower Navigation Wharf is 6.5 storey in height (considering a mezzanine on the top floor). At its highest point the proposed building would be comparable in height/scale. Where the proposed building is between 6 and 7 storey in height, it would be at least 30m from Navigation Wharf. Considering residential amenity, the proposed building would not be over-dominant.
- 4.38 A BRE Sunlight / daylight assessment has been undertaken which concludes that the proposed development would have an acceptable impact on levels of sunlight and daylight in Navigation Wharf. The BRE assessment is the nationally recognised method of assessing sunlight / daylight.

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## Impact on Dixon's Yard

- 4.39 The side elevations of the proposed building and John Walker House (Dixons Yard) would be 6m at the closest point. The proposed building has a corner window in this area that would look towards balcony's and corner windows at Dixon's Yard. Applying obscure film to the side window on the proposed building can prevent any over-looking and this can be secured through a condition.
- 4.40 The riverside block is designed so outlook from the apartments is orientated either north over the river or south into the site. In considering whether the proposed building would be over-bearing/over-dominant, the north facing side would not be affected by the proposed building. Where the block faces south the proposed development would be to the south-east, overlooking the site. There would not be undue overlooking due to the orientation of the buildings. To consider overshadowing the 45 degree rule can be used to assess the impact. The proposed building would comply with the test as a 45 degree line, taken from the halfway point of the ground floor windows, could pass beyond the proposed building.
- 4.41 The other block in Dixon's Yard which is close to the side boundary with the application site is orientated so main windows are not on the elevation that faces the application site. Windows serve a stairwell, hallways and kitchen windows, the latter are either 15m or 17m from the proposed building. These are secondary windows and the relationship between
- 4.42 Overall there would not be an undue impact on residential amenity over Dixons Yard.

Impact on adjacent student's accommodation

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

### FLOOD RISK

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

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

- 4.45 The proposed development would be safe from flooding. The proposed ground floor levels are set at the level recommended by the Environment Agency 10.94 AOD which is above the 1 in 100 year flood level, including accounting for possible climate change. In addition a safe means of escape is provided away from areas which would flood. The development could continue to operate in times of flooding and there would be no extra burden on emergency services in such times.
- 4.46 Flood risk to neighbouring sites will be reduced as there will be an increased capacity in flood water storage on site. Surface water run-off will be reduced, by 30%, and controlled in accordance with recommendations in the CYC Strategic Flood Risk Assessment.
- 4.47 To pass the sequential test it has to be demonstrated there are no reasonably available sites in lower flood risk areas where the development could be located. There are no other available and developable sites of this scale within the city centre, which the preferred location in terms of being accessible to both universities. As such the proposal adequately passes the sequential test. In addition the benefits of the development; regenerating a brown-field city centre site, providing a flood resilient building and an overall reduction in flood risk carry considerable weight and therefore the development would potentially be deemed acceptable, on balance, even if it failed the sequential test.

#### HIGHWAY NETWORK MANAGEMENT

- 4.48 The National Planning Policy Framework advises that developments should:
- Provide safe and suitable access to the site for all people and minimise conflicts between traffic and cyclists or pedestrians.
- Maximise sustainable transport modes and minimise the need to travel.
- Incorporate facilities for charging plug-in and other ultra-low emission vehicles.

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

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

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- 4.50 The applicants have management procedures in places to ensure that arrivals and departures at each end of the academic year do not compromise the highway network. Approx 60% of residents are expected to be international students who will not arrive by car. Persons who would arrive at the beginning of term by private car will need to use an online booking system therefore the site operators will be able to control vehicle movements at such times.
- 4.51 The application site is in a sustainable location and it is reasonable to expect employees and students use alternative means of transport to the private car. There would be 16 car parking spaces on site (to be used for disabled persons or staff only), a significant reduction in comparison to the 91 parking spaces currently. Much of the existing cars parking at the site are owned by former employees, as there is unrestricted access. On a daily basis there will be fewer vehicles movements in comparison to when the site operated as a print-works and distribution outlet for The Press.
- 4.52 The Local Plan standards are that a cycle parking space is provided per student. Initially only 216 covered and secure places are proposed. There is capacity for a further 110 spaces, and this would be provided if there is demand. Lower provision is proposed as review of the cycle parking at the adjacent student accommodation demonstrates that in reality, at student accommodation, there is not demand for the amount of cycle parking required in the Local Plan. The approach proposed is justified and deemed to be acceptable. The provision of cycle storage can be secured through a condition, as will electric vehicle charging points.

#### SUSTAINABILITY

- 4.53 In accordance with current local policy a development such as this would be required to provide at least 10% of its energy demand through on site low or zero carbon technologies and the accommodation should achieve at least a BREEAM rating of 'Very Good'.
- 4.54 It is proposed that a combined heat and power (CHP) system provides energy for the development. This would be on-site and is recognised as a low carbon technology. In this case the CHP would provide some 20% of the building's energy requirement; above the minimum 10% policy requirement. This along with the BREEAM requirement can be secured through conditions.

### **ARCHAEOLOGY**

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

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

### **OPEN SPACE**

- 4.57 Local Plan policy L1c requires developments to make provision for the open space needs of future occupiers. The type of open space required is dependent upon whether the existing open space in the locality is adequate, and whether it has the capacity to accommodate the proposed development.
- 4.58 Open space is divided into typologies; amenity open space, play space and sports provision. As the development is for university students, there is no need to contribute toward play space, as there would be no increased demand for such. Officers are of the opinion that to require contributions towards sports provision would not meet the tests of the NPPF, which requires any contributions to be -
- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.
- 4.59 This is on the basis that generally the university provides sports facilities for students and the LPA would need to demonstrate that a facility could be either upgraded or provided in the locality. A contribution towards amenity space £91,368 (£141 per student room) has been agreed, which is in accordance with the latest Open Space contribution requirements, as established in the Supplementary Planning Guidance on such.

#### LAND CONTAMINATION

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

#### **ECOLOGY**

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

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

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

### 5.0 CONCLUSION

- 5.1 The proposed development will regenerate the area and add to the vitality and viability of this part of the city centre. The loss of employment land will not conflict with national planning policy and there is no evidence that the proposed use will have an undue impact considering crime and disorder. The development will be sustainable and will have no undue impact on the amenity of neighbours or the historic setting. Officers recommend approval.
- 5.2 Approval is subject to an associated unilateral undertaking to secure the contribution to amenity open space; £91,368 and towards implementing traffic regulation orders, should they become necessary when the development is operational.

#### **COMMITTEE TO VISIT**

# 6.0 RECOMMENDATION: Approve subject to S106

- 1 TIME2 Development start within three years -
- 2 The development hereby permitted shall be carried out in accordance with the following plans:-

Site plan and floor plans
Drawings DP
04b, 05c, 06d, 07d, 08d, 09d, 10d, 11c, 12e, 13c, 14c, 15d, 16c, 17c, 18d, 19c.

Elevations & sections

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

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

3 Student accommodation only

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

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

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

#### 4 Materials

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

Sample panels of the brickwork to be used on the buildings shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of construction of the pertinent building. The panel(s) shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

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

# 5 Large scale details

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

### Ward's warehouse

- a) The new access tower and its abutment with the rear elevation
- b) The fixed timber gates used as blocking for the existing central entrance of Hurst's Yard
- c) Measures for making good the north elevation following removal of the two-storey extension. Original features shall be exposed where possible.
- d) Roof-lights (to be of the conservation type with a central bar and sit almost flush with the roof covering)
- e) Existing windows shall be retained and repaired where possible. New windows and window reveals shall copy the originals. If the existing fixed windows must Application Reference Number: 13/01916/FULM Item No: 4b Page 21 of 30

- change to provide new opening lights, details shall be provided and these should be based on the pattern and opening type of the originals if possible.
- f) Any acoustic and thermal upgrades to windows (to be provided by the application of secondary glazing if possible)
- g) Details of any amendments to the external appearance of the gantry
- h) General repairs shall be carried out on a "like for like" basis unless otherwise agreed in writing by the LPA

# Poad's building

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

# Walmgate building

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

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#### New block to rear

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

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

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

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

### 6 BREEAM

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

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

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# 7 Low/Zero carbon technology

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

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

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

# 8 Drainage and flood risk

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

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

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

# 9 Landscaping

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

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

## 10 Cycle parking

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

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

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

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

## 11 External lighting

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

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

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

# 12 Electric vehicle charging facilities

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

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

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

## 13 Amenity of future occupants

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

REASON: To protect the amenities of future occupants.

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

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

# 14 Machinery, plant and equipment

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

These details shall include maximum sound levels (LAmax(f)) and average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures.

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

REASON: To protect the amenities of adjacent residents.

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

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### 15 CONSTRUCTION MANAGEMENT

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

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

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

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

REASON: To protect the amenities of adjacent residents

#### 16 Land contamination

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

Investigation of Land Contamination

An investigation and risk assessment (in addition to any assessment provided with the planning application) shall be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
- human health,

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

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

### Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### Verification of Remedial Works

Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

# Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

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# 17 Obscure glazing

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

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

# 18 Archaeology

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

#### 19 Travel Plan

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

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

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

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

# 20 Signage

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

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

#### 7.0 INFORMATIVES:

#### STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs Application Reference Number: 13/01916/FULM Item No: 4b

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

### **ENVIRONMENT AGENCY**

### Works in rivers consent

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

#### Off site movement of waste

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

#### Contact details:

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