

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.

1.4 The existing buildings have now been demolished on the site, the archaeology works have been undertaken in the areas of the foundations and drainage attenuation tank and some of the lowering of land levels at the back of the site has taken place. This proposed scheme is similar to the original submission in that it proposes to reduce levels of the site at the rear eastern part of the site (approx. 400mm) and construct three blocks of building to provide the student accommodation on roughly the same footprint as the original scheme. The proposed number of units has been reduced because of the type of accommodation to be provided. The original scheme proposed clustered development where every 5 or 6 bedrooms was served by a shared kitchen and living area. The proposed units are fully self-contained. The change in the plan form of the rooms has led to the need to change the elevational treatment of the units and to change the plan depths of the buildings.

1.5 Vehicular access to the site is from the Lawrence Street frontage with a secondary pedestrian access from Lawrence Lane. Internally the site provides 9 car parking spaces, 2 disabled parking spaces and turning area, areas of open space and provision for secure cycle parking for 112 cycles as well as visitor cycle spaces for approximately 24 cycles.

SITE HISTORY

1.6 Planning permission was granted for the erection of 244 student units on the site in November 2012. (Planning reference 12/02609/FULM)

1.7 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.

1.8 The site's 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

CYGP1 - Design

CYGP3 - Planning against crime

CYGP4A - Sustainability

CYL1C - Provision of New Open Space in Development

CYHE2 - Development in historic locations

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. More information is sought about the location of the energy centre and the potential for noise from the air source heat pumps. Contaminated land information has not been resubmitted when this is received further comments will be made on the application.

3.3 Planning and Environment - 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 Design Conservation and Sustainable Development (DCSD) - Design and Conservation Officer - No comments received

3.5 DCSD- Sustainability Officer - No comments received

3.6 DCSD - City Archaeologist - No comments received

3.7 DCSD - Landscape Architect - Comments will be received following the amendment of the landscaping details

3.8 DCSD - Countryside Officer - No comments received

3.9 Strategic Flood Risk Management - No objections subject to conditions

EXTERNAL

3.10 Fishergate Planning Panel - No comments received

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

3.12 Environment Agency - do not wish to be consulted on the application

Application Reference Number: 13/03349/FULM

Item No: 4g

3.13 English Heritage - There should be a robust archaeological mitigation strategy agreed with the City Archaeologist.

3.14 Conservation Area Advisory Committee - comments awaited

3.15 Police Architectural Liaison Officer - The applicant has clearly demonstrated that crime prevention measures have been considered and where appropriate has incorporated these into the design of the scheme. There are no concerns or issues at this time.

3.16 Five letters of objection have been received covering the following points:-

- Support the student housing provided the ringing of the church bells is not affected
- Concerned about loss of light to velux roof lights facing the site. The blocks adjacent to the boundary will reduce light and lose views from these windows.
- The high concentration of people leading to limited parking, limited access, strain on surrounding amenities
- The high proportion of students in close proximity to many permanent family housing blocks such as mine and those of the Tannery.
- Objected to the Hull Road Dairy site and every concern raised there has come to fruition
- Concerned about the level of student housing on Lawrence Street and that land at the Convent will be developed next
Increased noise, anti-social behaviour and petty vandalism (please don't assume this is mere conjecture - I know for a fact this happens!);
- Sleep disturbance during the night due to increased street noise and loud music;
- Increasing takeover of Lawrence Street as a student community, driving residents away;
- Negative impact on the area;
- Increase in traffic noise, congestion and pollution;
- Falling property prices as a result of all the above.
- Already a lot of noise from the site during demolition very concerned about student housing

3.17 Two letters of support have been received covering the following points:-

- removal of the garage buildings will be a great improvement to important gateway site. Special care should be taken to integrate new buildings, development needs to maintain and enhance the setting of the listed buildings and conservation area adjoining the site.
- Support proposal; good arrangements should be put in place for monitoring use of the accommodation.
- Would like to register interest in receiving 106 money for St. Lawrence Church Hall which is used for a lot of community activities. The hall is increasingly becoming dilapidated.

3.18 A reconsultation exercise has been undertaken following amendments to the scheme and the submission of additional information. The consultation process does not expire until 2 days after committee and therefore delegated powers is being sought to assess any additional comments received after the committee date. The item will be referred back to committee if it is assessed that objections received raise new issues that have not been considered before.

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. The planning (listed building and Conservation Area) Act requires that the setting of listed building and conservation areas is preserved or enhanced.

PRINCIPLE OF DEVELOPMENT

4.13 The site is a vacant garage site; the garage buildings which previously occupied the site have now been removed. The previous decisions and appeals on this site do not raise objections to the principle of student accommodation. 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 has been updated to support this application. The report 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 in the Fishergate ward. The Planning and Environment team consider the report successfully demonstrates there is 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 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 CONSERVATION AREA

4.14 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.

4.15 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.

4.16 The existing site has few redeeming features it is an industrial, hard surfaced area with no landscape features. There was 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 enhanced by the redevelopment of the site.

4.17 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.

4.18 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 (some change in the window detailing of the roofscape on this proposal are marginally better because of an increase in cill heights to windows), having significant flat roof areas within the pitched roofs and now introducing raised areas to give height to the lift shafts; 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.

4.19 The main changes to this new scheme which impact on its overall visual appearance of the development are the change in the depth of each block, which results in the gable detail for each block presenting a slightly deeper elevation and a shallower pitch to the roof, this also results in the building being moved closer to Lawrence Lane by up to 1 metre, the moving of Block B in part by 1 metre closer to the southern boundary and the gap between block A and block B being lessened from 5 to 4 metres ; the change in the fenestration of the buildings so that the windows to individual rooms on many elevations including the main visible elevations to the Lawrence Street frontage, the Lawrence Lane frontage and facing south towards Barbican Mews are larger and the corner windows providing light into shared kitchens being removed and replaced by a combination of grey cladding and windows, the change to the rear elevation of block C to provide for the change to the arrangement of bed spaces. Individually these changes are not significant but as a

whole they do represent changes that in some areas will weaken the scheme that already represents a significant mass of building on a tight and constrained site. The change to the gable depths and change to the pitch of roof are essential to secure the type of accommodation which is sought. The changes to the proximity of the site to Lawrence Lane frontage and to the southern side will have marginal visual impact and is offset by changes to the elevation treatment which seek to reduce the visual length of the building blocks. The reduction in the gap between block A and B will be accentuated by the removal of corner windows so that the more solid appearance of the building will close up the space and the changes to block C will increase the mass of this element of the block in an area close to the church. Despite these misgivings the overall appearance and more coherent response to the window detailing of the building will go some way to offsetting the design concerns, and the impact in terms of the setting of adjacent listed buildings and conservation area will not be so different as to warrant refusal. The final comments of the Conservation and Design officer on these points are however awaited and will be reported direct to committee.

4.20 The proposal introduces a new energy centre building to be located on the southern boundary adjacent to properties on Barbican Mews. The building is single storey and as originally proposed was a flat roofed structure. The scheme has been amended to incorporate a pitch roof with solar panels. The building measures 10.75 metres by 7.5 metres standing 2.5 metres to eaves and 4.6 metres to ridge and set 1 metre from the joint boundary wall. The building is proposed in an open space which was to provide a visual space within the development to lessen the overall mass of structures and provide an area for amenity planting, a setting for the structures and maintain views to the church. The positioning of the building adjacent to the gable lessens the impact but in views through the site will lessen the overall spaciousness of the scheme. The original proposal to use a flat roof structure would in officer's view have limited the visual impact but the introduction of a pitched roof with solar panels will highlight the structure and is not supported. Officers are seeking an amendment to the scheme to return the building to a flat roofed structure which will be lower than the existing wall on the southern boundary. At this mass the building will be less prominent and could be supported.

LANDSCAPING AND AMENITY AREAS

4.21 The scheme in the footprint of the blocks is similar to that which was approved, with the addition of the energy centre building to service the air source heat pump technology incorporated into the design of this scheme. Other reductions in the relatively substantial areas of open space result from changes to block C. The space located to the front of block C is almost the same and in accordance with the previous scheme the appropriate planting of the area should assist the setting the buildings. Landscaping of this area has been submitted and includes a variety of trees. The details of the scheme are yet to be reviewed and comments on the scheme and any amendments will be reported direct to committee. The space to the

rear of block C and is bounded by Barbican Mews and the western end elevation of the flax mill building. This area was considered capable of providing a useful outdoor space in the last scheme and appropriately planting important to enhance the use of the space. The landscaping scheme submitted shows the enhancement of the space by the introduction of trees and planting the details of which have still to be reviewed. Officers would prefer the building to be placed elsewhere in the site but the site does not have sufficient space to relocate the building. Overall though, there remains a useful open area to provide for the amenity and setting of the site (subject to the change to the energy building design as discussed above). The NPPF in the design section says that schemes should optimise the potential to include (among other things) provision of green and other public space. Given the approved layout and with a satisfactory landscaping scheme, the details of which will be reported to committee, it is not felt that the loss of an element area of open space can be resisted.

4.22 The Landscape Architect on the previous scheme referred 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.

HIGHWAYS, ACCESS ARRANGEMENTS AND PARKING

4.23 The site has formerly been used as a car garage which would have generated high levels of traffic, including HGV movements. The proposals are for student accommodation which can accommodate 220 students. 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.

4.24 11 car spaces are proposed 2 of which are to be restricted to disabled students with the remaining 9 for visiting staff and students.

4.25 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.

4.26 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.

4.27 Covered and secure cycle parking (112 spaces) has been provided at various locations around the site and, where possible, is integral to the building footprint. Cycle parking provision is at 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 however there is scope for further cycle parking to be provided within the site through the implementation of the Travel Plan if demonstrated to be necessary in the future. 24 visitor/casual caller cycle spaces are also proposed in addition to this.

4.28 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. Officers have requested the provision of a real time BLISS display at the adjacent stop outside the Wagon and Horses public house in order to assist in the promotion of sustainable travel.

RESIDENTIAL AMENITY

4.29 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'.

4.30 The site is former garages 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.

4.31 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.

4.32 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 windows 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 buildings running along the western boundary. These buildings extend forward as far as the newer buildings. 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 mono pitched buildings are located up to part of the boundary to provide cycle parking. The change to the relationship between the development as approved on this boundary and the proposed development consists of extension of the five storey building in a southerly direction and a change to the roof area, the loss of a step back in the front block of the building where it is adjacent to the gable end adjacent building and the closing of the gap between the two building from 5 metres to 4 and slight changes to the heights of structures. These changes are not significant of themselves but do, as a whole, increase an already tight scheme along the length of the boundary; officers will report further on this issue direct to Committee having reviewed the detail with the applicant. In this respect the changes to the frontage block are not significant. The changes to the rear are being reviewed and members will be updated on this issue at Committee following further discussions with the applicant.

4.33 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. The changes to the scheme will mean that the pattern of windows facing the site will change and the building will appear slightly bulkier because of the change in the roof pitch overall the changes will have a similar impact to the approved scheme.

4.34 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 details of block C adjacent to the Barbican Mews development has changed the most of the three blocks. The rear part of the block has been change to allow a different room configuration and this has resulted in the overall increase in length of the back part of the structure by 3 metres. However this has been achieved by reducing the length of the building closer to the boundary (7 metres away) by 2.2 metres and setting the remaining length of the building to 10.5 metres from the boundary. The apex of the roof along this length of the building is slightly higher and repositioned to even up the rear elevation; this results in the apex being closer to the joint boundary than on the original scheme and therefore the building will look a bulkier from the south. The sizes of windows on this elevation have not been changed from the original scheme. The changes to the rear of the block will not significantly alter the impact of the scheme when considered against the approved scheme

4.35 The front part of block C is the same distance from the side boundary as the original scheme but is set forward of its original position by about 1 metres. The difference in the siting will not change the impact on the adjacent property and the details are considered to be acceptable from a residential amenity perspective.

4.36 As set out above the proposal introduces a new energy centre building to be located on the southern boundary adjacent to properties on Barbican Mews. The building is single storey and as originally proposed was a flat roofed structure. The scheme has been amended to incorporate a pitch roof with solar panels. The building measure 10.75 metres by 7.5 metres. The building stands 2.5 metres to eaves and 4.6 metres to ridge and is set 1 metre from the joint boundary wall. The pitch of the building with solar panels will be viewed from the upper windows of the adjacent properties as set out above the pitched roof on the building is, from visual perspective, unacceptable however from a residential amenity view point whilst it would be preferable for the area to remain open in accordance with the previous scheme the building at 1 metre from the boundary and of limited height will not detract from the adjacent properties that have a view over the site sufficient to refuse planning permission.

4.37 Intensity of the development/use of site for students - the number of units has been reduced since the approval of the last scheme. Each unit is also self contained

so that the communal areas which may tend to attract more social noise are excluded. 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.

4.38 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 mostly 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.

4.39 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. Further discussion on this issue has concluded that the air quality along the road frontage is such that the condition would need to apply to all windows along the street frontage.

ARCHAEOLOGY

4.40 An archaeological evaluation of the site was carried out in advance of earlier applications for development on this site. MAP Archaeological Consultants carried out the evaluation between February and March 2009. A report on the evaluation was submitted to the City of York HER (SYO1171).

4.41 The last application included 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 recommended that those areas to be disturbed by ground works are subject to an archaeological excavation, undertaken prior to the start of the development.

4.42 The City Archaeologist 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.

4.43 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 were not considered of national importance.

4.44 The archaeological features and deposits recorded in the archaeological evaluation indicated 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.

4.45 The conclusion in relation to the previous proposal was that the development would have a substantial impact on the significance of these archaeological features and deposits (undesigned heritage assets). However, the significance of these assets was not considered sufficient to warrant refusal of the 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 was considered appropriate 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 be recorded through an archaeological excavation prior to development commencing. The archaeological excavation to 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.

4.46 The applicant says that the archaeology required for this site has now been completed and an interim summary report has been submitted. Comments are to be reported from the City Archaeologist about the acceptability of the submitted information and whether the information is sufficient to satisfy the archaeology requirements for this site.

SUSTAINABILITY

4.47 The conditions on the previous application required the achievement of a BREEAM 'very good' rating including ensuring that a Post Construction assessment is submitted to secure a 'very good' rating. A condition to ensure 10% renewables is achieved for the development was also proposed. Such conditions were in line with the requirements of the IPS on Sustainable Design and Construction. The plans accompanying this application shows positions for Air Source Heat pumps and includes a new energy building. The applicant has stated the proposals seek to achieve a high level of renewables on site and the plans would suggest that this is the aim. However the original sustainability statement accompanies this proposal and has not been updated to relate to the new proposals. Further information is required on this point and information will be reported direct to committee. It is however clear through the layout that thought has been given to the provision of renewables on site and that through appropriate conditions the requirements of the Interim planning Statement can be achieved.

OPEN SPACE

4.48 An off-site open space contribution is required for sports pitches in accordance with policy L1c of the DLP. As with the previous scheme 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 £41780 based on 220 dwelling units The applicant has indicated that such a commuted payment would be acceptable in principle and it is anticipated 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

4.49 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. The applicant confirms that a scheme for the upgrading of the water supply has been agreed with Yorkshire Water Authority and confirmation of this is awaited from Yorkshire Water. Conditions may still be required to ensure the scheme is implemented.

BIODIVERSITY

4.50 In considering the previous application the existing buildings on site were considered to have low potential for supporting bats as most of the buildings were very open; however it was advised that care should be taken during demolition. The buildings have now been demolished and it does not appear that any bat activity was found.

4.51 In the previous scheme it was advised that there is good habitat within the immediate surrounding area of the site, particularly with the mature trees within the grounds of the church, 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

4.52 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.

4.53 The Police Architectural Liaison Officer on the previous scheme said that the behaviour of homeless persons/squatters on the site had placed a huge demand on police resources. Development of the land will help to improve the environment and eradicate some of the crime and disorder problems that have been experienced. Since the last application the existing buildings have been demolished and the site secured there are no objections from the Police Architectural officer to the current

proposals. 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 requirements of the NPPF are satisfied.

OTHER ISSUES

4.54 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. Planning and Environment team (policy) also suggests 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 change the use to housing would require planning permission under current legislation and therefore affordable housing could be sought through any future planning applications. Were legislation to change or case law to suggest otherwise, the condition may be used to secure the requirement of unrestricted housing schemes.

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. The Planning and Environment Team is 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, subject to the comments of the design and conservation officer that the design of the scheme meets the requirements of advice in the NPPF and the requirements of local plan policies ED10 and GP1.

5.4 Amenity concerns about the development fall into two main areas; the impact of the structures themselves and secondly a 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 changes are needed to block B where it abuts the Tannery buildings and adjacent open space however overall the scheme has a similar impact to the approved scheme. 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 in approving the previous application and by the appeal Inspector for the earlier refused scheme.

5.5 The landscaping details of the scheme still need to be reviewed, amendments to block B considered, changes to the energy centre sought, updating of the sustainability statement, comments of the City Archaeologist and Conservation and Design Officer are required and a legal agreement drawn up for the payment of an open space contribution. Subject to these issues being resolved and to appropriate conditions the scheme is supported.

5.6 A reconsultation exercise has been undertaken following amendments to the scheme and the submission of additional information. The consultation process does not expire until 2 days after committee and therefore delegated powers is being sought to assess any additional comments received after the committee date. The item will be referred back to committee if it is assessed that objections received raise new issues that have not previously been considered.

6.0 RECOMMENDATION: Approve Subject to :-

- No new issues being raised before end of reconsultation period
- Receipt of satisfactory s106 Unilateral Undertaking

1 TIME2 Development start within three years -

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

To be confirmed

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

3 Before the commencement of development, 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.

- 4 VISQ8 Samples of exterior materials to be app -
- 5 VISQ7 Sample panel ext materials to be approved -
- 6 HWAY10 Vehicular areas surfaced, details reqd -
- 7 HWAY17 IN Removal of redundant crossing -
- 8 HWAY18 Cycle parking details to be agreed -
- 9 HWAY19 Car and cycle parking laid out -
- 10 HWAY21 Internal turning areas to be provided -

11 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 Wagon and Horses public house

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

12 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;

- 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

13 The site shall not be occupied until a Full Travel Plan has been submitted and approved in writing by the Local Planning Authority (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.

14 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'

15 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

16 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (an archaeological excavation and subsequent programme of analysis and publication by an approved archaeological unit) in accordance with the specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be recorded prior to destruction.

17 ARCH2 Watching brief required -

18 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.

19 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

Application Reference Number: 13/03349/FULM

Item No: 4g

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.

20 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 (E_h), showing all buildings within 100 metres of the site boundary
- A plan showing vertical illuminance levels (E_v), 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

21 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.

22 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 December 2013 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.

23 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.

24 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

25 Notwithstanding the details shown on the approved plans 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.

26 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, cill 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.

27 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.

28 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.

29 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.

30 The development shall not be carried out except in complete accordance with the details included in the submitted flood risk assessment prepared by BSCP QL 1248/FRA1 dated August 2013 unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of satisfactory and sustainable drainage

31 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.

32 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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

Reason. To protect the amenity of local residents

34 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.

Application Reference Number: 13/03349/FULM

Item No: 4g

35 All windows to habitable living spaces (bedrooms and living rooms) to the ground, first, second and third floors of Block A in the development, facing Lawrence Street, should be non-opening to protect future residents from poor air quality along Lawrence Street. Mechanical ventilation should be provided to draw clean air from the rear of the building. The developer should provide a maintenance schedule for such ventilation systems, and clarify responsibility for running costs and maintenance works.

Reason: To protect the health of future occupants of the proposed development, in an area of poor air quality.

7.0 INFORMATIVES: Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Discussion of amended scheme
- Negotiation of legal agreement

2. 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

3. CHANGE FROM STUDENT ACCOMMODATION

In the event that the premises hereby authorised should at any time cease to be used for student accommodation the applicant's attention is drawn to the need for a formal grant of planning permission for change of use to open market housing at which point the need for a commuted sum financial contribution in respect of affordable housing will be considered.

Contact details:

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

Tel No: 01904 551351