

## COMMITTEE REPORT

**Date:** 20<sup>th</sup> February 2014      **Ward:** Guildhall  
**Team:** Major and                      **Parish:** Guildhall Planning Panel  
Commercial Team

**Reference:** 13/03015/FULM

**Application at:** Hungate Development Site Hungate York

**For:** Erection of part 5/part 6 storey building comprising 195 residential units, 1 no. commercial unit (flexible use with uses classes A1, A2, A3, A4 or D1), parking, access and landscaping. (Full application for Phase 2 of the Hungate Development scheme)

**By:** Hungate York Regeneration Limited

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

**Target Date:** 13 December 2013

**Recommendation:** Subject to Section 106 Agreement, Approve

### 1.0 PROPOSAL

#### THE SITE

1.1 This application relates to the Hungate development site, which is located between the Stonebow to the northwest and the River Foss to the south. This particular application relates to Phase 2 (Block E), which would sit between the built and occupied Block C to the east and the building detailed as the focal building in the 2004 Masterplan, to the west.

1.2 The site lies just outside the Central Historic Core Conservation Area with the Conservation Area boundary following the north bank of the Foss, directly adjacent to Block E. Rowntrees Wharf, a grade II listed building, is sited opposite the application site, on the south bank of the river.

#### THE PROPOSAL

1.3 Full planning permission is sought for the erection of a part 5/part 6 storey building comprising 195 residential units and one commercial unit (flexible use within uses classes A1, A2, A3, A4 or D1).

1.4 Reserved matters applications for Phase 2 have been approved in November 2007 (07/01901/REMM) and January 2013 (10/02534/REMM). This scheme seeks revisions to the previous approvals and given that the reserved matters application for Phase 2 had to be made to the Local Planning Authority by August 2012, a full planning application (rather than a reserved matters application) has been made.

1.5 The application proposes the following key revisions to the extant approval in place;

- (i) an increase in the number of residential units from 175 to 195,
- (ii) a reduction in the amount of commercial floorspace with one retained unit on the North West corner of the building for A1 to A4 or D1 use,
- (iii) the enlargement of the basement to enable additional parking.
- (iv) the north eastern corner of the building has been squared off (rather than curved as approved under 10/02534/REMM),
- (v) the elevation facing the focal building has been pulled back at ground level to create greater separation between the two buildings.
- (vi) the curved corner facing onto St. Johns Square has been raised from 5 to 6 storeys.
- (vii) remodelling of the mass at roof level to provide flat roofed areas with green roof and solar PV panels.

## **ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS**

1.6 This full application is considered to be a subsequent application in relation to Schedule 2 development in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Due to the scale and nature of the Hungate development, an Environmental Impact Assessment (EIA) was undertaken and an Environmental Statement (ES) submitted to accompany the outline application in 2002. A number of revisions were made to the outline planning application and an Addendum to the 2002 ES was prepared to summarise the effect of the revisions on the ES together with other revisions to the assessment methodologies for the transport and air quality assessments. This was referred to as the 2005 ES Addendum.

1.7 Further consultation resulted in some additional amendments to the design with revised drawings submitted in 2005. The 2002 ES and 2005 ES Addendum were then reviewed to consider whether the proposed modifications would result in any further changes to the environmental impacts of the scheme, this report entitled "EIA Implications of Design Amendments" and dated June 2005. A letter report "EIA Implications of Design Amendments" dated October 2010 was also submitted to describe the EIA implications of the proposed modifications to Phase 2 in the most recent reserved matters approval.

1.8 This application has been accompanied by a further letter report which assesses the effect of the proposed modifications to the scheme on the findings of the 2002 ES, 2005 ES Addendum and 2005 EIA Implications Report and 2010 letter report. The report concludes that the proposed revisions would have a negligible effect on the findings of the aforementioned reports.

## **COMMUNITY PARTICIPATION**

1.9 The applicant held a public exhibition in the summer of 2013, prior to which advertisement was undertaken to raise awareness of the event and encourage attendance which included letters to key stakeholders and the local community. The exhibition comprised a display of boards which detailed the plans for the development and representatives from the applicants design team were available to address questions and provide further explanation. Comment forms were provided at the exhibition. A total of 52 people attended and 30 feedback forms were completed.

1.10 From the comments submitted, the applicants conclude that it was evident that there are various specific and detailed elements of the scheme proposals that are of interest to the community. In overall terms, the applicant states that the general response is fully supportive of the development coming forward and in the main complementary to the design concept proposed. The applicant states that they "very much hope that the revisions now included and the clarifications stated, address, where it has been possible to incorporate, the various comments made".

## **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: Central Area 0002

2.2 Draft (Development Control) Local Policies:

CYGP1 - Design

CYGP4A - Sustainability

CYGP9 - Landscaping

CYHE2 - Development in historic locations

CYH2A - Affordable Housing

CYH3C - Mix of Dwellings on Housing Site

CYT4 - Cycle parking standards

### **3.0 CONSULTATIONS**

#### **INTERNAL**

##### **Planning and Environmental Management**

Design and Sustainability Manager

3.1 This proposal represents a careful re-working of the design for this block within the context of the outline approval and the extant reserved matters approval. In design terms the changes are successful in tightening up the articulation of the elevations to the Foss and the street/ squares. The potential loss of vitality at street level in removing commercial units has to be balanced against the strong emphasis on maintaining the unit fronting St Johns Square.

3.2 The additional storey height to the North West corner is partly justified by it matching the height of the adjacent corner block, as established by the approved masterplan framework. Its importance is emphasised by the 'squaring off' on plan of the North East corner to the block. The height in this location would not have a detrimental impact on the courtyard amenity of this block (because it is to the north side) and the additional shading to St Johns Square should not be significant. The treatment of the elevation provides an opportunity for the block to make a slightly stronger statement and have a clearer identity in the composition of the whole square. Improvements have been made over the original submission, but the final details should be conditioned to ensure this objective is achieved and that the development creates a place of enduring quality in line with the NPPF policies on Good Design.

Landscape Architect

3.3 This scheme gives more generous private areas to the ground floor apartments, which is considered a reasonable approach. A simple approach to the central communal area is fine provided the plant selection is bold and offers interest throughout the seasons. The areas of green roof are welcomed.

Archaeologist

3.4 All archaeological matters relating to development in the Hungate Phase 2 area were dealt with through the approval of the outline application.

3.5 Although the revisions set out in this application introduce marginally greater disturbance to sub-surface deposits, they do not require any additional archaeological actions. No further archaeological conditions are therefore necessary

## **Highway Network Management**

3.6 The highway implications of the redevelopment of the Hungate area have been previously considered and approved subject to contributions and off-site highway works. The car parking for the building is provided as per previously approved. 78 No.car spaces are proposed; this represents an increase of 27 spaces over the aforementioned consents. The additional levels of traffic which would be generated by the increase in spaces are negligible and would not be considered to have a material impact in the day to day operation of the adjacent highway network.

3.7 The level of cycle parking being provided is to the same ratio as has been considered and approved through the Hungate masterplan.

## **Environmental Protection Unit**

3.8 The site already has outline permission and reserved matters approval and EPU do not have any specific concerns regarding the proposals. Reiterate comments made on the historic planning application as follows.

### Noise and odour

3.9 The general principal for residential development on the site has long been established. The principal noise issues associated with the development relate to the impact the development could have on existing residential receptors and the impact of the commercial unit on the proposed dwellings and existing residential units. Recommend conditions relating to hours of demolition and construction during the development of the site, the submission of a construction environmental management plan (CEMP), the hours of operation and hours of delivery for the commercial unit , a scheme of noise insulation for the residential units adjoining the commercial unit, details of plant and machinery, building envelope and extraction.

### Land Contamination

3.10 A Remediation Strategy was previously submitted and agreed for the Phase 2 and 3 development areas in 2008. The proposed remedial works include the decommissioning and removal of underground storage tanks, excavation of a cyanide hotspot, installation of gas protection measures and importation of a clean cover layer in areas of soft landscaping. Conditions relating to land contamination recommended.

### Air Quality

3.11 Since the previous approval was granted the NPPF has been released and the Council has adopted a low emission strategy in October 2012 to transform York into a nationally acclaimed low emission city. The environmental protection unit would

recommend that 4 of the proposed 78 bays are fitted with electric vehicle charging points and request that the electrical installation is such that the addition of 4 extra points would not require extensive further groundwork should there be demand for further points in future years (i.e. sufficient electrical cabling is provided from the outset).

## **Forward Planning**

3.12 No policy comments to make.

## **EXTERNAL**

### **Environment Agency**

3.13 Provided that phase 2 of the Hungate development is carried out in accordance with the FRA Addendum dated July 2013, then the Environment Agency has no objections and has no further comments to make.

### **Yorkshire Water**

3.14 If permission is to be granted, Yorkshire Water recommend conditions requiring separate systems of drainage for foul and surface water on and off site and no piped discharge of surface water.

### **English Heritage**

3.15 English Heritage previously made comments in relation to 07/01901/REMM having been closely involved with the development of the proposals for the site and having offered advice during the process which secured the design code. In the response, English Heritage observed that as the revised proposals submitted at the time continued "the design theme as agreed with the design code, we are supportive of this application. Subject to the clarification of details such as materials and landscaping, we are comfortable with these proposals".

3.16 English Heritage note the variations to the approved scheme, specifically in relation to the elevations and internal layouts, but consider that the proposals do not depart markedly from the approved scheme and therefore re-iterate the comments quoted above.

3.17 The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

### **Guildhall Planning Panel**

3.18 The Planning Panel have previously opposed this development. Whilst no objections to this amendment are raised, there are concerns at parking provisions

and access and egress to the site. The Panel however are pleased with the appearance of the blocks and consider this an improvement over the previous.

## **Publicity**

3.19 The application was publicised by site notice, press notice and letters of neighbour notification. One letter of support has been received together with 4 letters of objection, three of which are from residents of Rowntrees Wharf and one from a local business.

The letters of objection raise the following points;

(i) Rowntrees Wharf is a landmark building and would be dominated by the proposed development with the distance between the two buildings so close as to form a canyon. The proposed building is slightly higher than Rowntrees Wharf and approval would lead to Rowntrees Wharf position as a landmark building being compromised as it would be hemmed in on two sides.

(ii) The elevation of Rowntrees Wharf that faces Hungate is to the north. Already low on light, homes that will overlook Phase 2 will be further deprived of light owing to the proximity of the new development. At the very minimum, Phase 2 should be sited the same distance from the river as Phase 1. Also as Rowntrees Wharf is single glazed, the noise intrusion will increase particularly from the balconies in the summer months.

(iii) The new buildings facing the river are not in line with the existing Phase 1 development.

(iv) The Council have a policy of keeping cars out of the centre of York and yet 78 new spaces would be created for the residents of the development.

(v) How is noise emanating from the building site potentially disrupting our work as solicitors, to be addressed?

(vi) What is to be done regarding an inadequate drain in the context of the planning permission?

(vii) The proposed scheme has changed from the original proposal and is higher and denser; it is now 2cm higher than Rowntrees Wharf and is closer to the bank of the River Foss than Phase 1.

(viii) The community engagement exercise was largely a PR/marketing exercise for existing residents of Phase 1 to buy a larger property in Phase 2. The architects could not give accurate measurements or information.

(vii) Inconsistent and illogical siting of Phase 2 in comparison with Phase 1. The flats in Phase 1 do not face directly onto existing residential dwellings but this building is set further back from the River Foss than the proposed scheme in Phase 2.

(viii) The design will give rise to wind tunnel issues already causing problems on the south side of Rowntrees Wharf since Grays Wharf was built.

(ix) There has been no consistent control or enforcement by CYC of breaches by the developers (noise, out of hours working) who have previously used the Hungate site to the inconvenience of residents of Rowntrees Wharf. Would like to see a clear, transparent and enforceable noise impact and management plan in place between CYC and the developer.

(x) Health impacts on north facing residents of Rowntrees Wharf from noise and nuisance. It will be far worse than the previous two times as the building work is directly opposite Rowntrees Wharf.

(xi) Can CYC and the developers provide written assurances that legal advice has been carried out with respects to Article 8 of the Human Rights Act 1998 and that relevant risk assessments have been carried out? Without such assurances and assessments, any decision will be subject to challenge under Article 8.

(xii) The absence of car park spaces for visitors to the development is noted. There are already existing concerns about Phase 1 residents and visitors parking at Rowntrees Wharf without permission causing problems for residents and visitors at Rowntrees Wharf.

(xiii) The habitat of birds and animals living along the banks of the River Foss and on the Hungate site needs to be considered. This includes swans, kingfishers and rabbits. Pollution from the site into the River has been in evidence during previous construction phases.

## **4.0 APPRAISAL**

### **4.1 KEY ISSUES**

- Implications on the comprehensive redevelopment of the Hungate site as agreed in the outline application
- Loss of commercial space
- Housing amount, size and type
- Affordable Housing / Viability Issues
- Design and external appearance
- Landscaping
- Highways, car and cycle parking
- Impact on the amenity of surrounding occupiers



- Sustainability

## **PLANNING POLICIES**

4.2 The application is to be considered in the context of the principles established in the development brief and relevant national and local plan policies.

4.3 The Hungate site is allocated for premier employment use (B1) and an estimated capacity of 600 new homes, 180 of which could be affordable, in the City of York Deposit Draft Local Plan. The preferred options document for the new Local Plan (policy EMP2) identifies the Hungate Action Area to deliver 12.062 sq m of office space. The relevant residential policy of the Local Plan Preferred Options is Policy H2 (Existing Housing Commitments). Policy H2 refers to the net remaining planning permissions either unimplemented or part complete amounting to 3,231 homes, within which Hungate is counted.

4.4 A development brief for the site, setting out the Council's requirements and aspirations for its development, was approved for consultation purposes in December 2004. The document was approved for the purposes of guiding planning applications for the development of the site in March 2005.

4.5 Although not planning policy, the details of this application have been derived from the Design Code submitted in January 2005 and the Design Statement (November 2004) associated with the original outline application (02/03741/OUT).

## **IMPLICATIONS ON THE COMPREHENSIVE REDEVELOPMENT OF THE HUNGATE SITE AS AGREED IN THE OUTLINE APPLICATION**

4.6 At outline stage it was proposed that block E would be of mixed use, providing 762m squared internal space for A1 and A3 uses and 10,557m squared dedicated to residential development (which would provide 163 units). The commercial element was at ground floor level, facing west towards the proposed focal building.

4.7 The extant reserved matters approval for Phase 2 (10/02534/REMM) involves five commercial units on the elevation facing the focal building (331m squared internal space for A1/A3 use) and 175 residential units (13,863 square metres).

4.8 This application seeks permission to reduce the commercial element further with one commercial unit retained on the north west corner of the building adjacent to the proposed St Johns Square ( 63 square metres and flexible use within uses classes A1, A2, A3, A4 or D1) and the number of residential units increased to 195 (11,886 square metres). This represents an additional 32 units above the figure of 163 approved at outline stage.

## **REDUCTION IN COMMERCIAL SPACE**

4.9 Phase 2 was chosen as one of the areas within the Hungate masterplan to be of mixed use due to its central location within the overall development. However, the applicants state that since the masterplan was originally drawn up, interest in commercial/retail units has been more limited with the sector as a whole suffering due to the economic downturn and the increase in on-line retail. As such, the applicants state that there would not be adequate interest to support the amount of commercial space previously proposed.

4.10 Although it is acknowledged that the loss of a significant proportion of the commercial space intended for Phase 2 will impact on vitality, the remaining unit would face onto St. John's Square, the largest and primary space within the development and a key node of pedestrian activity, and thus would reinforce its function. The primary residential entrance to Block E is along this frontage would also ensure a good level of economic activity.

## **HOUSING NUMBERS, SIZE AND TYPE**

4.11 Significant weight must be given to the need to supply housing in sustainable locations, considering policy established within the NPPF and as this is a national priority.

4.12 LPA's are required to have at least a deliverable 5-year housing land supply (with an extra 25% where supply has not been met in previous years). York has in recent years under-delivered on housing supply and does not currently have a 5-year housing supply.

4.13 The amount of residential units for the whole site was agreed at outline stage, 720 were proposed overall. 163 of which would be in block E. This proposal seeks permission for 195 units, 32 more than the outline approval. The number of units in Phase 1 also increased (by 51 between the outline and reserved matters approvals). Officers acknowledge that approval of this application would equate to an additional 83 residential units within Phases 1 and 2 to the numbers of units approved in the outline scheme.

4.14 Officers raise no objection to the proposed increase in the number of units in phase 2. There is a strong case for allowing housing development, which is demonstrably in need in the city and on this basis Officers raise no objection to the proposed increase in the number of units in phase 2. It is accepted that in a large, phased development such as Hungate, flexibility is desirable in order to incorporate up to date information on demand over the duration of the whole scheme.

4.15 It is noted however that the outline application was considered on the basis of 720 units, both in terms of its implications for housing supply and in order to calculate the Section 106 contributions for affordable housing, highways, education

and leisure provision. A resolution to approve the application would be subject to the planning obligation for the Hungate site being updated to ensure numbers across the site do not exceed 720 without due reconsideration of the key principles and recalculation of S106 requirements in accordance with site viability.

4.16 The additional 83 units within Phases 1 and 2, to the number of units approved in the outline scheme, also has implications for the triggers identified in the Section 106 for when contributions towards off site highway works, education and leisure provision are payable. Further discussions have taken place to agree appropriate trigger points for these payments to be included in the agreement and and Members will be updated with any notable issues in this respect.

### Housing Mix

4.17 Draft Local Plan Policy H3c states that a mix of new house types, sizes and tenures will be required on all residential development sites where appropriate to the location and nature of development.

4.18 In comparison with the extant reserved matters approval, this scheme proposes an additional 27 one bed units, a reduction of 5 two bed units and a reduction of 2 three bed units. Whilst Officers recognise that this would result in a significant proportion of one bed units ( 51.3%), it is also accepted that this scheme, which delivers affordable housing in a sustainable location, accords with a core principle of the National Planning Policy Framework, which is to proactively drive and support sustainable economic development to deliver the homes needed. In this case there is significant justification to welcome the scheme despite the lack of mix in the type of residential units proposed.

### **AFFORDABLE HOUSING / VIABILITY ISSUES**

4.19 The National Planning Policy Framework requires Local Planning Authorities to identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified. York's current policy is that on brownfield sites such as this the affordable housing requirement is 20% - for discounted sale and social rent.

4.20 The overall affordable housing requirement at Hungate is 20.38%, which is applicable to each phase. The approved reserved matters scheme involved the provision of 35 affordable units contained in one service core

4.21 Detailed discussions and analysis of site viability for this revised Phase 2 application began in September 2013, with reference to the original outline appraisal and Section 106 Agreement. Following CYC Regeneration in-house analysis of viability, with reference to the HCA guidance and toolkit on viability studies, a

recommendation to refer the study details to the Valuation Office Agency (VOA) was put to and agreed by the developer in October 2013. They would act as independent advisors to the Council.

4.22 The VOA report and statement was received in November 2013. It concluded that 20% affordable housing was achievable on this phase of development, together with other contributions as set out in the 2006 Section 106 Agreement for the whole scheme. The report stated that, in providing 20% affordable housing, a good developer profit would be maintained, in line with similar developments in the city and region.

4.23 Following an exchange of questions, points of clarification and further detailed work on projected costs and revenues the developer proposed a lower figure for affordable housing, which was rejected by Officers. Further analysis of the viability assessment established and agreed lower values for the affordable housing element of the scheme, in line with Phase 1, and proposed a figure of 18% affordable housing, which was supported by the VOA.

4.24 A counter proposal was put forward by the developer and rejected by Officers in early January 2014. A figure of 16% was finally agreed by both parties in January 2014 as an acceptable way forward. This represents 31 affordable homes from the total 195, and in fact is the same number as agreed in the previous scheme, albeit the total number of homes was lower at that time.

4.25 Officers are confident that this represents a very reasonable offer which acknowledges the relatively high costs of site development and other contributions towards archaeology, offsite highways and transport (including the new bridge over the Foss), education and leisure provision. If approved, the 16% affordable housing will relate only to Phase 2 of the site. The remainder of the site remains subject to the outline approval, which sets affordable housing at 20% of the scheme accommodation.

## **DESIGN AND EXTERNAL APPEARANCE**

4.26 The National Planning Policy Framework (NPPF) advises that good design is a key aspect of sustainable development and is indivisible from good planning. 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, using streetscapes and buildings to create attractive and comfortable places to live, work and visit
- Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- Are visually attractive as a result of good architecture and appropriate landscaping

4.27 The Hungate Development Brief states that the site should be a place with a unique identity, which respects the strong character of surrounding areas and buildings, particularly the built and natural environment and the landscape and ecology of the River Foss. Variations in height, roof modelling, elevational treatment and a selection of materials should be used. There should be a variety of heights adjacent the River Foss to provide varied form and roofscapes, and the canalisation of the river should be avoided.

4.28 The design statement advised that block E would be made up of a landmark corner facing St John's Square, the west elevation (facing the focal building) would be of a scale and style that created a sense of enclosure and grandeur appropriate to public open space. The north and east elevations would reflect the traditional vertical emphasis of York streets and use a variety of materials and roof shapes/heights. The Listed Buildings and Conservation Areas Act 1990 requires planning authorities determining applications for development that affect the setting of listed buildings to have special regard to the desirability of preserving their setting. The Foss facing elevation, adjacent to Rowntree Wharf would have a warehouse aesthetic, of similar scale and (repetitive) appearance to the listed building. The building would vary in height, at its lowest, a small two-storey area parallel with the focal building, at its highest 6-storey facing the river.

4.29 The proposed amendments to the elevations are considered to remain true to the development brief and outline permission. The riverside elevation is considered to be an improvement on the extant approval with greater control of the fenestration and a simpler cleaner appearance and ensuring a more coherent elevation. With reference to the height of the 6 storey element of the building fronting the riverside, the extant reserved matters approval permitted the building height to exceed a restriction, defined at outline stage, by 1 metre on 2 corner sections of the 6 storey element. This scheme proposes no such exceedance of the height restriction.

4.30 The changes to the other elevations are also considered to be successful in differentiating between the riverside and street / square elevations, and respecting and preserving the setting of the listed building. The introduction of flat roof elements has been carefully considered to allow for some roof terrace space to the top floor flats, the introduction of some green roofs and solar PV panels to the north block.

4.31 The scheme proposes an increase in the height of the curved corner facing onto St. Johns Square (North West corner) from 5 to 6 storeys. This increase is partly justified by it matching the height of the adjacent corner block. The importance of the curved corner is emphasised by the "squaring off" of the north east corner of the building and it is considered that the treatment of the elevation provides an opportunity for the block to have a clearer identity in the composition of the square. In order to maximise the contribution this curved corner elevation makes to the creation of a defined sense of place for St. Johns Square, a condition

requiring large scale details illustrating the glazing pattern and balcony arrangements and balustrade is recommended.

4.32 In terms of amenity issues, the 6 storey height in this location would not be considered to have a detrimental impact on the courtyard amenity of this block because it is to the north side and the additional shading to St. John's Square should not be significant.

4.33 In summary the scheme is appropriate in design terms; it complies with the parameters for good design, established in the NPPF and Local Plan policies GP1 and HE2. There would potentially be an enhancement to the historic setting if the proposed landscaping works are fully implemented.

## **LANDSCAPING**

4.34 The courtyard within the Phase 2 building is approximately 1170m<sup>2</sup> and given that there is a lack of private gardens and open space elsewhere within the Hungate development, it is considered essential that the courtyard provides an immediate, appealing, useable outdoor "garden" space for all potential residents, including children. The two key functions the courtyard should therefore fulfil are for it to be an attractive space to look across and for the space to provide a communal garden area that can be used for sitting and general play.

4.35 The approach taken within this scheme as compared with the extant approval is to give more generous private areas to the ground floor apartments, which Officers consider to be a reasonable approach. A simple design for the central communal space is proposed and whilst the detail would be provided via a condition, it is envisaged that the plant selection would be bold and would offer interest throughout the seasons. In accordance with Officers advice, the applicants have confirmed that this space would include seating and features of some subtle interest to young children.

4.36 The remodelling of the mass at roof level to provide flat roofed areas with green roof and solar PV panels are welcomed. The green roofs should maximise bio-diversity value by means of drought/wind tolerant 'wild' flowers, which is also visually very attractive in the summer months, with minimum maintenance. The solar panels would create drier, darker, but more sheltered conditions involving a different species mix to be more like a 'brown' roof. Both would provide a good habitat for invertebrates.

## **ARCHAEOLOGY**

4.37 The site is within the city centre area of archaeological importance as such policy HE10 of the Local Plan is relevant. The policy seeks to assess and preserve (at least 95% of) important archaeological remains. All archaeological matters

relating to development in the Hungate Phase 2 area were dealt with through the approval of the outline application.

4.38 This application seeks permission to extend the basement and although this would introduce marginally greater disturbance to sub-surface deposits, the existing archaeological actions and conditions are sufficient to take into account any mitigation measures required.

## **SUSTAINABLE DESIGN AND CONSTRUCTION**

4.39 Proposed developments are expected to meet the requirements of the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction. There are specific requirements to achieve code for sustainable homes level 3 and the preferred options draft of the Local Plan, seeks level 4. The IPS also requires that the development can generate at least 10% of its energy demands from on site renewables or low or zero carbon technology.

4.40 These targets are not met in this scheme and although this is a full rather than a reserved matters application (due to the time for submitting the reserved matters having expired for Phase 2), the proposals relating to sustainability satisfy the requirements of the S106 legal agreement associated with the outline approval to which this approval would be linked. The requirements of the S106 involve the submission of a site specific sustainability and energy efficiency statement, the elements of which are as follows;

- 100% of properties to meet BREEAM at "very good" standard and 15% of properties to meet BREEAM at "excellent" standard,
- demonstrate a reduction in carbon emissions in the construction and use of buildings and through the choice of materials as compared to a normal build of this type,
- the inclusion of a waste minimisation recycling and disposal plan for the construction and in its end use,
- the inclusion of a pollution minimisation plan for the construction and in its end use,
- demonstrate the inclusion of microgeneration for 10% of the properties.

4.41 The proposed scheme would manage to achieve a Code for Sustainable Homes Level 3 with 15% of the proposed apartments being provided with low or zero carbon technologies and the proposed roof mounted solar photovoltaic array would meet 27.9% of the communal areas annual energy demand. Although it is acknowledged that the scheme fails to meet the 10% renewable energy contribution as required by the IPS, in the context of the sustainability requirements for Phase 1 and subsequent phases being linked to the outline approval rather than the IPS and the consideration that this scheme, which includes PV panels and green roofs, being an improvement on the extant reserved matters approval, Officers consider that the development is acceptable in terms of sustainable design and construction.

## **HIGHWAYS, CAR AND CYCLE PARKING**

4.42 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.

4.43 The car parking for the building is provided as per the extant permission (10/2534/REMM) and outline masterplan for the Hungate site. 78 No. car spaces are proposed (of which 4 are accessible); this represents an increase of 27 spaces over the aforementioned consents. The additional levels of traffic which would be generated by the increase in spaces are negligible and would not be considered to have a material impact in the day to day operation of the adjacent highway network. Access to the Phase 2 undercroft car park is from Black Horse Lane via an underground link tunnel and the Phase 1 undercroft car parking.

4.44 The level of cycle parking being provided (146 spaces) is to the same ratio as has been considered and approved through the Hungate masterplan. The cycle parking has been grouped in stores around each core which it is intended to serve. 6No. external visitor cycle spaces are proposed, located externally by the commercial unit.

4.45 Sustainable travel initiatives such as the provision of bus passes to first occupiers has been secured through the original S106 for the Hungate site which would to be revised to also relate to this application). With respects to air quality, the Environmental Protection Unit have requested that 4 of the proposed 78 car parking bays are fitted with electric vehicle charging points, which would be secured via a condition.

## **IMPACT ON THE AMENITY OF SURROUNDING OCCUPIERS**

4.46 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. Local Plan policy GP1: Design requires that development proposals ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

4.47 Concerns have been expressed by some residents of Rowntrees Wharf with respects to the height and proximity of the proposed building to Rowntrees Wharf. Rowntrees Wharf is to the south of the site, such that the elevation from which any light would be lost is north facing and for much of the day is in shadow. The Phase 2 building is directly opposite Rowntrees Wharf in part, for approximately 30m of its length, is 6 storeys in height and would at its closest be 26m from the face of the Rowntrees Wharf building. This distance increases to approximately 28m either side of this near point. Given the proposed height of the building, the orientation



and the distance between the structures, as well as the inner urban area location, the Committee report for the outline proposal noted that "it would be difficult to sustain an argument that there would be a significant and unacceptable loss of light to the habitable rooms within the Rowntrees Wharf residential properties. Similarly, given the distances involved, it is considered that the proposals would not result in a significant loss of privacy for the existing residents".

4.48 The proposed building accords with the details approved at outline stage, in fact, as detailed in paragraph 4.28, the extant reserved matters approval permitted the building height of Block E to exceed a height restriction, defined at outline stage, by 1 metre on 2 corner sections of the 6 storey element of the building fronting the riverside. This scheme proposes no such exceedance of the height restriction. It is therefore not considered that an argument that the proposed scheme would give rise to a significant loss of privacy and light, could be sustained.

4.49 Conditions are proposed to reasonably control activity which can cause noise. Hours of demolition and construction during the development of the site will be restricted and a construction environmental management plan (CEMP) would be required.

5.50 In carrying out the above assessment, Officers have considered the effects of the development bearing in mind the provisions of the Human Rights Act 1998 including Article 8 as referred to by third parties, in terms of any interference with rights to private and family life through for example privacy concern. It is concluded that the planning considerations and impact of the development have been properly balanced against the Act and that there is no basis to refuse planning permission due to loss of light, privacy noise or dominance issues.

## **RESIDENTIAL AMENITY OF OCCUPANTS OF THE PROPOSED DWELLINGS**

4.50 The proposed building heights and separation distances would be consistent with what has been approved at phase 1 and what is envisaged between buildings on the remaining phases; typically 5 or 6 storey buildings around 10 to 15 metres apart. Considering the context, there are no objections on amenity grounds in this respect. Conditions are proposed to reasonably control activity which can cause noise and to mitigate the impact of the commercial unit on nearby residential units. The conditions would cover hours of operation and hours of delivery for the commercial unit, a scheme of noise insulation for the residential units adjoining the commercial unit, details of plant and machinery, the building envelope and extraction equipment.

## 5.0 CONCLUSION

5.1 The key considerations of this application are whether the proposed revisions to the reserved matters approval are acceptable in the context of the principles established in the Hungate Development Brief, Design Code and Design Statement associated with the outline approval and with relevant national and local plan policies.

5.2 The Hungate scheme is a mixed use development and whilst it is acknowledged that this revised Phase 2 proposal involves the loss of a significant proportion of the commercial space, which will impact on vitality, the applicant's argument that there would not be adequate interest to support the amount of commercial space previously proposed, is accepted. The remaining commercial unit would face onto St. John's Square, the largest and primary space within the development and thus would reinforce its function.

5.3 With reference to the proposed increase in the number of units in Phase 2, Officers raise no objection as it is acknowledged that in a large, phased development such as Hungate, flexibility is desirable in order to incorporate up-to-date information on demand over the duration of the whole scheme. However the outline application was considered on the basis of 720 units, both in terms of its implications for housing supply and in order to calculate the Section 106 contributions for affordable housing, highways, education and leisure provision. A resolution to approve the application would be subject to the planning obligation for the Hungate site being updated to ensure numbers across the site do not exceed 720 without due reconsideration of the key principles and recalculation of S106 requirements in accordance with site viability. The triggers identified in the Section 106 for when contributions towards off site highway works, education and leisure provision are payable would also be revised to reflect viability and the change in number of units in phase 2

5.4 The affordable housing for Phase 2 has been agreed by Officers at a level of 16%, which represents 31 affordable homes, the same number as agreed in the extant reserved matters approval, albeit the total number of homes was lower at that time. Officers consider this to be a reasonable offer which acknowledges the relatively high costs of site development and other contributions.

5.5 With respects to revisions to the elevations, Officers consider that the plans remain true to the development brief and outline permission. The riverside elevation is considered to be an improvement on the extant approval with greater control of the fenestration and a simpler cleaner appearance. The changes to the other elevations are also considered to be successful in differentiating between the riverside and street / square elevations and the introduction of flat roof elements to allow for some roof terrace space to the top floor flats and some green roofs and solar PV panels is welcomed. The proposal to increase the height of the curved

corner facing onto St.Johns Square from 5 to 6 storeys is partly justified by it matching the height of the adjacent corner block and it provides an opportunity for the block to have a clearer identity in the composition of the square.

5.6 Subject to conditions, as set out below, and to the variation of the S 106 Agreement to refer to this application and in respect of affordable housing and off site contributions as described above, it is recommended that the application be approved.

## **6.0 RECOMMENDATION:**

Subject to completion of a revised Section 106 Obligation to secure the following :-

- (i) Minimum 16% affordable housing in this phase
- (ii) Revised trigger points for highway related, CCTV, education and open space payments

the Director of City and Environment Services by authorised to GRANT planning permission, subject to the conditions set out below, and any other appropriate conditions :-

1 TIME2 Development start within three years -

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

Flood Risk Addendum (July 2013)  
Sustainability Statement (Sept 2013)  
Design and Access Statement - Phase 2 Full Application - August 2013 (5 December 2013)

Plans received 4 September 2013;

AO701 Rev B (Red Line Boundary Plan)  
AO750 Rev C (Proposed Site Plan)  
AO760 Rev B (Landscape Proposals)  
A1152 Rev D (Internal Elevations 01)  
A1153 Rev D (Internal Elevations 02)  
A1175 Rev B (Site Section - SW)  
A1176 Rev B (Site Section - SE)

Plans received 5 December 2013;

A1009 Rev E (Basement GA Plan)  
A1010 Rev D (Ground Floor GA Plan)  
A1011 Rev D (First Floor GA Plan)  
A1012 Rev E (Second Floor GA Plan)  
A1013 Rev E (Third Floor GA Plan)  
A1014 Rev E (Fourth Floor GA Plan)  
A1015 Rev E (Fifth Floor GA Plan)  
A1016 Rev E (Roof GA Plan)  
A1150 Rev E (Elevations 01)  
A1151 Rev E (Elevations 02)

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

3 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of the items and the works shall be carried out in accordance with the approved details.

- a/- Roof panels
- b/- Typical eaves, verge and parapet details
- c/- Soffit overhang
- d/- All types of windows and window systems (1:20 + larger scale details, door openings showing reveals, lintels and cills) including the windows to the mansard roof (showing the relationship with the gutter / parapet and the window heads)
- e/- Glazing
- f/- Terrace and balconies including soffits and doors onto balconies
- g/- Main entrance doors, door surrounds and canopies
- h/- Letterboxes
- i/- Shafts into basement car park
- j/- Vents for car park
- k/- Vents to the mechanical ventilation system (positions and type)

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

4 Notwithstanding the submitted plans, large scale details of the North West curved corner elevation showing the opening detail, the glazing pattern, the balcony construction and balustrade details 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.

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

5 VISQ8 Samples of exterior materials to be app -

6 A sample panel of the brickwork and stonework to be used on this development shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork / stonework and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. This panel 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.

7 Prior to first occupation of the commercial unit, a detailed scheme for the design of the shopfront (1:20 elevations and sections) and the proposed means of advertising each premises, including illumination, shall be submitted to and agreed by the Local Planning Authority. The commercial premises shall be developed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To achieve a consistent acceptable appearance.

8 Prior to development commencing detailed floor plans, elevations and section drawings of the river walkway including the railings and pedestrian routes, shall be submitted to and agreed in writing by the Local Planning Authority and the development implemented in accordance with the approved details.

Reason: In the interests of design.

9 Prior to occupation of the development, a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs shall be approved in writing by the Local Planning Authority. This scheme shall be implemented within a period of 6 months of the completion of the relevant phase of development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

10 Full details of the hard landscape proposals for the internal courtyard shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the occupation

of any part of the development. The proposals shall show levels, paving materials, external lighting and any other fixed artefacts such as seating.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of the development in the interests of visual amenity.

11 A scheme of works for the restoration of the Foss Riverbank/wall, excluding the Kings Pool site, shall be submitted and agreed with the Local Planning Authority prior to the commencement of the relevant phase of development ,and shall thereafter be implemented fully in accordance with the agreed scheme.

Reason: In the interests of the visual amenities of locality, flood defence and ecology along the Foss corridor.

12 The hours of operation for the commercial unit shall be approved in writing by the local planning authority. Once approved, the agreed hours shall be complied with at all times, unless agreed otherwise in writing by the local planning authority.

Reason: To protect the amenity of local residents.

13 The hours of delivery to and dispatch from the commercial unit, to include Use Classes A1, A2, A3 or A4) shall be confined to the following times, unless otherwise approved in writing by the local planning authority:

Monday - Friday            08:00 - 18:00  
Saturday, Sunday & Bank Holidays 09:00 - 18:00

Reason: To protect the amenity of local residents.

14 Premises put to Class A1, A3, A4 or A5 use, that adjoin residential premises, shall be noise insulated in accordance with a scheme to be approved in writing by the local planning authority. The noise insulation scheme shall be fully implemented prior to occupation. No alterations to the external walls, facades, windows, doors, roof or any openings in the building(s) shall be undertaken (including the closing up or removal of openings) without the prior written approval of the local planning authority.

Reason: To protect the amenity of local residents.

15 During the development of the site, all demolition and construction works and ancillary operations, including deliveries to and dispatch from the site, shall be confined to the following hours:

Monday to Friday 08.00 to 18.00  
Saturday 09.00 to 13.00  
Not at all on Sundays and Bank Holidays

Reason: To protect the amenity of the locality

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

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

17 Details of all fixed machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible at any noise sensitive location, shall be submitted to the local planning authority for approval. These details shall include maximum sound levels ( $L_{Amax}(f)$ ) and average sound levels ( $L_{Aeq}$ ), 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 before the proposed use first opens and shall be appropriately maintained thereafter.

Note: The combined rating level of any 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, this being the design criteria adopted by EPU, including any acoustic correction for noises which contain a distinguishable, discrete, continuous note (whine, hiss, screech, hum, etc.); noise which contain distinct impulses (bangs, clicks, clatters, or thumps); or noise which is irregular enough to attract attention.

Reason: To protect the amenity of the locality.

18 The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels of 30 dB  $L_{Aeq}$  1 hour and 45 dB  $L_{A Max}$  (23:00 - 07:00) in bedrooms and 35 dB  $L_{Aeq}$  1 hour (07:00 - 23:00) in all other habitable rooms. These noise levels are with windows shut and other means of acoustic ventilation provided. The detailed scheme shall be approved in writing by the local planning authority and fully implemented before the development hereby approved is occupied.

Reason: To protect the amenity of residents.

19 There shall be adequate facilities for the treatment and extraction of fumes so that there is no adverse impact on the amenities of local residents by reason of fumes, odour or noise. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for approval; once approved it shall be installed and fully operational before the proposed commercial unit first opens and shall be appropriately maintained thereafter.

Note: It is recommended that the applicant refers to the Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (January 2005) for further advice on how to comply with this condition.

Reason: To protect the amenity of the locality.

## 20 Verification of Remedial Works

Prior to first occupation or use, the approved remediation scheme (as detailed in the Remediation Strategy, Ref: EN6250/R/7.1.4/RA) 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.

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.

## 21 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.



22 At least four electric vehicle recharge points shall be installed within the basement parking area prior to first occupation of the development. The location and specification for the recharging points shall be agreed with the Local Planning Authority prior to installation.

Reason: To promote the use of low emission vehicles on the site in accordance with the Council's draft Low Emission Strategy and paragraph 35 of the National Planning Policy Framework.

Note: It is requested that the electrical installation for the recharge points is such that the addition of extra points would not require extensive further groundwork should there be demand for further points in future years (i.e. sufficient electrical cabling is provided from the outset).

23 HWAY1 Details roads, footpaths, open spaces req. -

24 No dwelling in the development to which this planning permission relates shall be occupied unless or until the carriageway basecourse and kerb foundation to the highways and footpath to which it fronts, is adjacent to or gains access from, has been constructed. Road and footway wearing courses and street lighting shall be provided within three months of the date of commencement on the construction of the penultimate dwelling of the development.

Reason: To ensure appropriate access and egress to the properties, in the interests of highway safety and the convenience of prospective residents.

25 Prior to their installation, details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads.

26 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

27 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.

- provision of enhanced pedestrian and cycle facilities in the vicinity of the St. Saviours Place/Dundas Street/Peasholme Green junction consisting of Zebra crossing and pedestrian refuges on Peasholme Green at junction with St.Saviours Place).

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

28 Prior to the commencement of the development, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority. . The statement shall include at least the following information;

- measures to prevent the egress of mud and other detritus onto the adjacent public highway
- a dilapidation survey jointly undertaken with the local highway authority
- the routing for construction traffic that will be promoted
- a scheme for signing the promoted construction traffic routing
- details of the areas which will be used for the storage of materials, site compound, and the parking and turning of construction traffic clear of the public highway.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

29 Prior to the commencement of the development, details of the foul and surface water drainage works shall be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and reasonably managed and maintained for the lifetime of the development. The site shall be developed with separate systems of drainage for foul and surface water on and off site. Drainage details are expected to include-

a) Peak surface water run-off from the proposed development restricted to a maximum of 14.0 lit/sec.

b) Site specific details of the flow control device manhole limiting the surface water to the 14.0 lit/sec.

c) Storage volume calculations, using computer modelling, to 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 shall include an additional 20% allowance for climate change. The modelling shall use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. The full range of modelling is required.

d) 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.

e) Any variation in levels in comparison to those shown within the approved master-plan document.

Reason: To reduce flood risk in accordance with York's Strategic Flood Risk Assessment.

30 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.

Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

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

Reason: To prevent pollution of the water environment.

32 Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 6m (six) of the line of the sewers at greater depths, or within 3m (three) of the line of the sewers at shallower depths which cross the site.

Reason: To prevent pollution of the water environment.

33 No piping shall be installed within 10m of any public sewer unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent pollution of the water environment.

34 Development shall not commence unless the method for piling foundations has been approved in writing by the Local Planning Authority. The piling shall thereafter be undertaken only in accordance with the approved details.

Reason: The site is contaminated/potentially contaminated and piling could lead to the contamination of groundwater in the underlying aquifer.

35 Prior to the commencement of the development, the developer shall submit for the written approval of the Local Planning Authority an initial Code for Sustainable Homes (CSH) Design Stage assessment for the development. Unless otherwise agreed in writing with the Local Planning Authority, this shall indicate that at least the minimum code level 3-star rating will be achieved. This shall be followed by the submission of a CSH Post Construction Stage assessment, and a CSH Final Certificate (issued at post construction stage). These documents shall be submitted to the Local Planning Authority after completion and before first occupation of the building. Both documents submitted shall confirm that the code rating agreed in the initial CSH Design Stage assessment has been achieved.

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

## **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: pre-application advice provided, negotiation during the processing of the application to agree amendments to curved corner elevation and the use of planning conditions.

## 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:

Section 38 - Adoptable areas within the site - Michael Kitchen (01904) 551336  
Section 278 -Off site highway works.

The provision of the off-site highway works may be satisfied through the payment of a contribution in lieu of physical works.

## 3. INFORMATIVE:

You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

## 4. LEGAL AGREEMENT

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development

### **Contact details:**

**Author:** Rachel Tyas Development Management Officer (Tues - Fri)  
**Tel No:** 01904 551610