

COMMITTEE REPORT

Date: 19 February 2015 **Ward:** Fishergate
Team: Major and **Parish:** Fishergate Planning
Commercial Team Panel

Reference: 14/02404/FULM

Application at: St Josephs Convent Of Poor Clare Collentines Lawrence Street
York YO10 3EB

For: Conversion, part demolition and extension of existing convent
buildings and erection of 14 no. three and four storey buildings to
provide student residential and ancillary accommodation (660 bed
spaces) with vehicle access to Lawrence Street

By: Vita York 1 Limited

Application Type: Major Full Application (13 weeks)

Target Date: 22 January 2015

Recommendation: Approve

1.0 PROPOSAL

APPLICATION SITE

1.1 The application relates to the St Joseph's Convent site, which is located on the south side of Lawrence Street, between Farrar Street and Nicholas Gardens and is around 190m deep and 145m wide. The convent was vacated in 2012. The convent buildings, apart from later utilitarian additions, and the boundary wall are listed at grade 2. The site contains the following buildings -

- The main convent building which was constructed in phases between 1870 and 1874. The 2-storey rear/south wing was completed by 1909; the single storey part at the south end dates from the late C20.
- The Lodge Building/Priest's House which fronts Lawrence Street. It is 2-storey and dates from 1875.
- The Extern House, which is set back from the street, positioned between the Lodge and Convent Buildings. It is predominantly 2-storey and dates from 1875.
- The surrounding walls which were also built in phases, as the site expanded. The original wall was built between 1872 and 1875 and reached to the end of the Burial Ground. The second phase of expansion 1884 to the east encompassed a new orchard. The final phases were in the early C20, to contain the area of agricultural land to the south.

- The site also accommodates workshop buildings, which were not included in the English Heritage listing description and are proposed for demolition. The earliest of the buildings date from the 1870's, although the majority are from the C20. The buildings assist in the historic understanding of the site.

SURROUNDINGS

1.2 There are houses to the east and west of the site. At Lawrence Square, to the east, the houses adjacent the site are 3-storey but step down to 1.5 on the convent side, so not to visually encroach on the setting. There is a 2-storey terrace of houses to the west (Farrar Street). The school is to the south, it is predominantly single storey and surrounded by the school playgrounds and landscaping. The surrounding buildings on Lawrence Street are predominantly residential and 2 or 2.5 storey in height. Lawrence Street is a main vehicular route (originally a Roman road) into the city.

PROPOSALS

1.3 Planning permission is sought to have student accommodation on the site - 660 units. These would be accommodated within the convent (which would have a new south wing), the lodge and extern house and a collection of new buildings, which would be within a landscaped setting, and vary in height from 2 to 4 storey.

1.4 The applicants publicised the proposals and presented them to the public prior to making the planning application. The outcomes are detailed in the Statement of Community Involvement document submitted with the application, and the feedback is summarised in section 3 of this report.

1.5 The development proposals are classed as Schedule 2 development due to the size of the site (approx 2.4 hectares) under the 2011 Environmental Impact Assessment (EIA) regulations. It was determined that an EIA was not required for the development, considering the scale of development and the environmental effects.

2.0 POLICY CONTEXT

2.1 Draft Development Plan 2005 (4th set of changes) Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

2.2 Policies:

CYSP6 Location strategy

CYGP1 Design

CYGP4A Sustainability

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Item No: 4c

CYGP9	Landscaping
CYGP15	Protection from flooding
CYNE6	Species protected by law
CYNE7	Habitat protection and creation
CYHE2	Development in historic locations
CYHE4	Listed Buildings
CYHE10	Archaeology
CYED10	Student Housing
CYL1C	Provision of New Open Space in Development

3.0 CONSULTATIONS

PLANNING & ENVIRONMENTAL MANAGEMENT

Archaeology

3.1 Officers ask for conditions for;

- a watching brief, for all deeper groundworks required for utility connections and attenuation storage tanks (if required);
- an archaeological scheme of investigation, to agree a programme of supervised removal of topsoil, cleaning of revealed sub-soil surfaces and mapping and excavation of a sample of any archaeological features.

3.2 During August 2013 an archaeological evaluation was undertaken by York Archaeological Trust at the site. The archaeological features present included a small number of Roman ditches, a medieval ditch, a small number of ditches/pits of uncertain date, and various modern drains and garden walls relating to the monastery. It was clear that the site had not been intensively settled prior to the late 19th century, and that for most of its history the site was either open ground, or was used for agriculture/horticulture.

3.3 The site lies in the Area of Archaeological Importance, that has produced important archaeological remains dating from the Bronze Age, and Roman, Anglo-Scandinavian and medieval periods of York's development. It has the potential to preserve significant archaeological features and deposits. These must be recorded prior to commencement of development.

Landscape & Ecology

3.4 Landscape Officers do not object to the application. The green infrastructure (GI) on site, in its current form provides a stepping stone between open space associated with Tang Hall beck, and Walmgate Stray to the south. It would be preferable for the scheme to be less dense, i.e. incorporate greater continuation of uninterrupted GI across the site. Nonetheless the scheme manages to retain some essence of the

former use of the site through the creation of a courtyard in front of the monastery; the retention of a significant portion of the walled orchard, the retention and restoration of the formal garden relating to the southern aspect of the monastery, and the retention of the cemetery and perimeter walkway.

3.5 Officers have provided detailed comment on each of the character areas within the site and recommended amendments. Of note -

- Recommended species for the street trees on Lawrence Street.
- It was requested the arrivals plaza was not dominated by car parking and the layout in this area has been revised accordingly.
- The requirement for a site specific tree protection plan, for when the site is under construction.

3.6 With regard to ecology, a Phase 1 Habitat Survey has been undertaken of the site followed by specific surveys for great crested newts and bats. There is evidence of a bat roost within the main convent building, and no evidence of other protected species has been found on site. A condition has been recommended for bat mitigation, which includes receipt of a European Protected Species Licence approving the mitigation measures for the bat roost in the main convent building.

3.7 The orchard is listed on Natural England's Traditional Orchard Inventory which was produced to support the (now defunct) UK Biodiversity Action Plan (BAP) as a Priority Habitat. Traditional orchards are also identified as a priority habitat within the City of York BAP. There is no objection to the proposals as it is proposed to replace trees that are to be lost in the orchard. Officers have made comments on the planting scheme and have recommended a planning condition to secure an Ecological Management Plan for the restoration and management of the orchard and woodland garden areas.

3.8 In the interests of the protection of bird, bat and insect habitat officers have asked for light pollution to be kept to a minimum and at low level.

Urban Design and Conservation

3.9 Officers support the scheme, on the basis that the convent buildings are empty and at risk. The majority of demolitions would affect unlisted buildings and areas identified as being of low or detrimental significance. The proposals would revitalize the site and repair the buildings and their 1000m long high walls. As the existing building would be able to embody a new community of interest with relatively few justifiable alterations, the qualities that make the heritage asset special would be sustained and its special architectural and historic interest would not be harmed.

ENVIRONMENTAL PROTECTION UNIT

Air quality

3.10 The closest diffusion tube monitor to the site (to the west of the lodge building) has recorded breaches of the health based annual mean nitrogen dioxide objective in 5 of the last 6 years. Concentrations in 2013 were below objective levels but still considered elevated. This general trend of falling nitrogen dioxide concentrations in 2013 was seen across York and is thought to be caused by atypical weather conditions.

3.11 It is recommended that a ventilation strategy is designed and implemented for habitable rooms immediately fronting Lawrence Street (specifically the Lodge building) at ground and first floor levels. This would allow habitable rooms (living areas and bedrooms) to be adequately ventilated without having to rely on opening windows.

Other matters

3.12 Officers also recommend planning conditions to deal with land contamination, to provide on-site electric vehicle charging points (x2), to ensure any plant/machinery does not cause disturbance, and for a construction management plan/restriction on times of construction.

FLOOD RISK MANAGEMENT

3.13 No objection. The Flood Risk Assessment is satisfactory. Planning conditions are suggested to agree the full drainage design.

HIGHWAY NETWORK MANAGEMENT

3.14 No objections. Officers recommend conditions to agree the proposed/required highway improvements (as shown on Reform's drawing RF14-164L14) and their delivery, for implementation of the travel plan, and a method of works statement for construction.

Traffic Generation

3.15 The peak demand for car parking will be generated during the start/end of term as students arrive and leave. To assist with the management of car parking during these periods managed areas for temporary car parking is available within the site. The submitted Student Accommodation Management & Service Strategy explains how the site operators will ensure that the units are occupied/vacated in a staggered approach in order to 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 an arrival date together with a time slot in which to move. Such an approach has been previously agreed by the authority at nearby sites on Navigation Road.

3.16 The site falls outside of any Res-Park boundaries and as such students will not be eligible to apply for any permits within these schemes. There are measures proposed to deter car use and promote sustainable modes of transport, and the site is within a sustainable location, given the proximity of the city centre and the universities.

Access

3.17 The proposed access arrangements are in accordance with national guidance and offer a suitable width together with visibility to the appropriate guidance. Vehicle swept paths have demonstrated that refuse vehicles can enter and traverse the site in order to avoid waiting on the adjacent public highway.

3.18 Vehicle swept path analysis has demonstrated that the proposed bus stop location will not be to the detriment of the free flow of traffic, highway safety nor operation of the adjacent junctions or pedestrian refuge. As part of the bus stop relocation works there are further highway works which will benefit both future residents and the existing community;

- a) Upgrading of the adjacent existing pedestrian refuge to the West of the site access. The improvements will result in a wider refuge creating larger pedestrian holding areas and increased prominence of the refuge.
- b) Relocation and upgrading of the existing inbound bus stop to include Kassel kerbs, shelter and BLISS display.
- c) Rationalisation of car parking bays on Lawrence Street adjacent to the proposed bus stop location, including provision for a car club vehicle

Sustainability

3.19 The nearby bus stops serve a number of high frequency services and provide linkages to the city centre and university campus.

3.20 The highway works to the site frontage make provision for a car club vehicle. As the scheme is promoted as car free through design supported by the Management Plan and Travel Plan the car club will offer a viable alternative for residents should they need access to a vehicle for short periods.

3.21 Covered and secure cycle parking (330 spaces) has been provided within several stores, conveniently located around the site to the accommodation blocks which they are intended to serve. Cycle parking provision is below CYC Annex E standards for student accommodation (which is 1 per unit). However it compares favourably with recently approved schemes at Lawrence Street, 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 if demonstrated to be necessary in the future.

3.22 The application has also been supported by a Travel Plan which seeks to promote sustainable travel TP including the potential to create a cycle hire scheme for residents. The TP works with the site management plan in order to reduce the potential for any vehicles to be brought to the site by residents.

EXTERNAL CONSULTEES

ENGLISH HERITAGE

3.23 Officers have commented upon works to the convent building only, and defer the rest of the scheme to Council officers to assess. There is support in principle for the scheme, including the proposed glazed cover over the courtyard, and note that it requires few interventions to the building. English Heritage raised the following issues, which they consider require further attention -

- Queried whether it is appropriate and if there is appropriate need for secondary glazing to the stained glass windows.
- The proposed vents in the courtyard roofs appear too large and too horizontal in emphasis for their context. EH suggest that they are broken up into smaller units of comparable scale to the present gabled dormers or the proposed conservation roof lights.
- Glazed porches: EH welcome the proposed pointed glazed porch for the north elevation (replacing the disfiguring conservatory and reflecting the steeply pitched roof of the lost original porch, whilst being identifiably modern in character). However, it is asked whether pitched roofs would also be more suitable rather than the proposed flat roofed porches for the south and east elevations.
- EH suggest detailed drawings of the proposed suspended ceilings and the raised floor in the courtyard are approved by the LPA.
- Fire Strategy is yet to be finalised and also should be approved by the LPA.

ENVIRONMENT AGENCY

3.24 No objection.

FISHERGATE PLANNING PANEL

3.25 The panel have raised concerns over the lack of car parking. The site operators will be unable to prevent students bringing cars. Some of the students will bring cars and seek to park them in the vicinity. There needs to be a positive protection for parking facilities to people who live in the surrounding area. It is also asked whether some public access could be provided to the convent buildings.

HULL ROAD PLANNING PANEL

3.26 Whilst the above site does not fall within the panel's ward boundary, they have objected on the following grounds -

- There would be an over-concentration of student accommodation along the Hull Road/Lawrence Street/Walmgate corridor.
- Many period buildings in the area have been lost and replaced with anonymous modern blocks of flats which show no respect for the scale, setting and character of the area. It is considered this scheme is also over-development.
- The Convent site is over twice as big as any other student accommodation site developed in the last 12 years along the A1079 corridor, its affect on the locale will be horrendous.
- Preference for family housing for which local need has been well publicised in this sustainable location, which would also, though planning gain, bring facilities needed in the locality; affordable housing, education and open space provision.

POLICE ARCHITECTURAL LIAISON OFFICER

3.27 Officers have no objection to the scheme. In particular it is noted there will be on-site management and controlled access.

VICTORIAN SOCIETY

3.28 Objected to the planning application and companion listed building consent application. Comments are summarised in the committee report for listed building consent.

YORKSHIRE WATER

3.29 No objection. Officers agree to the provided Flood Risk Assessment. It is noted that YW records indicate there is an existing cast iron water main in Lawrence Street which is included in the red line site boundary. This may require diverting depending on the design of the new site access.

PUBLICITY

3.30 The deadline for comment was 10 December 2014. 11 objections/comments have been received. Comments were as follows -

Highway management

- Concerns over the impact on on-street car parking in surrounding streets, because there is no on site car parking. Building contractors will park in neighbouring streets, it is claimed this is already a problem due to development along Walmgate.
- Concerns over highway safety as a consequence of extra traffic on Lawrence Street, including servicing vehicles/deliveries to the site.
- Query whether there is adequate provision for servicing and fire tenders.

Residential amenity and design

- Orchard 3 building would be over-bearing and over-dominant over neighbours.
- Overlooking to houses on Lawrence Street.
- The buildings would be too tall and out of character (surrounding houses are 2-storey and the neighbouring school is part single, part two storey). Some of the cladding materials would be out of character. The development is insensitive to the historic setting, by virtue of the scale of buildings Plaza 1, and Orchard 1 and 2, in relation to the convent building.
- Over-concentration of students in the area/unbalanced community. In granting permission for development at Heslington, the planning inspector required that the university provide its own (on-site) accommodation, as and when it expanded. The scheme is contrary to this requirement.

OUTCOMES OF APPLICATIONS PUBLIC CONSULTATION

3.31 A public consultation event was held on 4 September and 77 members of the public attended. 30 comments were received. Approximately 23% of comments were against the proposals. The main issues were car parking (students parking in surrounding streets) and the height of some of the new buildings.

4.0 APPRAISAL

4.1 Key Issues

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

- Crime Prevention
- Other issues

PRINCIPLE OF THE PROPOSED DEVELOPMENT

4.2 Draft Local Plan policy SP6: Location Strategy states that development will be concentrated on brownfield land within the built up urban area of the city and urban extensions. The site meets criteria within SP6; it is in a sustainable location, in the urban area, on a main bus route and within walking distance of the city centre. It is classed as a previously developed site.

4.3 Empty buildings, which are grade 2 listed, would be put to a viable re-use and there is a demonstrable demand for residential development in the city. In this respect the proposals are compliant with the National Planning Policy Framework, which requires Local Planning Authorities -

- Encourage the effective use of land by reusing land that has been previously developed
- Significantly boost housing supply (paragraph 47); housing applications should be considered in the context of the presumption in favour of sustainable development (49).
- Bring back into residential use empty buildings in line with local housing and empty homes strategies ... and normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate (51).
- Sustain and enhance the significance of listed buildings and put them to viable uses consistent with their conservation (126).
- Place significant weight on the need to support economic growth through the planning system. This includes supporting existing business sectors, in particular those which are expanding (21).

4.4 Draft Local Plan policy ED10: Student housing says that off campus residential accommodation will need to meet certain criteria - 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.

4.5 York has adopted an Article 4 direction relating to HMO's in the urban area; a change of use from family housing to a HMO requires planning permission. An evidence base produced by the Council has identified that it is necessary to control

the number of HMOs to ensure that communities do not become imbalanced. In 2012/13, there were approx 19,000 FTE university students. Approx 7,350 rooms are provided by the universities. In addition there will be approx 1,200 rooms provided by the private sector, when the developments at Walmgate (former Press site) and Lawrence Street (between The Tannery and St Lawrence Church) are complete. There remains a significant amount of accommodation need that has to be met by HMO's, and consequently there is a demonstrable need for student accommodation.

4.6 The site is suitably located in terms of accessibility to the universities, as explained in 4.2. The impact on the surroundings, residential amenity and highway safety is discussed later in this section.

DESIGN INCLUDING IMPACT ON THE SETTING OF LISTED BUILDINGS

4.7 The convent building, lodge building at the front of the site and the surrounding walls are listed at grade 2. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall pay special regard to the desirability of preserving the building or its setting or exercise of any features of special architectural or historic interest which it possesses. As such any identified harm should be given significant weight in considering the application.

4.8 The National Planning Policy Framework advises that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

4.9 The National Planning Policy Guidance advises that in assessment of design, consideration, where appropriate should be given to layout, form, scale, detailing and materials. Paragraph 020 is pertinent to the proposed development. It advises that 'a well designed space has a distinctive character. Distinctiveness is what often makes a place special and valued. It relies on physical aspects such as:

- the local pattern of street blocks and plots;
- building forms;
- details and materials;
- style and vernacular;
- landform and gardens, parks, trees and plants; and
- wildlife habitats and micro-climates.

Distinctiveness is not solely about the built environment, it also reflects an area's function, history, culture and its potential need for change'.

4.10 The proposed new development would respect the convent buildings, give them a viable new use, and constitute a suitable re-use of the site. The buildings to be demolished are either unlisted or of low or detrimental significance. Proposals are compliant with the aforementioned policies on design and the criteria for proposals affecting listed buildings.

PLAZA BUILDINGS

4.11 There are a mix of building types along Lawrence Street. The frontage building proposed (Plaza 1) would be set back behind the boundary wall. Images have been provided which demonstrate it will reasonably blend in with the street scene and its immediate neighbours, considering its scale, shape and materials.

4.12 Plaza 1 has in part a flat roof. This area is intended not to be prominent. It will be screened by existing/proposed buildings and the roof form enables views to be maintained from Lawrence Street through to the convent building and of St Lawrence Church. The area would have metal clad elevations, which would break up the scale of the building, and give it a distinctive identity, coherent with the family of buildings proposed within the site.

4.13 The other buildings around the arrivals courtyard, which frame views of the convent (Plaza 1 and 2), have been reduced in eaves height by 750mm and ridge height, to the extent that they would be lower than, and not dominant over, the convent. There would be a suitable degree of openness around the convent. The buildings are of traditional materials (brick and slate roof) and form. The proposed arrangement, considering the layout, landscaping proposals and the scale and design of the new buildings, will provide a renewed setting to the convent building and provide a sustainable new use for the site, in sympathetic manner. The proposals are compliant in this respect with section 12 of the National Planning Policy Framework, which promotes sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation and new development making a positive contribution to local character and distinctiveness.

ORCHARD BUILDINGS

4.14 The group of buildings, would be of brick with a series of pitched roofs would reference the buildings to be replaced in this area and the brickwork on the convent buildings. This design approach is also appropriate to the wider setting.

CONVENT EXTENSION (INFIRMARY WING)

4.15 The replacement extension to the south of the convent building would be 2-storey; the existing structure is single storey. The addition would be lower than the two-storey part of the wing that is retained, and only the roof would be evident above the boundary wall. The addition respects the scale, proportions and materials of the existing, the change being defined by the lightweight metal clad link, which reference

the other new buildings proposed. There would be no harm to the setting by virtue of this addition.

PARK & STREET

4.16 The park and street buildings are a mix of 3 and 4 storey in height, which it is deemed can be accommodated on site, due to the scale of the boundary wall, the distance from neighbouring buildings and public views, and due to the amount of landscaped space between buildings.

4.17 The buildings are of contemporary appearance, along with brickwork, using timber, metal cladding and zinc as the external materials. The variety in materials and the staggered building heights have been used to give variety and reduce the perceived scale of the buildings. The buildings have been arranged so they relate to the historic landform and to provide views through to the boundary wall. Large scale drawings have been provided which show the detailing proposed for the buildings, and the architecture is contemporary and of a good standard. The buildings would have their own distinctive identity and be harmonious with the setting; there would be no conflict with national design policies, as summarised in 4.8.

LANDSCAPING AND AMENITY AREAS

4.18 Draft Local Plan policy GP9 requires that where appropriate, developments incorporate a suitable landscaping scheme.

4.19 The proposals strike a reasonable balance between re-using the site and retaining its historic character, to provide an adequate setting to the convent building and maintain a reasonable level of biodiversity.

- The garden behind the convent, which runs down to the cemetery wall would be retained, along with the cemetery. Almost 100% of the remaining garden area within the original boundary walls would be preserved.
- Development within the grounds has limited vehicular access which allows the garden setting to remain to a reasonable degree (which is unlikely would have been achieved with a different house type).
- The buildings have been arranged around an open space and arrival area to the east. This retains to a degree the existing layout and makes the convent a focal point of the development.
- Since pre-application stage the amount of development within the Orchard has been reduced. The current design retains a considerable amount of the orchard and replacement planting is proposed to account for the 17 trees that would be lost. The orchard is listed on Natural England's Traditional Orchard Inventory and a specific planning condition is proposed to detail the planting and management regime for this important area, to ensure its existing biodiversity value is retained.
- The new blocks to the southern side of the site, beyond the wall that cuts through the site, have been arranged so they relate to the zones of the gardens and to enable views of the boundary wall, which is a defining characteristic of the site.

- Lawrence Street would retain its defining character and there would not be harm to the setting. Stone setts would be used for the on-street car parking spaces, the number of street trees would increase. The developer would implement the required changes to street furniture, such as the relocation of the bus stop; the specification will be approved by CYC.

HIGHWAYS, ACCESS ARRANGEMENTS AND PARKING

4.20 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.

4.21 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, this accords with the requirements of Local Plan policy ED10. The bus stop and pedestrian crossing (the latter is outside the Lodge building) will be improved as a consequence of the scheme. It is proposed to include a restrictive covenant within the lease agreements that the student occupiers do not bring vehicles to the site. This will be reinforced by a Travel Plan which will be required by condition and will promote alternative means of travel – cycling, car club, walking and public transport. There would be disabled car parking (5 spaces) at the arrivals courtyard.

4.22 A strategy would be established for beginning/end of term arrangements, and movements would be staggered over a 2 week period, to manage the impact on the highway. It is envisaged the majority of occupants would be international students (typically 70% in VITA student developments), who would not be reliant upon private car use. Officers are satisfied with this arrangement, and there is no evidence that there would be any undue disturbance during such times, based on similar developments in the city. The proposed arrangements are detailed in the travel plan and management strategy and can be secured via a planning condition.

4.23 There are adequate servicing arrangements. The strategy for access is detailed in the design and access statement. The arrivals plaza has been designed so service vehicles can enter and leave the site in a forward gear, and there is adequate provision for fire tender access.

4.24 Covered and secure cycle parking has been provided at various locations around the site. Cycle parking levels are at 50%; a figure which has been agreed at student accommodation sites elsewhere. The planning condition which requires an ongoing travel plan would secure additional cycle parking provision in future, if demand required.

RESIDENTIAL AMENITY

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

Impact on Skipton House

4.26 The building which is adjacent Skipton House has been amended and reduced in scale; it would step down to 2-storey at the east side. The boundary wall is approx 4m high. The building would be just under 6m high to eaves level, under 8.5m high to ridge level. The rear yards are around 8m away. Based upon BRE guidelines, the building proposed would not cause a material loss of light. Given its height, the separation and the intervening boundary wall, the building would not appear over-dominant.

Impact on 110 Lawrence Street

4.27 There would be no undue impact on 110 due to the separation distances and because of the intervening boundary wall. No.110 to the north is 2-storey, with a garden behind. Orchard 3 would be 10m from the boundary and 25m from the rear elevation. Where it would directly face 110 it would be 3-storey. There are no balconies proposed to the north elevation, facing 110.

Impact on 102-106 Lawrence Street

4.28 The scheme has been arranged so there would be no undue effect on neighbour's amenity. No bedroom windows would look toward windows at 102-106. There would be a bedroom window at top floor level (in orchard 3) 6m from the boundary, which would look towards the corner of the rear garden at 106 (there would not be views into the garden from lower levels due to the boundary wall). The part of the garden which would be overlooked is narrow and accommodates an out-building. There would be a reasonable open outlook from the main part of the garden and the house, due to the gap proposed between Orchard buildings 2 and 3.

Infirmery wing

4.29 The extension to the Infirmery Wing would be to the rear of 31-39 (odds) Farrar Street. The addition would be lower than the existing 2-storey wing, by around 750mm. The eaves height would be set at the top of the boundary wall, and the ridge of the pitched roof would be around 4m away from the wall, 3m higher. The rear gardens of the Farrar Street houses are approx 8m deep. Due to the overall height, and roof pitch, the extension would not have an undue effect on residential amenity; it would not be unduly over-bearing and would not cause an undue loss of light.

Park & Street buildings

4.30 Park 1 would be angled to look partially towards 5-8 Fountayne House. The block would be 3-storey, 13m/14m from rear yards, and at its closest point 18m from rear elevations. In the situation proposed, where the wall would retain a reasonable degree of privacy within rear yards and from ground floor windows, the separation distances are adequate and there would be no undue harm to residential amenity. The blocks at the south end of the site are orientated so they would overlook the roof of the school and the car park area. There would be no harmful effect on the school, considering over-bearing/impact on privacy.

Future occupants - Noise

4.31 Planning conditions can be applied to ensure that internal noise levels are to national standards. Secondary windows would be required on the existing buildings' windows which face Lawrence Street and these can be designed so they do not harm the character of the listed buildings.

Future occupants - Air quality

4.32 Based on 2013 data, air quality would be acceptable for residential use within buildings, which have windows fronting directly onto Lawrence Street. However in previous years, levels would not have been acceptable. It has been agreed that the applicants will undertake further monitoring, to obtain a better understanding of the current levels. If necessary the Lodge building will need to have fixed windows on ground and first floor level and be provided with mechanical ventilation. This arrangement would be secured via a planning condition.

ARCHAEOLOGY

4.33 Draft Local Plan 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.

4.34 An archaeological evaluation of the has been undertaken prior to submission, which concludes that the site was either open ground or used for agriculture prior to development of the monastery. The Roman archaeology reflects the primarily agricultural landscape that supported the legionary fortress, with the ditch observed running east-west along the southern part of the site lying broadly parallel to the presumed course of the road between York and Brough.

4.35 The site has the potential to preserve significant archaeological features and deposits. As such, in accordance with policy, conditions are proposed to ensure these are recorded - a programme of excavation of any archaeological features and a watching brief on any deeper groundworks, such as utility connections.

SUSTAINABILITY

4.36 Proposals are compliant with the Supplementary Planning Document on sustainable design and construction. The application is supported by a Sustainability Statement which sets out the measures to be employed within the buildings to achieve a BREEAM rating of 'very good'; this is applicable to both the new building and the conversions. In addition renewable technologies such as PV panels are proposed.

OPEN SPACE

4.37 The National Planning Policy Framework states access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Local requirements for open space are established in Local Plan policy L1c and the SPG note -Open Space Advice Note: Commuted Sum Payments in New Developments. The latter establishes the amount of open space which is required in new developments.

4.38 The scheme has an adequate amount of amenity space on site, based on the requirements within the SPG. Sports facilities are provided by the universities, at which future occupants will be required to be enrolled in. As such no contribution towards open space is required. Planning conditions can secure provision and maintenance of the on-site open space.

DRAINAGE AND FLOOD RISK

4.39 The National Planning Policy Framework requires that development should be directed into areas where flood risk is low. Developments should be safe from flooding and not increase flood risk elsewhere. Local Plan policy GP15 seeks to reduce flood risk elsewhere by ensuring developments do not lead to increased surface water run-off.

4.40 The site is not in flood zones 2 or 3. It is in an area where there is a low probability of flood risk. As such the development proposed is appropriate at this site, based upon the guidance within the National Planning Policy Framework (paragraph 101).

4.41 An FRA has been submitted with the application, which proposes an outline drainage scheme. Rain gardens within the site will channel surface water run-off. Run-off rates into the sewer (it is proposed to drain to the public sewer on Lawrence Street) would be restricted by a flow control device. The strategy will ensure a reduction in existing rates of surface water run-off. The approach to drainage is acceptable; a planning condition can secure the final design.

BIODIVERSITY

4.42 Paragraph 113 of the National Planning Policy Framework states that Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geo-diversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.

4.43 Local Plan policy NE6 relates to species protected by law. It states that where a proposal may have a significant effect on protected species or habitats, applicants will be expected to undertake an appropriate assessment demonstrating proposed mitigation measures. Planning permission will not be granted where developments will cause demonstrable harm to species protected by law or their habitats.

4.44 Draft Local Plan policy NE7 relates to habitat creation and protection. It states that development proposals will be required to retain important natural habitats and where possible include measures to enhance or supplement these.

4.45 The phase 1 habitat survey undertaken has informed how the development can be undertaken to mitigate the impact on protected species, in particular bats. A planning condition is proposed to cover these matters. The condition will advise on how works will proceed with care, and allow CYC to agree the timing of works (to avoid seasons where bats may be roosting), method statements to cover works in sensitive areas, and measures to provide habitat features.

4.46 The orchard is not a locally designated site, although it is on the National England Inventory. National England's targets are for no net loss of orchards and for enhancement. The scheme proposes replacement planting for the trees which would be lost to accommodate the proposed development. A planning condition is proposed to approve a detailed scheme and management of the orchard area.

CRIME PREVENTION

4.47 The National Planning Policy Framework advises planning should aim to achieve safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

4.48 The site will have controlled access and permanent on-site management. On this basis officers are content that the scheme is compliant with policy in terms of crime prevention.

OTHER ISSUES

4.49 Occupancy - A condition is proposed to ensure that the student accommodation is occupied by students studying within York only. This would ensure that the accommodation is used to alleviate the use of other housing in York for student accommodation, and so that planning gain, such as affordable housing/contributions towards education, could be secured were there to be an application to revert to non-student housing.

5.0 CONCLUSION

5.1 The site is classed as previously developed land and within a sustainable location. There is a demonstrable need for the type of housing proposed and therefore according to national planning policy, there is a presumption in favour of the proposed development, subject to a satisfactory impact on heritage assets. The scheme should be approved unless the development is deemed to be unsustainable.

5.2 The proposed development would be of good quality; fit for purpose, sustainable (achieving a BREEAM rating of very good), and sensitive to heritage assets (the impact on listed structures would be acceptable) and biodiversity. The application has a level of detail which demonstrates the scheme is based upon a comprehensive understanding of both the history of the site and its landscape values, and the development proposed is distinctive and harmonious with its setting. There is adequate mitigation for any impact on biodiversity. There would be no conflict with planning policy and no undue effects, in particular upon residential amenity and the highway network. Approval is recommended.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

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

Purcell Drawings

202, 203h, 204, 205

Convent Buildings – 210a, 211a, 212, 213, 214, 215, 216, 217, 218, 220, 225

Infirmary wing – 229, 230

Extern House – 251a, 252

Lodge – 271a, 272a

Large scale details / roof abutments - 300a

Fuse drawings (14 006 (20))

Masterplan 101 R3

Plaza Buildings

PL1 - 001 R4, 002 R5, 100 R5, 101 R5

PL2 – 001 R2, 100 R2, 101 R2

Typical sections of Plaza buildings – 21 – PL2 001

Orchard Buildings

OR1 - 001 R3, 002, 010 R1, 011 R1, 012, 013, 014, 100 R3, 101 R3, 102, 200, 201, 202

OR2 – 011 R1, 100 R3, 101 R1

OR 3 – 001 R3, 100 R3, 101 R3, 102 R1

Typical sections - 21 - OR3 001 and 002

Street Buildings

ST1 - 001 R2, 002 R2, 003 R1, 100 R2, 101 R2

ST2 – 001 R2, 002 R2, 003 R1, 100 R1, 101 R1

ST3 – 001, 002, 003, 100, 101 all R1

ST4 - 001, 002, 003, 100, 101 all R1

ST5 – 001 R1, 002, 101 R2, 102 R1

Typical sections – 21 – ST1 001

Park Buildings

PK1 – 001 R1, 100R2, 101 R2

PK2 - 001 R1, 010, 011, 012, 013, 014, 100 R2, 101 R2, 103, 200, 201

PK3 – 001 R2, 100 R3, 101 R2

PK4 – 001 R1, 100 R2, 101 R2

Typical sections – 21 – PK2 001, 002, 003

Sub-station

SB1 001 R1

Reform drawings (RF14-164)

L01, L02, L04a, L05, L06a, L07a, L08, L09h, L10a, L13, L14b, L15a, L16a, L17

Details of boundary treatment to cemetery – SK - 04B, 05A

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

Application Reference Number: 14/02404/FULM

Item No: 4c

3 Materials

Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction of the new buildings. The development shall be carried out using the approved materials.

A sample panel of the brickwork to be used on the buildings shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of construction of the new buildings. 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.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance, and in the interests of the setting of listed buildings.

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

5 Tree protection method statement

Before the commencement of development, including demolition, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings 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 statement. For the avoidance of doubt this condition excludes works necessary for routine tree maintenance, pruning and crowning works.

This statement shall include details and locations 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,

locations for stored materials, location of site cabin and marketing cabin. It shall also include construction details and existing and proposed levels, where a change in surface material is proposed within the canopy spread and likely rooting zone of a tree.

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

6 Tree protection

A qualified arboriculture consultant shall carry out inspections at regular intervals for the entire duration of on-site operations as stated in the approved tree protection method statement. Adherence to the approved method statement and any incidents shall be monitored and recorded. These records shall be made available for inspection by the Local Planning Authority if requested. Before works start on site, excluding any tree maintenance, pruning and crowning works, the name and address of the appointed arboriculture consultant shall be supplied to the local authority.

Reason: To ensure every effort and reasonable duty of care has been exercised by the developer during the development in the interests of protecting the existing trees to be retained.

7 Land contamination

Prior to development commencing (excluding creation of the site access, highway works and tree maintenance) the following works shall be undertaken -

a) Site investigation

An investigation and risk assessment (in addition to any assessment provided with the planning application) to assess the nature and extent of any land contamination. The investigation and risk assessment shall 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) shall 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 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) Verification of Remedial Works

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

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.

Reporting of Unexpected Contamination

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

8 Site drainage

Construction of the new/additional buildings hereby approved shall not commence until details of the proposed means of foul and surface water drainage, including

details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details. Unless otherwise agreed with the Local Planning Authority peak surface water shall be restricted to no greater than 8 litres per second.

Reason: In the interest of satisfactory and sustainable drainage.

9 BREEAM

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 within 12 months of first occupation (unless otherwise agreed). 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'

Informative: The new buildings are anticipated to achieve a 'Very Good' rating under BREEAM 2011 New Construction. The refurbished buildings will achieve a 'Very Good' Rating under BREEAM 2008 Multi-Residential.

10 Bat Mitigation

No development shall take place (excluding works to create site access, site highway works, site investigations and routine tree maintenance) until full details of what measures for bat mitigation and conservation across the site are proposed and have been submitted to and approved by the Council. A copy of the European Protected Species Licence should be supplied to the Council prior to any work taking place. For the avoidance of doubt refurbishment works of the main convent building can proceed other than in the localised area of the single bat roost identified by the Delta Simons Report .

- a) A precautionary method statement for work on the apple store, demolition of the orchard glasshouse and shed, removal of three trees (T4, T17, T24), and ivy removal from tree T19.
- b) No buildings containing bats to be demolished until the bats have been safely excluded using previously agreed methods.
- c) The timing of all operations. Renovation works of the main convent buildings, in

the localised areas where bat roost potential has been identified (see Delta Simons Report September 2014), shall not occur during the main hibernation period for bats (November - March inclusive), unless otherwise agreed.

- d) Details of what provision is to be made on site to replace the features lost through the demolition of the original structure (features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards, bat lofts and bat boxes).
- e) Details of the external lighting, to include location, manufacturers details and details of light-spill. Lighting shall be designed so any roost sites, foraging or commuting areas are not directly illuminated.

The works shall be completed in accordance with the approved details prior to the occupation of the accommodation and shall be retained unless otherwise agreed in writing with the Local Planning Authority.

Reason: To take account of and enhance habitat for protected species, in accordance with paragraph 109 of the NPPF.

11 Landscaping

The development shall not be occupied until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme (hard and soft measures and including lighting) which shall illustrate the number, species, height and position of trees and shrubs to be planted (including tree pits and supports on Lawrence Street). This scheme shall be completed no later than the end of the first planting season following first occupation of the new build development or in accordance with a programme agreed in writing with the Local Planning Authority. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

12 Orchard

An Ecological Management Plan (EMP) for the restoration and management of the orchard and woodland garden areas shall be submitted to and approved in writing by the local planning authority prior to the occupation of the new build development. (It is recommended the plan is prepared with reference to Natural England's Traditional orchards: restoring and managing mature and neglected orchards (TIN018), and other guidance notes in this series including Traditional orchards: orchards and wildlife (TIN020)). The EMP shall include;

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
- g) Personnel responsible for implementation of the plan
- h) Monitoring and remedial measures.

Reason: In the interests of protecting and enhancing the natural environment.

13 ARCH2 Watching brief required -

14 Electric vehicle charging points

Before the occupation of the development at least two Electric Vehicle Recharging Points shall be provided on-site and maintained for the lifetime of the development, to the satisfaction of the Local Planning Authority. The location and details of the recharging points shall be approved by the Local Planning Authority.

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

INFORMATIVE: Electric Vehicle Recharging Point means a free-standing, weatherproof, outdoor recharging unit capable of charging two electric vehicles simultaneously with the capacity to charge at both 3kw (13A) and 7kw (32A). For further information on how to comply with this condition please contact City of York Council's Low Emission Officer Derek McCreadie.

15 Travel Plan

Within 6 months of occupation a travel plan shall be submitted and approved in writing by the Local Planning Authority. The travel plan shall be developed and implemented in line with Department of Transport guidelines and be updated annually. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan. Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the Local Planning Authority.

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

INFORMATIVE: The travel plan shall contain; information on how private car ownership will be prevented, measures to prevent occupants parking on the adjacent streets, and delivery of further cycle parking if demand requires.

16 Cycle parking

Prior to occupation 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 in accordance with the 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 and in the interests of the amenity of neighbours.

17 Details of all machinery, plant and equipment to be installed on-site, which is audible at the boundaries of the nearest residential properties when in use, shall be submitted to the local planning authority for approval. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

The combined rating level of any building service noise associated with plant or equipment at the site should not exceed either 35dB(A) at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, 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. In order to demonstrate compliance with this condition the applicant should submit a noise report with the findings of such investigations.

Reason: To protect the amenities of adjacent residents

18 Works in the highway

The development shall not be occupied until the highway layout, as shown on the approved plans (including improvements along Lawrence Street), have been completed and all existing vehicular crossings not shown as being retained on the approved plans have been removed and the highway reinstated to match adjacent levels.

The detailed specification of the replacement bus stop, which will include a BLISS display and Kassel kerbs, shall be approved in writing prior to such works commencing and the development shall be carried out in accordance with the approved details.

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

Informative: These works are to be documented in a Section 278 Agreement or similar highways agreement.

19 Air quality

Unless otherwise agreed by the Local Planning Authority, all habitable rooms (bedrooms and living areas) at ground and first floor level to elevations overlooking Lawrence Street on the lodge building shall be ventilated through continuous mechanical supply and extract (with heat recovery) to the rear of the building, away from Lawrence Street. Details of the mechanical ventilation scheme shall be approved by the Local Planning Authority prior to first occupation of the lodge building and the scheme shall be carried out in accordance with the approved details.

Reason: In the interests of the amenity of future occupants due to poor air quality in the locality.

20 Noise

Unless otherwise agreed, prior to occupation of the Lodge building and Plaza 1 it shall be demonstrated that internal noise levels, within such buildings (with windows closed), will not exceed the following levels –

L_{Aeq} (between 07:00-23:00) of 35 dB(A),

L_{Aeq} (23:00-07:00) of 30 dB(A)

L_{Amax} (23:00-07:00) of 45 dB(A).

Reason: In the interests of residential amenity, in accordance with BS8233 and the World Health Organisation Guidelines on Community Noise.

21 Site drainage

The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

22 Site drainage

Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works to each individual new build building and no building shall be occupied or brought into use prior to completion of the approved foul drainage works to each individual new build building.

Reason: So that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal.

23 Site management

The development shall operate in accordance with the Vita Student Accommodation Management & Service Strategy dated October 2014 and the Fore Transport Statement dated 17.October, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity and highway safety.

24 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, and shall not be used for any other purpose.

Reason: In order to control the future occupancy of the development in the event of it any part of it being sold or rented on the open market without securing adequate levels of planning gain (open space and education provision and affordable housing) in accordance with Policy H2a of the City of York Draft Local Plan, and to ensure that the proposal accords with the submitted needs assessment dated October 2014.

7.0 INFORMATIVES:

Notes to Applicant

1. ECOLOGY

All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended). To ensure that breeding birds are protected from harm during construction, works that would impact on building features or vegetation that would be suitable for nesting birds should be undertaken outside of the breeding bird season between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period. There are opportunities for the development to provide enhancement for birds without detriment to the building by the addition of traditional woodend bird boxes and others, examples of which can be found on the RSPB website -

http://www.rspb.org.uk/makeahomeforwildlife/advice/helpingbirds/roofs/internal_boxes.aspx

2. 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.

3. WORKS IN THE HIGHWAY

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

information please contact the officer named:

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

4. 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, sought revised plans during the application process and through the use of planning conditions.

Contact details:

Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323