

COMMITTEE REPORT

Date: 14 March 2018 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
 Commercial Team

Reference: 17/02702/FULM
Application at: Horwell Brothers Ltd Coal Yard 11 Mansfield Street York
YO31 7US
For: Erection of four storey block and 2 storey block for student
accommodation (100 bedrooms) with association cycle and
vehicle parking and bin storage following demolition of
existing building
By: Residential Capital (York) Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 16 March 2018
Recommendation: Approve

1.0 PROPOSAL

1.1 This application is for the erection of a four storey building and a two storey building with cycle, vehicular and waste storage to provide student accommodation (100 units in total).

1.2 The site is located to the east of Foss Islands Road. Access is along Mansfield Street, a small cul-de-sac of mixed commercial and industrial uses. Existing residential properties are located at Foss Place, Foss Court located to the south of Mansfield Street.

1.3 The site is located outside any conservation area and situated immediately outside the Central Area of Archaeological Importance. It is located within Flood Zone 3.

1.4 The land is an existing coal yard consisting of a single storey office building and enclosed yard with bunkering and storage bays. The site measures approximately 35 metres by between 32 and 39 metres with the addition of the office building area measuring 18 metres by 13 metres.

1.5 The proposal involves the demolition of the existing single storey office building and its replacement with a four storey structure to provide 96 bedrooms for student accommodation. The units are split into clusters of 5 or 6 en-suite rooms with associated kitchen and living areas (communal room). There are four clusters per floor with 3 additional self contained bedrooms on floors 1-3. The ground floor will provide a study room, concierge and office.

1.6 In addition, the plans indicate a separate 2 storey block with 5 car parking spaces, 56 cycle (double racking) storage spaces and 6 visitor spaces, bins storage areas on the ground floor and 4 self contained bedrooms on the first floor accessed via an external staircase.

PLANNING HISTORY

1.7 15/01571/FULM Erection of four storey block for student accommodation (84 units) following demolition of existing building. Approved 23.11.2016

1.8 It does not appear that conditions have been discharged or work has started on site to implement this permission, other than archaeological investigations and other background works including land remediation.

1.9 The main difference between this current application and the approved scheme (above) is the increase in 16 bedrooms as a result of the internal rearrangement (the studio flats on the third floor have been removed) and the addition of the four self-contained bedrooms to the first floor of the additional block.

1.10 This application has been amended; the original scheme sought consent for 20 additional units however following revisions to the design of the third floor roof level to provide a set-back, two units at third level have been removed. The set back is considered to generally follow the design of the approved scheme and to avoid a sheer storey.

1.11 The original application achieved an internal ground floor level at 10.96m AOD which met the 1 in 100 year flood level. The current application has raised the internal ground floor level by 900mm to meet the Environment Agency requirement of 600mm above 100 year return event and 50% climate change allowance. Therefore the internal finished floor level has been raised to 11.64m AOD which has resulted in the roof height of the building increased by 0.45m.

2.0 POLICY CONTEXT

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) MARCH 2012

2.1 See section 4.

DEVELOPMENT CONTROL LOCAL PLAN (DCLP) 2005

2.2 City of York Council does not have a formally adopted Local Plan. Nevertheless The City of York Draft Local Plan Incorporating the Fourth Set of Changes Development Control Local Plan (Approved April 2005) was approved for Development Management purposes (the DCLP).

2.3 The 2005 Draft Local Plan (DCLP) does not form part of the statutory development plan for the purposes of S38 of the 1990 Act. Its policies are however considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are consistent with those in the NPPF, although it is considered that their weight is very limited.

2.4 The DCLP policies relevant to the determination of this application include:

E3b	Existing and proposed employment sites
ED10	Student Housing
GP1	Design
GP4a	Sustainability

EMERGING LOCAL PLAN

2.5 On 21 February 2018 the Publication Draft York Local Plan 2018 (“2018 Draft Plan”) was published for the final six week consultation. The emerging Local Plan policies contained within the 2018 Draft Plan can only be afforded limited weight at this stage of its preparation, and subject to their conformity with the NPPF and the level of outstanding objection to the policies in accordance with paragraph 216 of the NPPF. However, the evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications.

2.6 The main draft policies that are relevant to matters raised by this application are:

SS1: Delivering Sustainable growth for York
SS3: York City Centre
DP2: Sustainable Development
DP3: Sustainable Communities
T1: Sustainable Access
H2: Density of Residential Development
H7: Student Housing
CC2: Sustainable Design and Construction of New Development
ENV2: Managing Environmental Quality
ENV4: Flood Risk
ENV5: Sustainable Drainage

3.0 CONSULTATIONS

INTERNAL

HIGHWAY NETWORK MANAGEMENT

3.1 Advice have been received in respect to cycle parking, to ensure the bike storage area is adequate for the level of cycle parking to serve the proposed development.

PLANNING AND ENVIRONMENTAL MANAGEMENT (FORWARD PLANNING)

3.2 No response has been received at the time of writing.

PLANNING AND ENVIRONMENTAL MANAGEMENT (ARCHAEOLOGY)

3.3 This site is situated immediately outside the Central Area of Archaeological Importance. It is located north-east of the Kings Fishpool and south of Layerthorpe and the medieval bridge across the King's Fishpool. Archaeological deposits and features dating from the Roman-medieval period are known to survive in this area.

3.4 A desk based assessment for this site was completed in March 2015. It recommended evaluation trenching due to the close proximity to the former medieval church of St Mary and the high probability of post-medieval and early modern archaeology on the site.

3.5 An archaeological evaluation will be required to establish the nature and depth of any archaeological features which exist on site.

HOUSING STRATEGY AND DEVELOPMENT

3.6 Confirmation that a restriction will be placed on the application so that it cannot be used for non student residential accommodation (or at least, not without an appropriate affordable housing contribution being provided).

FLOOD RISK MANAGEMENT TEAM

3.7 The Flood Evacuation Plan submitted with is a very comprehensive document and based on its content the application is supportable.

PUBLIC PROTECTION

3.8 The submitted noise survey acknowledges the high level of noise associated with the adjacent construction sites (it is notes that the noise report was undertaken in 2016 and at present there does not appear to be any major construction works in the area, although given the nature of the area, there is potential for this to be an issue again). Public protection is however satisfied that the amenity of students will be protected with the use of specific glazing to windows and trickle ventilation and this is to be conditioned. They also comment that they are not aware of any recent significant changes to land use in the area which would cause expected noise conditions in this area to have changed substantially since the time the submitted noise report was compiled.

3.9 In addition conditions are required to achieve an electric hook up point in the car park area, and environmental management plan during the construction phase of the development and the installation of plant and equipment.

3.10 The applicant has submitted a remediation strategy in order to address the previous conditions relating to land contamination. Preliminary Investigation Report and a Geo-Environmental Assessment show that the site is currently occupied but a scrap metal merchant and coal yard. An intrusive site investigation was carried out in August 2017 however site access was limited. Further, a remediation strategy has also been submitted.

3.11 The reports are acceptable but additional site investigation work is still required in the previously inaccessible areas to fully characterise the contamination regime at the site. Conditions are therefore recommended including a remediation strategy which cannot be finalised until the additional site investigation work is complete.

WASTE SERVICES

3.12 Requested adequate waste storage provision for waste and recycling materials was provided on site given the potential numbers of students. Any further comments shall be reported verbally at the meeting.

EXTERNAL

GUILDHALL PLANNING PANEL

3.13 No response has been received at the time of writing.

YORKSHIRE WATER

3.14 No objection to the proposal from the developer to cut back the existing 3" diameter water main located within the site.

3.15 The Flood Risk Assessment is acceptable. The report states that foul water will discharge to public combined sewer and with respect to surface water, sub-soil conditions may support the use of soakaways.

ENVIRONMENT AGENCY

3.16 Provided the Sequential test is passed there are no objections to the application subject to conditions which seek to ensure that the details in the submitted floor risk assessment are implemented.

POLICE DESIGNING OUT CRIME (DOC) OFFICER

3.17 The most significant crime issues in the area that could affect this development are criminal damage, burglary and theft of cycles; with anti-social behaviour a problem. Request that the conditions imposed on the extant permission are replicated should the application be approved.

SITE NOTICES AND PUBLICITY

3.18 No letters of representation have been received.

4.0 APPRAISAL

4.1 Key Issues

- o Principle of the development (loss of employment land/student housing)
- o Siting and design
- o Residential amenity
- o Highways access and parking arrangements
- o Sustainability (of the buildings)
- o Flood risk and drainage

POLICY CONTEXT

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

4.2 The National Planning Policy Framework 2012 (NPPF) sets out the Government's overarching planning policies. The framework states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

4.3 Paragraph 187 states that Local Planning Authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible.

4.4 The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. At paragraph 20, to help achieve economic growth, the NPPF sets out that Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Paragraph 22 advises that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

4.5 The government advises at paragraph 50 that to deliver a wide choice of high quality homes, local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

4.6 Paragraph 103 says that when determining planning applications local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site specific flood risk assessment following the sequential test and if required the exception test it can be demonstrated that within the site the most vulnerable development is located in areas of lowest flood risk unless there is an overriding reason to prefer a different location and development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning and it gives priority to the use of sustainable drainage systems.

4.7 In the absence of a formally adopted Local Plan the most up-to date representation of key relevant policy issues is the NPPF and it is against this Framework that the application should be considered alongside other material considerations. Paragraph 14 of the NPPF says that at the heart of the NPPF is a presumption in favour of sustainable development for decision taking. This means that where the development plan is absent, silent or relevant policies are out-of-date granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies indicate development should be restricted.

DEVELOPMENT CONTROL LOCAL PLAN (DCLP) 2005

4.8 The following draft policies are considered to be of some relevance, in that they are in accordance with the principles of the NPPF, albeit they are given very little weight.

4.9 Policy E3b (existing and proposed employment sites) seeks to resist the loss of existing employment sites and retain them within their current use class. In order to determine if there is sufficient supply of employment land to meet both immediate and longer term requirements over the plan period in qualitative and quantitative terms, evidence that the site has been marketed (for at least 6 months) should be sought. In addition either point b), c) or d) of policy must be met.

4.10 Under Policy ED10 (Student Housing) planning applications for off campus residential accommodation on windfall sites should meet a series of criteria. The applicants must demonstrate an identified need for the development and give consideration to accessibility to educational establishments by means other than the car, scale and location and the amenity of nearby residents. Car parking must also be satisfactorily managed.

4.11 Policy GP1 (Design) expects new development to respect or enhance the local environment and to be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate

building materials and to ensure that residents living nearby are not unduly affected by noise and disturbance.

EMERGING YORK LOCAL PLAN

4.12 The site is also an existing employment site. Draft Policy EC2 (Loss of Employment Land) continues the approach to existing employment land set out under E3b in the DCLP. When considering proposals uses which involve the loss of land and/or buildings which are either identified, currently used or were last used for industrial business, office or other employment uses, the Council will expect developers to provide a statement to the satisfaction of the Council demonstrating that the existing land and/or buildings are demonstrably not viable in terms of market attractiveness, business operations, condition and/or compatibility with adjacent uses; and the proposal would not lead to the loss of a deliverable employment site that is necessary to meet employment needs during the plan period.

4.13 Students form an important element of the community and the presence of a large student population contributes greatly to the social vibrancy of the city and to the local economy. The Council encourages purpose built student accommodation where there is a proven need and it is designed and managed in a way that attracts students to take it up under emerging Local Plan policy H7 (Student Housing). This continued the approach to student housing in the DCLP.

PRINCIPLE OF THE DEVELOPMENT

4.14 The site is previously developed land sustainably located close to the city centre. The principle of encouraging the effective use of land by reusing land that has been previously developed in this location is supported by the NPPF. Student housing can relieve the pressure on 'traditional' housing and provide a level of employment. The NPPF seeks to boost significantly the supply of housing and to encourage sustainable economic uses. As such, the general thrust of the NPPF is supportive of the development proposed.

4.15 Furthermore, there is an extant permission for the redevelopment of the site to provide a four storey block providing 84 student bedrooms. It is a material planning consideration in the assessment of this current application. The changes between the current application and the extant scheme are addressed in more detail above in section 1, and comprise primarily of an increase in student bedrooms (16, minor design changes including an increase in height of the four storey building following the raising of the internal ground floor level to meet the Environmental Agency's most up-to-date requirement on flood resilience measures.

4.16 The current evidence is that there is no demand for employment uses on this site and the current use is not likely to remain. The applicant is undertaking some background site investigation works (archaeology and land contamination) that were

subject to conditions under the approved scheme, with a view that these documents facilitate the new proposed development.

STUDENT HOUSING

4.17 The DCLP through draft policy ED10 and the emerging Local Plan through draft policy H7 are relevant to applications for student housing. Policy ED10 (Student Housing) says planning applications for off campus residential accommodation on windfall sites should meet a series of criteria. The applicant must demonstrate an identified need for the development and give consideration to accessibility to education establishments by means other than the car, the scale and location of the development is acceptable and the impact of the amenity of nearby residents would not be detrimental. Car parking must also be satisfactorily managed.

4.18 The previous approved scheme provided a report setting out the need for additional student accommodation. Whilst the application was determined in 2016, Council records indicate that there have been no approvals for large scale purpose built student accommodation and as concluded previously, there is still a demand for student accommodation bed spaces. The proposal for 20 additional units is also acceptable in regards to policy ED10. Other elements of draft policy ED10 are considered below.

SITING AND DESIGN

4.19 The site is located at the end of Mansfield Street; a small cul-de-sac accessing a range of commercial uses. The site itself is surrounded by industrial and retail development and site about 1m lower than land to the north, east and south. There is an existing single storey office building on the south west side of the land, the remaining yard area is used for the storage of coal and consists of an impermeable surfaced area with brick wall boundary.

4.20 The design retains the main building as a four storey block. The application initially sought to provide a fully glazed sheer building, however amended plans have been submitted that re-introduces the top floor as a recessed element and to reduced the amount of glazing. It is considered that the amended plans represent an improvement and the measures taken lessen the visual significance of the upper floor level, particularly given the increase in the height arising from the raising of the finished floor level.

4.21 The main block is accessed from its western side via a pedestrian access gate, set back from the road. The north and south elevations are set 5m from the northern and southern boundaries and a little less from the eastern boundary. The narrow area around the building which is enclosed by a 2m high wall provides the external space for the accommodation.

4.22 The height of the main building previously approved measured 12m in height. Taking into account the raising of the building and the increase in roof height, the building will now measure 13m (approx). This will result in the building being higher than the gym building on the western side and marginally higher than the highest part of the adjacent and now converted (to residential use) former William Birch office on Foss Place. The industrial uses at the rear of the site and former Topps Tiles to the north are industrial buildings on a single level. Being set a metre above the site level reduces the differential in height between the existing and proposed structures nevertheless in views of the building from the east and from Layerthorpe to the north the building will be visible.

4.23 Whilst this application would result in a taller building to the approved scheme, an increase in height of 1m is considered acceptable. Whilst the building remains large in scale and the design is different to its immediate surroundings, it remains that there is no overriding character to the area that would preclude the approach to development proposed by the applicant and there would be no reasonable basis to object to the proposed scheme on design grounds.

4.24 The scheme involves a secondary building, positioned to the south west of the main building, which will be two storeys in height incorporating enclosed cycle and waste stores at ground floor level and four additional residential units at first floor level. The building will also accommodate car parking, with a car port style design. This will replace the existing single storey office building. The approved scheme permitted a single store building in this location. It is considered that this building would reflect the character of the main building and would not be overly dominant. As with the main building, there is no reasonable basis to object to the proposed scheme on design grounds.

4.25 The site plan identifies the proposed improvement to the site boundaries, which include a mix of retaining and re-pointing existing brick walls, additional brick walls and vertical timber boarding. A plan showing the detail of the proposed boundary treatment has been provided, however it is noted that these do not match. Further, it is detailed to have a 1.8m high brick wall to the front boundary of the site, adjacent to Mansfield Street could have an imposing appearance, particularly at the main entrance points. The details of boundary treatments could be secured by a condition to ensure that they are suitable for the character and appearance of the area, whilst offering security benefits.

RESIDENTIAL AMENITY

4.26 The closest residential development to the site is located in the former William Birch Offices, which have been converted under Permitted Development rights following the approval of a prior notification application. Student housing has also been constructed on a site to the east. However the site's nearest neighbours are commercial uses; retail, leisure and industrial. As with the previous scheme, Public Protection are satisfied with the scheme, subject to appropriate glazing, that the

buildings will provide an acceptable residential environment for students and support the application subject to a condition requiring noise insulation details.

4.27 The detached two storey building providing four residential units will be positioned to the south east of the main building. The external staircase of the smaller building will be positioned up to the windows of the main building, which will serve communal areas. As such, the position and close proximity of the smaller building would not reduce the residential environment for students on the ground or first floors within the main building.

4.28 The self contained flats at first floor of the second block would have an outlook over the parking and existing low level buildings. It is considered that the flats would receive adequate daylight and sunlight. Concern has been raised as to the external access arrangements, however in order to accommodate internal access, the building would have to be larger, and may not be able to be accommodated within the site.

4.29 The site's current environment is not one which a residential use can easily be envisaged, however the site has an extant permission for residential use. Furthermore, city centre facilities are close by and the cul-de-sac location means traffic and pedestrian movements are relatively low. On balance, it is maintained that the development will provide an acceptable residential environment for student housing.

HIGHWAYS ACCESS AND PARKING ARRANGEMENTS

4.30 The proposed student accommodation is close to the city centre, public transport and the University of York St John. It is within easy cycling distance of the University of York and therefore deemed to be situated in a sustainable location.

4.31 The block is situated at the head of a road which currently does not have a turning head. Parking restrictions protect the free flow of traffic in this and nearby streets. Although the site is considered to be in a sustainable location, the limited off-street parking means that without viable sustainable travel alternatives being promoted, the development has the potential to still attract multiple car ownership but without the of-street facilities to accommodate them. As with the approved scheme, to address this, a travel plan to incentivise sustainable travel and reduce the potential impact on the highway would be secured via conditions.

4.32 The scheme now proposes 100 units with 56 covered and secure cycle spaces within the separate block. The cycle racks are arranged with a double rack mechanism. In addition there will be 6 visitor cycle parking spaces to the front of the building. Therefore there is a provision of at least half of the units having cycle parking provision. DCLP Appendix E normally requires one parking space per unit; however the Council have adopted a lower requirement (50%) in similar student accommodation sites nearby.

4.33 Vehicular access for construction is very restricted, being accessible by Mansfield Street only and at the end of a narrow street with limited turning for large vehicles. As with the approved scheme, a condition for a method of works will be imposed to mitigate the impact on the adjacent highway during construction.

SUSTAINABILITY (Building Design and Accessibility)

4.34 The application is supported by a sustainability statement which indicates that the building envelope will be a high performing construction. It is proposed that a condition be attached to require the building to achieve BREEAM 'very good' standard to accord with the requirements of the Council's Interim Planning Statement on Sustainable Design and Construction. The applicant has also considered the scheme against policy GP4a of the DCLP which seeks to ensure that development considers the principle of sustainability through a number of criteria. As with the previous scheme, officers are satisfied that based on the parameters of GP4a, and with appropriate conditions, that the site achieves the requirements of GP4a in an accessible urban location on previously developed land.

FLOOD RISK

4.35 Paragraphs 100 -103 of the NPPF advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk of flooding to land with the lowest probability of flooding through application of a Sequential Test. The Flood Risk Assessment (FRA) will provide the basis for applying the Sequential Test. Should the Sequential Test conclude that no other sites are available; the proposal is then required to pass an Exception Test.

4.36 The site is located within Flood Zone 3a where a high probability of flood risk exists. The existing use of the site is a 'less vulnerable' use according to the NPPF and the proposed use is a 'more vulnerable' use. The proposal would therefore be an increase in the flood risk vulnerability of the site. Paragraph 103 of the NPPF says that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- Development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

4.37 The previous application was accompanied by an FRA. This was supported by a comprehensive Sequential Test which looked at a total of 73 sites to establish

whether there are other reasonably available sites for the proposed development in areas with a lower probability of flooding. This concluded that no other site in the geographical area is available for the development. The application details show that there is a demonstrable need for university accommodation within the city and that there are no other available sites in more suitable locations. Since the extant permission was determined on this site, council records indicate that there have been no large-scale applications submitted for purpose-built student accommodation within the City. Therefore it reinforces the need for this type of purpose built student accommodation in the City.

4.38 As the Sequential Test has concluded that no other sites are available, the proposal is required to pass an Exception Test.

4.39 As set out in paragraph 102 of the NPPF there are two parts of the Exception Test which must both be passed for the development to be permitted:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk informed by a Strategic Flood Risk Assessment where one has been prepared; and
- a site-specific FRA must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

4.40 In respect of the first part of the test, the development makes use of previously developed land in a central location, close to the local amenities and close to the universities the accommodation will serve, accessible by sustainable transport modes, which is provided by the scheme. The ability to provide purpose built student accommodation is a benefit as it can free up existing market housing and more appropriately meet student housing needs. The site is located within an industrial/retail area and thus the noise disturbance would not have a negative impact upon neighbouring properties. The scheme could achieve local requirements in terms of sustainable design and construction.

4.41 In respect of the second part of the test, the building has been designed with an undercroft that allows water to pass through the structure during the event of a flood. The internal ground floor level has been raised by 900mm and the finished floor level would be 11.640 AOD for the four storey building. The finished floor level of the first floor (habitable areas) of the two storey block is 13.03mAOD, which exceeds the finished floor level requirements against flood levels. The flood risk assessment includes flood resilient construction measures to be an integral part of the building design. As with the previous application, whilst the occupants of the building would be safe in the event of flood they would not be able to exit the building and would need rescuing in the event of flood. In order to be assured that the building would be safe for its life time and could provide safe access and escape routes an updated flood evacuation plan has been submitted. A condition shall ensure that the applicants and the occupants of the buildings follow the correct procedure in the event of a flood.

4.42 In accordance with York's Strategic Flood Risk Assessment surface water drainage from the site would be reduced, to 70% of the existing rate. This shall be achieved through site storage and a hydrobrake system, which would accommodate and restrict surface water run-off accordingly.

4.43 The Environment Agency is not objecting to the proposal subject to conditions in relation to the submitted Flood Risk Assessment.

4.44 In accordance with paragraphs 100-103 of the NPPF and the submitted flood risk assessment and flood evacuation plan, the development is considered to meet the sequential test, demonstrating that there are no other suitable sites in the geographical area to accommodate this type of development. The exception test has been applied. Given that the site is previously developed land offering sustainability benefits to the community along with the development incorporating suitable flood resilient construction measures and design and the application is supported by a flood evacuation plan, the application is considered to comply with the NPPF in regards to Flood Risk.

ARCHAEOLOGY

4.45 This site is situated immediately outside the Central Area of Archaeological Importance. It is located north-east of the Kings Fishpool and south of Layerthorpe and the medieval bridge across the King's Fishpool. Archaeological deposits and features dating from the Roman-medieval period are known to survive in this area. Policy HE10 of the DCLP is relevant. The policy seeks to assess and preserve (at least 95% of) important archaeological remains.

4.46 A desk based assessment for this site was completed in March 2015. It recommends evaluation trenching due to the close proximity to the former medieval church of St Mary and the high probability of post-medieval and early modern archaeology on the site.

4.47 An archaeological evaluation will be required to establish the nature and depth of any archaeological features which exist on site. This work should ideally be carried out in advance of determining the application. However, city archaeologist is prepared to accept that this work can proceed after the application has been determined provided conditions are attached which require evaluation and excavation works.

5.0 CONCLUSION

5.1 As the development plan is absent, silent or out-of-date, the presumption in favour of sustainable development set out in the second limb of paragraph 14 of the NPPF is engaged. This directs that planning permission should be granted unless any harm significantly and demonstrably outweighs the benefits. This forms the policy

basis for the determination of this application, alongside other material considerations.

5.2 The site is previously developed land, sustainably located close to the city centre. The principle of encouraging the effective use of land by reusing land that has been previously developed is supported by the NPPF. Student Housing can relieve the pressure on 'traditional' housing and provide a level of employment. The NPPF seeks to boost significantly the supply of housing and to encourage sustainable economic use as such as the general thrust of the NPPF is supportive of the development proposed.

5.3 As with the previous scheme, the loss of the employment site is supported and there is a need for student housing. The Publication Draft York Local Plan policy ED10 (student Housing) says planning applications for off campus residential accommodation on windfall sites should meet a series of criteria. The applicant must demonstrate an identified need for the development and give consideration to accessibility to educational establishments by means other than the car, the scale and location of the development should be acceptable and the impact of nearby residents should not be detrimental. Car parking must also be satisfactorily managed. In accordance with draft policy ED10 it is considered that the applicant has shown the need for the development.

5.4 Furthermore it is considered that the site has an acceptable relationship to adjacent development, and the additional two storey block, would not impact upon the amenity of the residents of the main block and would provide an acceptable standard of amenity for the occupiers of the block itself. Management of the car parking would be conditioned. The application is considered to comply with the requirements of policy ED10.

5.5 The application has been informed by a site-specific flood risk assessment following a sequential test and the exception test to ensure that flood risk is not increased elsewhere and further demonstrates that the development is appropriately flood resilient and any residual risk can be safely managed. The sequential and exception test in respect to flood risk are accepted and the proposals complies with paragraphs 100-103 of the NPPF in this regard.

5.6 In conclusion, it is considered that the proposed scheme would not have adverse impacts that would significantly and demonstrably outweigh its benefits when assessed against the policies in the NPPF taken as a whole , taking into account the details of the scheme and any material planning considerations. The proposal is thus sustainable development for which the NPPF carries a presumption in favour.

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 and other submitted details:-

17029-P100 E Site plan proposed
17029-P105 D Elevations proposed
17029-P106 D Elevations proposed
17029-P112 B Elevations proposed
17029-P111 B Elevations proposed
17029-P101 C Floor plan (ground floor) proposed
17029-P102 B Floor plan (first floor) proposed
17029-P103 B Floor plan (second floor) proposed
17029-P104 C Floor plan (third floor) proposed
17029-P107 C Roof plan proposed
17029-P108 E Detached Cluster ground floor plan proposed
17029-P109 B Detached Cluster first floor plan proposed
17029-P110 D Detached Cluster proposed elevations
17029-P120 Boundary Treatment
Flood Evacuation Plan dated 23 February 2018

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

3 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 the construction of the development. The development shall be carried out using the approved materials.

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: In the interest of achieving a visually cohesive appearance to accord with policy GP1 of the Draft Development Control Local Plan 2005 (incorporating 4th set of changes) and the NPPF.

4 Prior to occupation a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall illustrate the number, species, height and position of trees and shrubs to be planted. This approved scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a

similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: The plans do not currently show the landscaping details to ensure that landscaping includes variety, suitability and disposition of species within the site.

5 No demolition or development shall take place until an archaeological evaluation of the site has been completed in accordance with a scheme of archaeological work that has been submitted to and approved in writing by the local planning authority and a report on the results of the said archaeological evaluation have been submitted to the Local Planning Authority and approved in writing.

The scheme shall include ;

- i) The programme and detailed methodology of archaeological field work investigation (which shall include a trial trench);
- ii) The programme for post investigation assessment;
- iii) Provision to be made for analysis of the field work investigation and recording;
- iv) Provision to be made for publication and dissemination of the analysis and records of the field work investigation; and
- v) Provision to be made for archive deposition of the analysis and records of the field work

Reason: The information is sought prior to commencement because the site is located within an area identified as being of archaeological interest. The investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ in accordance with Section 12 of the National Planning Policy Framework

6 If, following the carrying out of the archaeological evaluation required by condition 5, the Local Planning Authority so requires an archaeological excavation of the site shall be carried out. No demolition or development shall be carried out until the said excavation has been completed.

The excavation shall be carried out in accordance with a detailed methodology (to include trenches, community involvement, post-excavation analysis, publication and archive deposition), which shall first be submitted to and approved in writing by the said Authority. Reasonable access shall be afforded to any Local Planning Authority nominated person who shall be allowed to observe the excavations. A report on the excavation results shall be submitted to the Local Planning Authority within twelve

months of the completion of the field investigation.

Reason: The site is located within an area identified as being of archaeological interest. The investigation is required to ensure that archaeological features and deposits identified during the evaluation are recorded before development commences, and subsequently analysed, published and deposited in an archaeological archive

7 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development and including car parking and material storage areas 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 CEMP.

Reason: The site is a constrained site in terms of egress/access with limited parking and storage areas, with a mix of neighbouring uses including residential and the CEMP is required to minimise the impact of demolition, site preparation and construction on local residents and local environment.

INFORMATIVE:

For noise details on types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

For vibration details should be provided on any activities which may results in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. Ideally all monitoring results should be recorded and include what was found and mitigation measures employed (if any).

For dust details should be provided on measures the developer will use to minimise dust blow off from site, i.e. wheel washes, road sweepers, storage of materials and stock piles, used of barriers, use of water bowsers and spraying, location of stockpiles and position on site. Details should be provided of proactive monitoring to be carried out by the developer to monitor levels of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints. Monitoring results should be measured at least twice a day and result recorded of what was found,

weather conditions and mitigation measures employed (if any).

For lighting details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

The CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved.

8 No development shall take place until a detailed scheme of noise insulation measures for protecting the student accommodation from externally generated noise has been submitted to and approved in writing by the Local Planning Authority. Upon completion of the insulation scheme works no part of the development shall be occupied until a noise report demonstrating compliance with the approved noise insulation scheme has been submitted to and approved in writing by the Local Planning Authority. The approved and installed noise insulation measures shall thereafter be maintained for the life time of the development.

INFORMATIVE: The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels in habitable rooms of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) and to ensure that the internal LAFMax level during the night (23:00-07:00 hours) does not exceed 50dB(A) on any occasion or 45dB(A) on more than 10 occasions in any night time period. These noise levels shall be observed with all windows open in the habitable rooms or with windows shut and other means of ventilation provided.

Reason: The site is located within a mixed use area and it is necessary to ensure that the building envelope would provide adequate protection from external noise sources before development commences and subsequent noise monitoring is undertaken in order to protect the amenity of students occupying the site in accordance with the National Planning Policy Framework.

9 Details of all machinery, plant and equipment to be installed in or located within the buildings hereby permitted or with the site shall be submitted to the local planning authority for approval in writing. 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.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the background noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

Reason: To safeguard the amenity of occupants of neighbouring premises

10 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.

11 No development shall take place 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.

Design considerations.

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuD's). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuD's.

If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself. City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test. If SuDs methods can be proven to be unsuitable then in accordance with City of York Council's Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above. Surface water shall not be connected to any foul

/ combined sewer, if a suitable surface water sewer is available. The applicant should provide a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

Reason: So that the Local Planning Authority may be satisfied with that adequate foul and surface water drainage have been installed prior to first occupation of the site.

12 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 and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: So that the Local Planning Authority may be satisfied that adequate drainage arrangements have been installed prior to first occupation of the site.

13 Prior to the occupation of either building hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority as to the position within the development of one (1) Electric Vehicle Recharging Point. The Electric Vehicle Recharging Point shall be in a prominent position on the site and shall be for the exclusive use of zero emission vehicles. The Electric Vehicle Recharging Point shall be installed prior to occupation of any part of the development and shall be thereafter maintained in the location as approved for the lifetime of the development

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

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

14 The development hereby approved shall accord with a Student Arrivals Traffic Management Plan commencing upon occupation of any part of the development. Prior to the occupation of the site, details shall be agreed in writing with the Local Planning Authority of arrangements to manage student arrivals and departures on the adjacent public highway at term change-over times. The agreed Traffic Management Plan shall be implemented upon occupation of any part of the development and shall be thereafter maintained to the satisfaction of the Local Planning authority for the life time of the development unless alternative arrangements are first agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and to ensure the free flow of traffic.

15 The development shall not be occupied until the cycle parking areas in the detached cluster building and the visitor spaces have been provided in accordance with the approved plan 17029-P100 E (site plan) and 17029-P108 E (detached cluster ground floor plan). 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.

16 The buildings hereby approved shall not be occupied until the areas as shown on the approved plan 17029-P100 E, for parking and manoeuvring of vehicles have been constructed and laid out in accordance with these approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

17 No part of the development shall be occupied until the highway layout, as shown on the approved plans (including new footway and turning head shown on drawing 17029-P100 E (subject to highways agreements)) have been completed.

Informative: These works are to be documented in a Section 38 Agreement or similar highways agreement.

Reason: In the interests of highway safety

18 A detailed method of works statement identifying the programming and management of site clearance/excavation/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The works shall be carried out in accordance with the approved statement. The statement shall include as a minimum the following information;

- a) a dilapidation survey jointly undertaken with the local highway authority of the surrounding highway
- b) details of access/ egress and turning within the site for contractors and other users of the area
- c) where contractors will park

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

19 Within 6 months of occupation of either building hereby approved, a travel plan shall be submitted to the Local Planning Authority for approval in writing. The travel

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

Reason: To reduce private car travel and promote sustainable travel.

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.

20 The development hereby permitted shall remain in single ownership and notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking or re-enacting that Order with or without modification), the development hereby approved shall be used only as student housing accommodation and shall not be used for any other purpose within Class C2, or any change of use otherwise permitted by the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

Reason: For the avoidance of doubt and 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 planning obligations (such as open space and education provision and affordable housing) in accordance with Policy H2a of the City of York Draft Local Plan. In addition the site is located within flood zone 3a and the sites use for other uses within Class C2 would need to set out emergency procedures in the event of flood.

21 No person other than a student registered with and engaged in a course of full time further or higher education or a delegate registered with and attending a part time educational course or conference within the City of York administrative boundary shall occupy any part of the development at any time. The owner, landlord or authority in control of the development shall keep an up to date register of the name of each person in occupation of the development together with course(s) or conference(s) attended, and shall make the register available for inspection by the local planning authority on demand at all reasonable times.

Reason: For the avoidance of doubt and in order to control the future occupancy of the development. The capacity of the site is required to be restricted given the requirement for emergency procedures in the event of flood.

22 An occupational management plan for the student accommodation shall be submitted to and approved in writing by the Local Planning Authority prior to occupation (of the student accommodation). The development shall be occupied in accordance with the approved occupational management plan at all times.

The occupational management plan shall include details of site operation/management, car parking, change over days, security measures, anti-social behaviour, maintenance, fire safety, and student liaison and community involvement. The plan shall detail how the operators of the student accommodation would be contactable should the need arise.

Reason: In the interests of the amenity of surrounding occupants.

23 The development shall be carried out in accordance with the submitted flood risk assessment (ref:AAH/0203/15FRA) and Flood Evacuation Plan and the following mitigation measures it details:

a. A suspended ground floor slab shall be installed with sub void area for flood storage as described in chapter 6. A maintenance agreement shall be put in place to ensure that the void space will remain available for flood storage for the development's lifetime.

b. Finished floor levels shall be set no lower than 11.62m above Ordnance Datum (AOD) for the four storey block and no lower than 13.03m AOD for the two storey block.

c. The flood proof/ resilient construction techniques detailed in chapter 9 are incorporated in the development.

These measures shall be fully implemented prior to occupation, and according to the scheme's phasing arrangements (or with any other period, as approved in writing, by the Local Planning Authority).

Reasons: To reduce the risk of flooding to the proposed development and future occupants and to reduce the impact of flooding to the proposed development and future occupants.

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

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

25 Prior to commencement of construction, an additional site investigation should be undertaken to assess the nature and extent of any land contamination in previously inaccessible parts of the site. 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) should then 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.

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.

26 Prior to first occupation of either building hereby approved, the approved remediation scheme must be carried out in accordance with its terms. A verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by 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.

27 In the event that unexpected contamination is found at any time when carrying out the approved development, 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.

28 VISQ4 Boundary details to be supplied

29 Before either of the two buildings are occupied, you shall provide the separate
Application Reference Number: 17/02702/FULM Item No: 4a

stores for waste and materials for recycling as shown on drawing number 17029-P108 E. You must clearly mark them and make them available at all times to everyone using the student accommodation.

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

7.0 INFORMATIVES:

Notes to Applicant

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

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

- Discussion and revised plans to address the changes to the scheme.

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