

1.5 The scheme is for student accommodation, 85 student rooms with reception, communal living area and student workroom at the frontage of the building by Fawcett Street. The building would essentially be rectangular, with gable end(s) facing Fawcett Street. It would be 3-storey, stepping up to 3.5 storey on the rear section.

1.6 The building would be between 5m and 6m from the south boundary. The space between would be soft landscaped and there would be bicycle and bin storage buildings adjacent the side of 5 Fawcett Street.

1.7 The south boundary wall would be maintained at its current height (being around 1m lower than the eaves of the existing warehouse at the rear of the site).

1.8 The existing access road to the north would be used to access and service the site. Two disabled parking bays are shown on the north side of the building. To the west, along Fawcett Street, the footpath in-front of the site can be made wider.

2.0 POLICY CONTEXT

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise.

2.2 The National Planning Policy Framework ('NPPF') is a material consideration in the determination of this planning application. Key policies / sections of the NPPF are as follows –

- 5 Delivering a sufficient supply of homes
- 9 Promoting sustainable travel
- 11 Making effective use of land
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 16 Conserving and enhancing the historic environment

2.3 The Publication Draft City of York Local Plan 2018 ('2018 DLP') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF its policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012.

2.4 Key relevant Publication Draft Local Plan 2018 Policies are as follows -

DP3 Sustainable Communities

D1 Place-making

D4 Conservation Areas

D6 Archaeology

CC1 Renewable and Low Carbon Energy Generation and Storage

CC2 Sustainable Design and Construction of New Development

ENV5 Sustainable Drainage

H7 Student Housing

3.0 CONSULTATIONS

ARCHAEOLOGY

3.1 The site is within the Central Area of Archaeological Importance. It is directly adjacent, and likely partly within, two known Roman cemeteries. It is around 60m west of the site of St Andrew's Priory and Anglian settlement of Fishergate.

3.2 An evaluation carried out by York Archaeological Trust took place in January 2021 of a single L shaped trench in the current open space at the front of the proposed development plot – it was not possible to safely excavate within the warehouse buildings to the rear. The investigation did not reveal any significant archaeological features or deposits that would require preservation in-situ.

3.3 Despite the limited information provided by the evaluation in January, extensive investigation in the vicinity suggests that it is likely that archaeological features and deposits may still be present on this site. This may include human remains and organic material.

3.4 As subsoil is relatively shallow on this site (1-2m Below Ground Level) it is likely that the vast majority if not all of archaeological deposits and features within the footprint of the proposed building will be destroyed.

3.5 An archaeological evaluation should take place following the demolition of the rear warehouse building in an attempt to ascertain how much of the known archaeology surrounding the rear part of the site survives beneath it. The results of the evaluation will determine the appropriate course of mitigation required. This may result in a strip, map and record which will continue towards Fawcett St until the archaeology peters out. The process would be secured through condition. A watching brief will be required during any site investigation works, grubbing up of foundations following demolition and any works to the middle/rear of the site unless the strip, map and record is undertaken. The mitigation / investigation can be dealt with by condition.

CONSERVATION ARCHITECT

3.6 The front part of the site (up to the line of Plumbase), lies within York's Central Historic Core Conservation Area, (Character area 18 – Fishergate), and is surrounded by listed buildings including the Grade II listed Ivy Cottage which lies directly opposite the site.

The site is also within the setting of the Grade I listed City Walls and Fishergate Bar, Fishergate Primary School and several other listed buildings and buildings of merit grouped along Fawcett Street.

3.7 Officers objected to the now superseded scheme originally submitted. There was concern over scale and bulk of the building initially proposed and how its 5 storey section with flat roof would appear 'alien' in views from the city walls.

3.8 It was recommended the proposed building better reflected the building line along Fawcett Street and it was suggested that a single gable spanning the full width of the site is unlikely to reflect local character, but a pair of smaller gables could work better.

3.9 The revised scheme has amended the scale and form of the proposed buildings in accordance with comments from the conservation architect. The building, towards Fawcett Street better respects the urban grain and is suitably reduced in scale by dual pitched roof form. The rear section (outside of the conservation area) has been reduced in height, from 5 to 3.5 storey, it has a more varied and traditional pitched roof form. The conservation architect has verbally confirmed the amendments are a significant improvement.

HIGHWAY NETWORK MANAGEMENT

3.10 Raised the following issues on the original scheme.

- There was insufficient space for the storage of cycles and bins and no safe access and egress for vehicles associated with serving the development.
- Disabled parking for students on site requested. There is limited availability of parking on street in the vicinity of the development although Blue Badge holders will be eligible to park in local Res park Zones (which are already heavily subscribed). 5 disabled spaces were requested which could double up as managed parking for start/ end of term use.

Waste collection

- Waste have confirmed that they currently collect waste from Barbican Court by reversing off the highway. This is not an ideal situation, there are safety

implications for crew and pedestrians with any reversing movements, which should therefore be avoided. Traffic passing the site in both lanes have to stop whilst the manoeuvre is completed.

3.11 In response to these concerns, the layout has been changed. Servicing / waste collection can now take place within the access road, off Fawcett Street. There are 2 disabled car parking spaces on site and the bin store is of adequate size.

PUBLIC PROTECTION

3.12 A number of past industrial activities have been located nearby, which could have given rise to land contamination. A site investigation is required to find out whether contamination is present. If contamination is found appropriate remedial action will be required to ensure that the site is safe and suitable for its proposed use.

3.13 Air quality screening assessment requested to assess the likely impact of the proposed gas fired boiler plant on local air quality. The scope of the assessment should be agreed with CYC and any plant should be approved prior to installation. Recommend that ground floor windows facing Fawcett Street are non-openable due to historic air quality issues.

3.14 Noise – clarification requested what specification is recommended for each façade and that these would be sufficient, specifically regarding noise from the fire station.

WASTE

3.15 Officers provided details of waste collection vehicles that would access the site – and asked for these to be acknowledged on the associated servicing drawings. It was also advised that waste collection the point should be as near to the highway as possible.

CONSERVATION AREAS ADVISORY PANEL

3.16 Comment on now superseded scheme - Object due to the amenities offered within the proposed building. Moving the entrance to the front of the building is an improvement; however, it is neither inviting to the prospective residents, nor in its present form an enhancement to the Conservation Area. There appeared to be an inadequate entrance area, no kitchen areas and very little communal spaces. It was felt that this would not be conducive to the mental health of the students.

FISHERGATE PLANNING PANEL

3.17 Comment on now superseded scheme - The scale of the development is out of proportion with the site and is excessive. The parking, drop off and pick up arrangements are ridiculous. Over one hundred students arriving and leaving the site over a weekend would cause traffic chaos with the totally inadequate space for cars on the site. There appears to be no thought or provision for disabled parking.

NORTH YORKSHIRE POLICE

3.18 It is important appropriate designing out crime measures are incorporated into this scheme as there is a high level of crime and disorder in the area. Should permission be granted, request a crime and safety planning condition so that the 'designing out crime' advice and recommendations are addressed.

Recommendations are made regarding defensible space, lighting to assist with surveillance and deter crime, and secure cycle storage.

YORKSHIRE WATER

3.19 Yorkshire Water expect separate systems for foul and surface water discharge. For surface water run off the sustainable drainage hierarchy must be followed. In this case it must be evidenced soakaway would not work before connection into the existing system can be considered. If there will be connection into a sewer the existing peak discharge rate must be reduced by at least 30%.

4.0 REPRESENTATIONS

4.1 There have been 26 representations letters received as a consequence of consultation overall. The amount of development proposed has reduced (from 105 student rooms down to 85) since the first round of consultation. Comments as follows -

Amenity

- Increased noise (from students coming and going and traffic) and increased litter.
- Disturbance to residents of Barbican Court due to the proximity of the site entrance and scale of the scheme.
- Overlooking and loss of sunlight at surrounding dwellings and their outside amenity spaces due to the height of the building.
- Due to mix of uses in the area and entertainment venues questioned whether future residents will experience adequate noise levels.
- Inadequate space and facilities are provided for residents within the building. Areas illustrated on the plans, such as the laundry area will be inadequate to cater for a scheme of this scale.
- Proposals should include measures to improve air quality. More development means extra cars and therefore reduced air quality.

Visual impact

- Proposed building out of character with the Edwardian and Victorian architecture locally, specifically as it would be experienced in context with Escrick Terrace and Fishergate School.

Highways

- Impact on traffic / road safety – during construction, post occupation (comings and goings of students and the associated servicing) and beginning / end of term.
- This section of the inner ring road is already an extremely busy and complex junction. It is known to be unsafe for cycling and there is a campaign to improve safety in this respect.
- Concerns over safety if servicing vehicles are reversing onto, or stopping for loading on the ring road.
- Concern the access at the side of Barbican Court is too narrow to accommodate vehicles.
- Inadequate space for parking – disabled parking / servicing / deliveries / guests.
- The local footpaths are too narrow, given the amount of pedestrian traffic, bearing in mind this development and the proximity of Fishergate Primary.
- Recommendations for the main access to be direct from Fawcett Street and away from the access road to Barbican Court (on safety and noise grounds)

Archaeology

- It is essential that a significant archaeological investigation is undertaken on this site prior to and during construction works. The site is close to the pre and post-Norman churches of All Saints and St Andrew's, where the Priory was also found - and the largest concentration of Anglian discoveries in York were made by YAT in 1985. The site fronts the Roman Road. Roman finds have been made nearby, including burials and cremations.

Proposed use

- Objection from a logistics operator who wished to use the site as hub, allowing delivery of goods by cargo bike into the more central area of the city.
- Question whether there is need for even more purpose built student accommodation

5.0 APPRAISAL

KEY ISSUES

- Principle
- Heritage assets (including archaeology)

- Design of the proposed building – function and form
- Neighbours amenity
- Highway safety and sustainable travel
- Public protection

PRINCIPLE

5.1 The site is not allocated for development in the 2018 DLP. It was formerly in commercial use, as a showroom and for retail and trade sales.

5.2 In considering the proposed use and whether it is acceptable in principle, key sections in the NPPF are 5. Delivering a sufficient supply of homes and 11. Making effective use of land. The policies within the NPPF establish that in principle the proposed use is acceptable.

5.3 Section 5 of the NPPF paragraph 59 states that “to support the Government’s objective of significantly boosting the supply of homes (which includes student housing), it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”.

5.4 Section 11 key relevant text is as follows -

- Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (para. 117).
- Give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs (118)
- Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site (123).

5.5 Policy H7 Student Housing within the DLP 2018 carries limited weight in decision-making at this stage as the plan is not adopted. It is against the NPPF policies that this proposal should principally be assessed. H7 states proposals for new student accommodation will be supported where:

- i. there is a proven need for student housing; and
- ii. it is in an appropriate location for education institutions and accessible by sustainable transport modes; and
- iii. the development would not be detrimental to the amenity of nearby residents and the design and access arrangements would have a minimal impact on the local area.

5.6 The council's Strategic Housing Market Assessment 2016 acknowledges that the student rental market remains strong and that demand for purpose built student accommodation is high, particularly from international students. Both the applicants and the council's data show that around 50% of students are within purpose built accommodation. The location is suitable for student accommodation, given the proximity to the city centre and York University. The site is in a sustainable location, literally just outside of the city centre, as shown in the 2018 Draft Local Plan maps.

HERITAGE ASSETS

5.7 The building at the front of the site and the car park are within the Central Historic Core Conservation Area. The rear building is outside of the conservation area. The Council has a statutory duty (under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to consider the desirability of preserving or enhancing the character and appearance of designated conservation areas. Where there is found to be harm to the character or appearance of the Conservation Area, the statutory duty means that such harm should be afforded considerable importance and weight when carrying out the balancing exercise. The approach to determining planning applications, in terms of assessment on Heritage Assets, is set out in section 16 of the NPPF.

5.8 The NPPF states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

5.9 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits.

5.10 The site is within the City Centre Area of Archaeological Importance. NPPF paragraph 189 states that "where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation". NPPF footnote 63 states non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

5.11 The site falls within the Fishergate character area of the Central Historic Core Conservation Area. The conservation area was extended as part of the most recent

appraisal, to include Fawcett Street and Fishergate. The area was included as it forms an important entry into the city and provides a setting for the walls. The conservation area appraisal notes the number of listed buildings along the street. The listed buildings on Fawcett Street are within an urban setting. This scheme would not materially affect the setting of any listed buildings on the street.

5.12 Whilst the application site is not identified as a detractor in the conservation area appraisal, it certainly does not make a positive contribution. In terms of the section of the site that is within the conservation area, the frontage building is now run-down and the car parking area has a negative impact on the street scene. The existing building, due to its front building line, and given the utilitarian appearance of the building, looks awkward within the street in views from the west in particular. It also leaves a narrow pavement width.

5.13 No identified harm to the conservation area as a consequence of the proposals has been identified. The scheme respects the townscape and setting of the city walls, which are the main elements of this part of the conservation area, as explained in the area appraisal. The development would not materially impact the setting of any listed buildings. The scheme would conserve the conservation area on the following grounds -

- The proposed building line better respects the neighbouring buildings, which have areas of defensible space between them and the street. Local widening of the footpath is proposed, following the alignment of Fawcett Street.
- The building would have a pair of front gables facing the street, and be 3 storey in scale. These would be of brick and slate roof. The way the building would enclose and address the street, with active frontages, and its scale, massing and the use of materials respects the conservation area setting.
- There are views of the rear section of the site (which is outside of the conservation area) and the local townscape from the Grade I listed City Walls. The relevant section of the building will be 3.5 storey, the top floor within the pitched roof. It will be seen in distant views, beyond the Barbican Centre and its adjacent hotel; modern buildings which deviate from the historic townscape in building scale and form. The proposed building will appear in character with the historic townscape due to its form, massing and scale and use of materials. It would not harm the setting of the City Walls.

ARCHAEOLOGY

5.14 In accordance with the NPPF site investigation has taken place and our understanding of local archaeology is informed by site investigations nearby, at Barbican Court and the fire station on Kent Street. The investigation did not reveal any significant archaeological features or deposits that would require preservation

in-situ. However investigation locally suggests that it is likely that archaeological features and deposits possibly relating to the Romano-British, Anglo-Scandinavian and medieval periods may still be present on this site. This may include human remains and organic material. Based on the information we have officers consider excavation to be an appropriate form of mitigation. An archaeological evaluation (secured by condition) will be required following the demolition of the rear warehouse building, to ascertain how much of the known archaeology surrounding the rear part of the site survives beneath it. The results of the evaluation will determine the appropriate course of mitigation required. This may result in a strip, map and record, which will continue towards Fawcett Street.

DESIGN

5.15 NPPF paragraph 127 states that planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area;
- b) are visually attractive as a result of good architecture, layout and landscaping;
- c) are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space); and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

5.16 NPPF paragraph 150 references the sustainability of buildings, and requires that any local standards reflect national standards. 151 promotes increasing the use and supply of renewable and low carbon energy. Local requirements are DLP 2018 policies CC1 and CC2, which seek to secure enhancements over the 2013 Building Regulations. New buildings are expected to have a dwelling emission rate (DER) that is a 28% improvement over the 2013 regulations.

5.17 The existing access road from Fawcett Street is retained. The layout will allow waste collection for this site and Barbican Court to take place away from Fawcett Street in future. An improvement in highway safety terms. The front of the existing warehouse is uncharacteristically close to the street and leaves a pinch point where the footpath narrows. The proposed building is set back, behind some landscaping, and can facilitate a wider footpath.

5.18 The site, as existing, contributes to the conservation area by presenting a car parking area and dilapidated warehouse type building, and revealing the blank side elevation of the neighbouring terrace. The development makes an improved

contribution to the setting, compared to the existing arrangement, by better respecting the urban grain considering building layout, form, scale, its use of materials and through the introduction of soft landscaping. The building proposed successfully addresses Fawcett Street, providing an active frontage, harmonious building line and façade that is respectful of the conservation area. The site currently contains no soft landscaping. A garden area would be introduced on the south side of the site, along with tree planting. Communal uses front onto Fawcett Street, to present an active frontage, and being mindful of air quality and traffic noise.

5.19 The building has contemporary detail but primarily is of red brick, with slate pitched roof. The scale and repetition of the elevations is relieved by the circulation areas, the variable roof height and form and the twin gable form that fronts Fawcett Street. The staircases would be clad in Corten steel, with the amount of glazing mindful of the need to reduce perceived overlooking and light pollution and the subsequent effect on neighbours.

5.20 The essentially rectangular form of the building respects the local urban grain, with streets leading off Fawcett Street. The larger and main windows to student rooms extend outward from the main façade; designed and orientated to avoid overlooking towards neighbouring houses.

5.21 The building is part three storey and larger at the rear, where it steps up to 3.5 storey and there are rooms within the roof. Building heights are reasonable and comparable to those locally. Along Fawcett Street are buildings of 3 and 4 storey and large 2 storey, late 18th century, early 19th century buildings of generous proportions.

5.22 NPPF paragraph 122 states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. This scheme allows development of 3 and 3.5 storey, which would make efficient use of the site whilst respecting local building heights and providing amenity space.

5.23 A condition will require a 28% improvement over building regulations in terms of energy efficiency. The scheme anticipates the use of PV panels and mechanical ventilation with heat recovery (MVHR) which are low/zero carbon technologies in this respect. The initial appraisal issued with the application only anticipated compliance with building regulations. The applicants have been advised of the local requirement and agreed (22.1.21) a condition can secure compliance.

AMENITY

5.24 The NPPF states that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

5.25 The existing frontage building is two storey and immediately adjacent the shared access with Barbican Court. The proposed building would be around 2m further from Barbican Court. There would be 10m between buildings.

5.26 The proposed building would be no more than 2.5m higher, to both eaves and ridge height, than the existing building. Barbican Court and the front section of the proposed building would both be 3-storey and of comparable eaves and ridge height. The rear, taller section of the building in overall height would be around 1.5m taller than Barbican Court. A height of 2.85m has been allowed for between floors. Building Regulations recommend floor to ceiling heights are 2.3m.

5.27 Where the proposed building steps up in height, this is either beyond Barbican Court, further east, or on the opposite / south side of the building. The taller section does step up nominally before the east end of Barbican Court, but the section of Barbican Court where opposite has undercroft/ground floor car parking (accommodation is on the upper floors only) and the rooms at the far end of the building are dual aspect.

5.28 Comparing the existing and proposed buildings, and the distribution of building scale on the proposed building there would not be a material effect on Barbican Court in terms of daylight and the proposed building would not be unduly dominant. The arrangement and juxtaposition of 3 and 4 storey buildings would be appropriate for the urban setting.

Impact on buildings to the south

5.29 To the south is the blank side elevation of 5 Fawcett Street and rear of houses along Escrick Street. The latter have a parking court at the rear. The existing warehouse building at the rear of the application site is immediately adjacent the boundary wall.

5.30 The proposed building is between 5m and 6m from the south boundary. Buildings would be approximately 18m apart. The proposed eaves level of the building, where behind Escrick Street, would be some 2m higher than the comparable part of the existing warehouse roof (and in maximum height around 4.8m higher than the houses to the south). Although the proposed building is taller than the existing, this is offset by moving the building away from the boundary. A minor increase in building height can be accommodated without undue impact, and

the proposed building would not be unduly dominant or over-bearing. The proposed building is to the north and would therefore have no effect on daylight.

Overlooking

5.31 Where facing neighbouring housing windows on the upper floors are either angled to avoid overlooking, or would have opaque glazing, so neighbours would not feel overlooked. The staircase on the south side has been designed so glazing is restricted to avoid possible issues with overlooking.

HIGHWAY NETWORK MANAGEMENT

5.32 The NPPF states that in assessing applications for development, it should be ensured that -

- Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location. Para 105 advises that if setting car parking standards consider accessibility, development type, public transport, local car ownership, and facilitation of electric charging.
- Applications for development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas.
- Safe and suitable access to the site can be achieved for all users.
- Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.33 Given the type of development proposed, and its location, an essentially car free development accords with the NPPF policies and objectives. It is also consistent with the approach taken at other city centre sites with purpose built student accommodation, which has successfully integrated into its locality.

5.34 The site depends on the existing access adjacent Barbican Court. Tracking drawings demonstrate this can safely accommodate waste collection (which can enter and leave onto Fawcett Street in a forward gear). There is also space for servicing and deliveries, along the access road and in-front of the building.

5.35 Modelling for this type of development shows no harm on the highway network, this is re-enforced by review of other city centre sites for purpose build student

accommodation now established. Sustainable travel is promoted in that the existing public footpath local to the site (currently too narrow) is widened. Covered and secure cycle provision is provided – 48 covered and secure spaces and 6 visitor spaces outside. Evidence from travel plans at other sites shows this is a reasonable level of provision for student accommodation.

PUBLIC PROTECTION

Air quality

5.36 The development falls within City of York Council's City Centre Air Quality Management Area (AQMA), based on historical breaches of the health based nitrogen dioxide annual mean objective. The council undertake monitoring of nitrogen dioxide on Fawcett Street to the north (75m away) and south (30m) of the site, near junctions with Kent Street and Escrick Street respectively. While pollution levels monitored at these sites in recent years have indicated that levels of nitrogen dioxide are well within health based standards, the sites are not strictly representative of the location of the development. Air quality will be at its worst at ground level.

5.37 To address air quality the façade is set back from the street and no living accommodation is provided in ground floor rooms facing the street. Windows in this area will be non-opening. Overall the development will potentially make a positive contribution to air quality, by being essentially car free, and containing trees and soft landscaping. Also bearing in mind the existing premises include a substantial car parking area. On schemes of this scale and type it is standard for air quality impacts from demolition and construction to be dealt with via condition, and through a construction management plan.

Noise

5.38 A condition is proposed to ensure noise levels within living / bedrooms are adequate and meet World Health Organisation standards. Public Protection have flagged up the proximity of the fire station as a possible noise source. However when that site was developed, noise from operations was considered and it was deemed to have an acceptable effect on existing residents.

6.0 CONCLUSION

6.1 The proposals are acceptable in principle when applying NPPF and local plan policy. The presumption in favour of sustainable development, as set out in NPPF paragraph 11 therefore applies. There is evident demand for purpose built student accommodation and the NPPF requires planning decisions give "substantial weight" to the value of using suitable brownfield land within settlements for housing.

6.2 In assessment of Heritage Assets, the conservation area was extended as part of the most recent appraisal, to include Fawcett Street and Fishergate. The area

was included as it forms an important entry into the city and provides a setting for the walls. The conservation area appraisal also notes the number of listed buildings along the street. The scheme would preserve the character and appearance of the conservation area, and the setting of listed buildings within it, because the development would be more sympathetic to the urban grain along Fawcett Street and the building would be of appropriate scale, form and materials. No harm to heritage assets has been identified. The re-use of a brownfield site, to provide housing, carries substantial weight when applying the NPPF and is also therefore a public benefit that weighs in favour of the scheme.

COMMITTEE TO VISIT

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Proposed Site Plan - 1613-102 Rev L
Floor plans - 1613 - 103 Rev D / 104 Rev B
Elevations - 1613-105 Rev B / 201 A
Refuse / Cycle Store - 1613-106 Rev A

Sections 1613-109 Rev C

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

3 Construction management

Prior to commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to throughout the construction period. The plan shall include the following details -

- Dilapidation survey

A dilapidation survey of the highways adjoining the site which shall be jointly undertaken with the Council's highways department and the results of which shall be agreed in writing with the Local Planning Authority.

- Management of vehicular movements associated with construction and contractor parking.

- Wheel washing facilities and measures to prevent mud and detritus getting on to

the public highway.

- Measures to control the emission of noise, dust and dirt during construction. To include a site specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and a package of mitigation measures commensurate with the risk identified in the assessment and measures to control noise during any piling of foundations.

In particular details will be required with regards to demolition and method of piling for the proposed building.

- A scheme for recycling/disposing of waste resulting from construction works.

- Means of preventing light pollution during construction, including the angling of lighting and times of operation.

- Point of contact on site for enquiries.

- A complaints procedure.

The procedure should detail how a contact number will be advertised to the public, and procedure once a complaint had been received. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses public.protection@york.gov.uk and planning.enforcement@york.gov.uk

Reason: Specifically required prior to commencement, to protect the amenity of the locality.

4 Times of construction

The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Any working outside of the permitted hours is subject to prior approval in writing by the Local Planning Authority. (Any requests to work outside of the permitted hours shall contain justification and details of practical measures to avoid noise disturbance).

Reason: To protect the amenities of adjacent residents.

5 Archaeology

A programme of post-determination archaeological evaluation and an appropriate scheme of mitigation is required on this site.

No development (apart from demolition of above ground structures) shall take place until these details have been approved and implemented on site.

A) No archaeological evaluation or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. The WSI shall conform to standards set by LPA and the Chartered Institute for Archaeologists. It shall be submitted for approval prior to any groundworks.

B) The site investigation and post-investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication (if required) and dissemination of results and archive deposition will be secured.

C) A copy of a report on the evaluation and an assessment, of the impact of the proposed development, on any of the archaeological remains identified in the evaluation shall be deposited with City of York Historic Environment Record to allow public dissemination of results. The report shall be issued within 4 weeks of completion or such other period as may be agreed in writing with the Local Planning Authority.

D) Where archaeological features and deposits are identified, proposals for the investigation, recording and recovery of archaeological remains, and the publishing of findings, shall be submitted as an amendment to the original WSI. A report on the archaeological works detailed in Part D shall be deposited with City of York Historic Environment Record within 2 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: In accordance with Section 16 of NPPF as the site lies within an Area of Archaeological Importance. An investigation is required to identify the presence and significance of archaeological features and deposits and to ensure that archaeological features and deposits be recorded appropriately.

- 6 LC1 Land contamination - Site investigation
- 7 LC2 Land contamination - remediation scheme
- 8 LC3 Land contamination - remedial works
- 9 LC4 Land contamination - unexpected contamination
- 10 South boundary wall

Prior to demolition of the warehouse at the rear (east) side of the site a scheme for making good the south boundary wall shall be submitted to and approved in writing

by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.

The scheme shall illustrate - the height of the boundary wall, include details on capping and the height in context with brick piers on the south side of the wall. Any rebuilding required shall use reclaimed bricks where practical.

Reason: In the interests of local distinctiveness and residential amenity.

11 Drainage

Prior to the commencement of construction site specific details of foul and surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

INFORMATIVE: If SUDs methods can be proven to be unsuitable (i.e. direct connection to watercourse or soakaway) then in accordance with City of York Councils Sustainable Drainage Systems Guidance for Developers (August 2018) 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 30% 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 Greenfield sites are to limit the discharge rate to the pre developed run off rate. The pre development run off rate should be calculated using either IOH 124 or FEH methods (depending on catchment size).

12 Sustainable design & construction

The development hereby permitted shall achieve a reduction in carbon emissions of at least 28% compared to the target emission rate as required under Part L of the Building Regulations 2013.

Prior to commencement of construction, details of the measures undertaken to secure compliance with this condition shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To fulfil the environmental objectives of the NPPF and support the transition to a low carbon future, and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018.

13 Materials

The external materials to be used shall be as annotated on the approved drawings.

A sample panel of the brickwork to be used on the building 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 building works. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: In the interests of the character and appearance of the conservation area, visual amenity and local distinctiveness, in accordance with paragraph 127 of the NPPF.

14 Large-scale details

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

Typical sections for elevations (in full) at 1:10 or 1:20

Reason: In the interests of the character and appearance of the conservation area, visual amenity and local distinctiveness, in accordance with paragraph 127 of the NPPF.

15 Air quality screening assessment

Should the scheme include a gas fired boiler, an air quality screening assessment shall be carried out to assess the likely impact on local air quality. The assessment shall be carried out prior to installation and the development shall occur in accordance with the approved details thereafter.

Reason: to ensure that any proposed gas fired boiler does not cause an unacceptable impact on local air quality.

16 Landscaping scheme

The development shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a detailed hard and soft landscaping scheme. Notwithstanding the approved plans the scheme shall illustrate the following -

- a) The number, species, height and position of trees and shrubs. Which shall include trees within the public open space and adjacent the street (the latter where practical)
- b) Details of all boundary treatment / means of enclosure. To include low boundary wall at the front of the site (it is recommended the wall leaves a narrower gap to that shown on the site plan by the cycle stands).
- c) Hard surfacing to roads, shared spaces, parking areas and footpaths.
- d) Planting and maintenance schedule for the cycle / bin store roof.

The approved landscaping scheme shall be installed prior to first occupation.

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. The areas of landscaping, as shown on the approved plans, shall be maintained as such at all times.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of amenity, good design and the character and appearance of the conservation area.

17 Windows to be as shown on plan to prevent overlooking

Windows shall have an opaque finish, in accordance with the annotation on the approved elevations. This shall be maintained as such at all times. The specification of such shall be approved in writing by the Local Planning Authority prior to installation and the works carried out accordingly.

Reason: To avoid undue overlooking of neighbouring residents.

18 Highway works - footpath widening

The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with the approved

plans, or arrangements entered into which ensure the same.

Highway works - widening of the footpath between the shared access and 5 Fawcett Street as shown on the approved site plan.

Reason: In the interests of good design, to promote pedestrian movement and the safe and free passage of highway users.

19 Noise insulation to dwellings

The building envelope of all student rooms/apartments shall be constructed to achieve internal noise levels in habitable rooms as follows -

Daytime (07:00-23:00 hrs)

- No greater than 35 dB LAeq (16 hour)

Night (23:00-07:00 hours)

- 30 dB LAeq (8 hour)

- LAFMax level should not exceed 45dB(A) on more than 10 occasions in any night time period in bedrooms and should not regularly exceed 55dB(A).

These noise levels shall be observed with all windows open in the habitable rooms or if necessary windows closed and other means of ventilation provided.

Reason: To protect the amenity of people living in the new property from externally generated noise and in accordance with the NPPF paragraphs 127 and 180.

20 Cycle and bins provided and retained

The cycle and bin storage, shall be provided, in accordance with the approved plans prior to first occupation. The facilities shall be retained for such use at all times.

Reason: To promote sustainable transport and in the interests of good design in accordance with section 9 of the NPPF.

21 Travel Plan

The development shall be carried out and the operation of the use hereby approved shall be in adherence with the Interim Travel Plan reference 600137-HEX-00-TP-RP-X-0002-V06.

Reason: To promote sustainable travel in accordance with section 9 of the NPPF.

22 Student Accommodation only

The development hereby approved shall be used only as student housing accommodation. 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, or site operator 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. The register shall be 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, as otherwise the development would involve other requirements in order to be NPPF compliant, such as the inclusion of affordable housing.

23 Front windows

Ground floor windows on the west elevation (facing Fawcett Street) shall be non-opening and shall be retained permanently as such.

Reason: In the interests of air quality and the amenity and health of future residents.

24 Communal uses

The development hereby permitted shall include the amenities for occupants (living area, workroom, laundry, reception area), in accordance with the approved floor plans.

Reason: In the interests of good design and amenity.

8.0 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 (paragraph 38) 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: sought amended plans to address issues regarding design and highways and through the use of planning conditions.

Contact details:

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