

COMMITTEE REPORT

Date: 12 June 2025 **Ward:** Fulford And Heslington
Team: East Area **Parish:** Heslington Parish Council

Reference: 24/01377/FULM

Application at: 5 Main Street Heslington York YO10 5EA
For: Change of use of offices (use class E) to 25no. bed purpose-built student accommodation, erection of a single storey extension to The Hive and associated external works.

By: Miranda Lam
Application Type: Major Full Application
Target Date: 16 June 2025
Recommendation: Approve

1.0 PROPOSAL

The site

1.1 The application relates to land formerly owned by the university. The site was deemed surplus to requirements and marketed for sale in 2023. The land is within the university campus, as identified in Local Plan policy ED1: Education and on the policies maps. The site comprises of 5/5a fronting Main Street, a car parking area and a mid-20th century building behind; referred to as the Hive. There is a garden area to the rear of the buildings.

1.2 The front building (no.5 / 5a) is grade II listed. It was used for storage subsequent to being sold by the university. The building behind, the Hive, was constructed in the 1960's (around the same time as the university), it is of two storey and with decorative tiled cladding to its facade. The Hive building was occupied by the Department of Swedish Studies which has been relocated on campus. The listed building was under used and the latter 20th century building deemed unfit for purpose. Both properties are in declining condition; these factors influenced the universities decision to release the site.

1.3 To each side of the site are a pair of domestic houses on the corner of Main Street / Field Lane and a public house on Main Street. The plot is also bound by residential property and a scout hut located on School Lane.

1.4 The site is within the Heslington Conservation Area. It is not in an area at risk of flooding.

The scheme

1.5 The scheme has been revised since the initial submission and public consultation. The amount of development has been reduced in that a proposed extension to the rear of the Hive building has been omitted. The scheme is now essentially conversion, apart from an approx. 6 sqm single storey extension proposed to the Hive building. The conversion would provide student accommodation with 25 bedrooms -

8 studio rooms (3 accessible)
4 clusters with 17 rooms overall

1.6 The car park would be reconfigured; it would provide 2 disabled parking bays and 1 further space. Immediately behind the boundary wall soft landscaping would be introduced.

Update following deferral at Planning Committee B 24 March 2025

1.7 The application was deferred at planning committee on 24 March 2025. The deferral was on the following grounds –

- Clarification on application of policy ED1: University of York
- Applicant to provide any further details of marketing in respect of policy EC2: Loss of Employment Land.

1.8 The site is designed as within the campus on the 2025 Local Plan Policies Map. Policy ED1 is therefore applicable to the scheme. The proposed use is policy compliant for the site when applying policy ED1.

1.9 In respect of the application of policy ED1 the Local Plans / Strategic Planning Team advise -

“Policy ED1: University of York supports the continued development of the university campus for higher education and related purposes. The policy requires that the university addresses the need for additional student accommodation arising from any expansion plans. It is expected that provision for additional student accommodation arising from future expansion is made in the first instance on campus and, where this is not possible, subsequently off-campus in line with the requirements of policy H7”.

1.10 In response to members queries (at the previous committee) about the university requirements to provide student accommodation on campus, policy ED1 is clear that the requirement applies in relation to additional need arising from expansion plans only. The university have issued annual student housing surveys to the Council. The most recent submission (for the academic year 2023/24) shows that there is not unmet housing demand policy ED1 would require the university to address.

1.11 The NPPF in paragraph 16 states (local) plans should contain policies that are clearly written and unambiguous, serve a clear purpose and avoid unnecessary duplication. Given that the April 2025 policy maps show the site as within the university campus, the principle of development is assessed against policy ED1; policy EC2: Loss of Employment Land is not applicable.

2.0 POLICY CONTEXT

2.1 The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied.
Section 6.

2.2 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. The development plan is the City of York Local Plan adopted 27 February 2025 (Local Plan). There is no adopted Neighbourhood Plan in respect of the application site.

2.3 The application site includes a listed building and is within a conservation area. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that -

- In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- In the exercise of planning functions in conservation areas special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Local Plan

2.4 The following policies are of particular relevance –

- ED1 University of York
- H3 Balancing the housing market
- D1 Placemaking
- D4 Conservation areas
- D5 Listed buildings
- CC2 Sustainable design and construction of new development
- GI2 Biodiversity and access to nature
- T1 Sustainable access

The National Planning Policy Framework (NPPF)

2.5 Sections 2 (achieving sustainable development), 5 (delivering a sufficient supply of homes), 6 (building a strong competitive economy), 8 (promoting healthy and safe communities), 12 (well-designed and beautiful places) and 16 (conserving and enhancing the historic environment) are of most relevance.

Supplementary guidance

Heslington Conservation Area Appraisal (2009)

2.6 The document was prepared in 2008 and approved by the Council on 23rd April 2009.

2.7 The site is located within the Heslington Conservation Area. The key characteristic is described as that of a planned village constructed along two roads within a rural setting. The large gardens of many of the houses provide green open spaces within the village itself. The long and narrow secluded rear gardens of the properties along Main Street are important to the rural character of the village. These areas are also particularly important havens for local wildlife within the area. The Hive is considered one of only a few isolated negative buildings within the character area due to its form and architectural design.

Heslington Village Design Statement

2.8 The document was accepted as supplementary planning guidance in April 2004. Of note section 3.2.1 planning guidelines, paragraph 5 states “The gardens and open spaces behind and between the houses are of great value to the rural charm of the Village, are important for birds and wildlife and should be retained.

There should be a presumption against the sub-division of gardens and open spaces when future planning applications are considered”.

3.0 CONSULTATIONS

INTERNAL

Affordable housing officer

3.1 Officers quote policy requirements for affordable housing set in Local Plan 2018 policy H7.

Design & Conservation – Archaeology

3.2 Advised no conditions requested following submission of revised plans.

Design & Conservation – Conservation Officer

3.3 Officers have confirmed that the revised plans address concerns initially raised in respect of internal works to the listed building.

Design & Conservation – Ecology

3.4 Officers made comment in respect of 10% biodiversity net gain (BNG). However, the revised scheme would be exempt from the 10% BNG requirement. Further to 10% BNG, conditions were requested to ensure lighting would not have an adverse effect on bats and for biodiversity enhancements; at least 2 bat boxes on the new building (note the new building is no longer proposed so this is not applicable), 3 bird boxes on a neighbouring tree and 2 bird boxes to trees.

Design & Conservation – Landscape

3.5 Objected to the original/superseded scheme due to -

- The significant risk of harm to some of the existing trees (3 trees due to the proposed rear extension to the Hive building (behind the listed building) and the cycle store proposed in front, that make a valuable contribution to the character and setting of the conservation area.
- The loss of useable garden space for the purposes of amenity and wellbeing.

3.6 Officer note – the revised scheme omits the rear extension and relocates the cycle store; the objections have been addressed.

Carbon Reduction Team

3.7 As required under policy CC2 proposals for non-residential conversions or change of use should achieve BREEAM Non-Domestic refurbishment and Fit out 'excellent' as a minimum.

Flood Risk Management

3.8 Advised on the surface water run-off rates that would be required if soakaways do not work. Officer note – comments in response to superseded plans which proposed a rear extension to the Hive. As the scheme is now a conversion no drainage details would be required.

Local plans / Strategic Planning

3.9 The advice provided in November 2024 is set out below. Officers confirmed in March 2025 that the site is within the university campus, as shown on the policies map.

3.10 Policy ED1: University of York supports the continued development of the university campus for higher education and related purposes. The policy requires that the university addresses the need for additional student accommodation arising from any expansion plans. It is expected that provision for additional student accommodation arising from future expansion is made in the first instance on campus and, where this is not possible, subsequently off-campus in line with the requirements of policy H7.

Comment from November 2024

3.11 The Council's Economic Strategy recognises the importance of protecting existing employment and commercial land that is both high and low value. It considers the planning system and Local Plan can play a large part in protecting existing employment sites by incentivising the redevelopment and enhancement of sites and buildings for employment use and stop housing uses from encroaching on our vital employment sites – using the planning system to drive the right growth. Policy EC2 requires that, in most cases, a minimum of 18 months effective marketing of the premises is undertaken. The offices are conveniently situated close to the University of York and evidence has been provided there was interest in use of the premises as offices (although they did not lead to an offer). Officers consider that the proposal as it stands is contrary to policy EC2 as 18 months marketing for an employment use has not been carried out. Once that has been completed, and if

no interest in them for an employment use can be shown, a full analysis of the marketing, interest in the property and issues should be provided as evidence.

3.12 Case officer note – EC2 is not considered applicable to the site because it is within the university campus. This was not identified in the November 2024 response. Because the scheme is on campus, it must be considered against criteria in policy ED1: University of York.

3.13 The Council is in the process of producing a Student Housing Needs assessment and acknowledges there is ongoing need for this form of accommodation in the City. As part of this process, the Council is looking at bedspaces and affordability. Preliminary bedspace analysis shows that 50% of all student bedspaces built since 2012/13 have been studio bedroom apartments. An affordability issue has been identified with studio flats not delivered/managed by the university. Advice is that schemes should not propose more than 50% of bedspaces in studio flats (which is a higher percentage than our current provision in the city) as this would be excessive and will result in affordability issues contrary to DLP 2018 policy H3.

Public Protection

3.14 Recommended conditions regarding internal noise levels and in case unexpected contamination is discovered. Recommended informative regarding construction management.

Highway Network Management

3.15 Raised issue with the cycle store and asked for the car park area to accommodate turning for a 3.5 tonne van. Conditions have been recommended.

- The proposed cycle store is too small to accommodate the required number of cycles.
- It is more than 20m from the relevant building entrance.
- No space has been identified for potential expansion.

EXTERNAL

Internal Drainage Board

3.16 Explain the policy approach towards drainage and recommend a condition to approve the drainage strategy for the site.

Heslington Parish Council

3.17 Comment as follows –

- The scheme denies a conversion of 5/5a for a local family.
- Local Plan 2018 policy H7 seeks to direct majority of student accommodation to be on the campus.
- If approved there should be appropriate site management for dealing with noise, waste management and parking controls.
- Contribution requested towards litter picking in Heslington.

NHS / Vale of York CCG

3.18 No response.

Yorkshire Water

3.19 No objection.

York Conservation Areas Advisory Panel

3.20 No objection to the proposed change of use of the site. However, the existing building had been noted as a detractor within the Conservation Area; the Panel felt that the most appropriate solution would be to remove this building and provide something more appropriate to its use and location.

4.0 REPRESENTATIONS

4.1 19 representations were made to the original scheme. Objections received were as follows -

- Extension to the Hive - Proposed extension to the Hive does not comply with the Village Design Statement, where it has been stated that gardens and open spaces behind and between houses should be retained to preserve the character of the Conservation Area.
- Car parking - insufficient car parking for residents.
- Noise – noise due to student residents.
- Preferences for an alternative scheme, including residential, for which it is considered in higher need. The amount of student accommodation proposed would unbalance the village.
- Objections consider the proposals are contrary to the Neighbourhood Plan. Officer note - the neighbourhood plan was withdrawn; it does not carry any weight in decision-making. The examiner in assessing the draft plan recommended policy HES 12 Purpose Built Student Accommodation be deleted.

5.0 APPRAISAL

5.1 The key issues are –

- Principle of proposed use
- Type of student accommodation
- Impact on heritage assets
- Design
- Ecology
- Highway network management
- Sustainable design and construction
- Open space
- Drainage
- Land contamination

Principle of the proposed use

5.2 The site is within the university campus, as identified in policy ED1: University of York and on the Local Plan Policies Map April 2025. Policy ED1 advises a range of higher education and related uses will be permitted on the University's existing campuses and these include housing for staff and students. The proposed use is policy compliant in principle.

5.3 Policy ED1 is the policy against which the principle of use is assessed. Policy EC2: Loss of Employment Land is not applicable due to the site designation in the Local Plan. The site is on the university campus and therefore policy H7: off-campus purpose-built student accommodation (PBSA) is also not applicable.

5.4 The proposed change of use is considered aligned with relevant Local Plan policies considering all material considerations. The land has been part of the university campus since the 1960's, buildings formerly used for educational purposes and storage were surplus to the universities' requirements and therefore to re-use them to provide student accommodation, for which there is evidenced need, does not conflict with the principles of section 7: Education of the Local Plan. Further to Local Plan policy the scheme involves the re-use of existing buildings. It is aligned with the NPPF in achieving the following principles (and the appropriate weight is given to these benefits in overall assessment of the scheme) –

- Section 5 – Delivering a sufficient supply of homes – paragraph 73 advises the LPA (Local Planning Authority) should support development of windfall sites and give great weight to the benefits of using suitable sites within existing settlements for homes.

- Section 11 – Making effective use of land – paragraph 125 states planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused.
- Section 14 – Meeting the challenge of climate change ... - aligned with paragraph 161 in respect of reuse of existing resources including the conversion of existing buildings.

Type of student accommodation

5.5 When applying Local Plan policy H3 the Council's most recent data suggests a need for at least 50% of student accommodation to be within clusters to ensure affordability. Policy H3 states the Council will expect developers to provide housing solutions that contribute to meeting York's housing needs, as identified in the latest Local Housing Needs Assessment (LHNA) and in any other appropriate local evidence. New residential development should therefore maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.'

5.6 PBSA provision contributes to providing housing solutions for the student population but should also provide a mix of properties to support sustainable communities in line with policy H3. Studio flats and their higher costs result in a less affordable option and do not contribute to the mixed and inclusive communities as required by policy. Just over 50% of bedrooms in built PBSA provision has been in studio flats. Evidence shows studio flats are considerably more expensive (between £190-£255 per week for cluster accommodation compared to £175-£414 for studio rooms).

5.7 The scheme provides a mix of studio and cluster accommodation. 68% of the accommodation would be in cluster type accommodation. The scheme is compliant with the preferred approach to accommodation on affordability grounds and to maintain a reasonable mix of tenures.

5.8 There is no local evidence base or policy in respect of the number of accessible type rooms to be provided within PBSA. A minimum of 5% has typically been sought by officers as this is aligned with national recommendations in Building Regulations. The scheme includes 3 accessible rooms which is just over 7%.

Impact on heritage assets

5.9 In respect of conservation areas Local Plan policy D4 advises development proposals within or affecting the setting of a conservation area, will be supported where they:

- are designed to preserve or enhance those elements which contribute to the character or appearance of the Conservation Area
- would enhance or better reveal its significance or would help secure a sustainable future for a building; and
- safeguard important views guided by existing evidence, including in the York Central Historic Core Conservation Area Appraisal, and other local views.

5.10 Local Plan policy D5 relates to listed buildings and states proposals affecting a Listed Building or its setting will be supported where they preserve, enhance or better reveal those elements which contribute to the significance of the building or its setting. The approach if harm to significance is identified is consistent with the requirements in the NPPF; harm or substantial harm to the significance of a Listed Building or its setting will be permitted only where this is outweighed by the public benefits of the proposal. In making an application, it should be accompanied by an appropriate, evidence based heritage statement, sufficient to understand the potential impact of the proposal on the significance of the building.

Significance

5.11 No 5 Main Street is a typical early-mid 18th century village house with agricultural buildings attached to the rear. These buildings are listed at grade II. They are listed for their special historic significance to the village as a former agricultural community and for their fortuitous aesthetic significance as good examples of local vernacular architecture. To the rear of the site, The Hive is a substantial independent flat roofed mid-20th century building with a parking courtyard in front. The Hive would not be regarded as a curtilage listed building due to its date of construction, after July 1948, and its lack of historic and architectural association with the frontage building.

5.12 The Hive is considered uncharacteristic of the conservation area as it expresses its system-built construction in alternative vertical panels of windows and solid cladding under a flat roof. The Heslington Conservation Area appraisal (April 2009) identifies it as making a negative contribution to the character and appearance of the conservation area by virtue of its unsympathetic form and design.

Impact on significance

- Listed building

5.13 The revised scheme for 5/5a respects the floorplate and plan form of the building and follows the advice provided by the Council's Design and Conservation Officer. The external works would remove cement render over a section of the brickwork (a later intervention), which is assumed to be contributing to a damp issue

and provide for ventilation / ongoing maintenance. All works to the exterior are necessary for ventilation and are consistent with the energy efficiency, health and condition of the building. The works are minor, generally sympathetic and justified. Internally additional sub-division is only proposed at first floor level, in the rear room. The room is of lesser significance compared to others (being a first floor rear room) and it has already been sub-divided. The overall plan form would remain legible. The proposals enable re-use of the building without harm to its significance.

- Conservation area

5.14 The revised scheme reduces the size of the existing car park which is prominent in the street scene. This alteration is enabled due to the proposed use. Soft landscaping in this area will enhance the character and appearance of the conservation area. The scheme is also conversion only (only a small 6 sqm side extension to the Hive is proposed) and so there would be no material or undue loss of landscaped / garden area.

5.15 The Hive will be provided with replacement windows to improve the buildings energy efficiency. The windows are of sympathetic proportions and good quality materials. The cladding panels between windows and white painted eaves detail at the top of the building will be replaced, overall due to the external materials and their texture and colouring the building will be more discreet in its setting. The works will not harm the conservation area. The proposals are aligned with Local Plan policy D4 because –

- The scheme would preserve elements which contribute to the character or appearance of the Conservation Area.
- The scheme would secure a sustainable future for buildings on-site.
- There is no material impact on important views (guided by existing evidence, including in the York Central Historic Core Conservation Area Appraisal, and other local views).

Archaeology

5.16 Officers have confirmed due to the small size of the extension proposed no archaeology conditions are necessary.

Design

5.17 Local Plan policy D1: Placemaking states development proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment. Development proposals that:

- fail to take account of York's special qualities,; and/or
- fail to make a positive design contribution to the city, and/or
- cause damage to the character and quality of an area will be refused.

5.18 In respect of such matters the policy provides advice on urban structure and grain, density and massing, streets and spaces, building heights and views and character and design standards.

5.19 NPPF paragraph 135 asks that planning decisions should ensure that developments:

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- Are visually attractive and sympathetic to local character.
- Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).
- 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.

5.20 The scheme is a conversion. The works include new soft landscaping to the frontage, upgraded windows to the Hive, investigation as to whether exposed brickwork can be reinstated to the side elevation of the listed building and bin / cycle storage in discreet locations. The works will have a minor beneficial impact on visual amenity and comply with the design and environmental objectives of the NPPF in re-using existing buildings and enhancing their environmental performance.

5.21 The revised plans do not include an extension at the rear of the Hive; the extension would have lead to the loss of what would be outside amenity space and tree loss. The scheme does not conflict with Local Plan policy D1 and in particular it adheres with the character and design standards in that it proposes sympathetic restoration to the listed building; provides inclusive access and accessible rooms; reduces the visual impact of car parking and it improves the energy efficiency and sustainability of existing buildings.

Safe & inclusive / Secure by design

5.22 The scheme includes an office for staff on-site and cycle storage will be covered and secure. The application is change of use of existing buildings only. The proposals do not raise any issues in terms of secure by design.

5.23 Three accessible rooms are provided (of the 25). This exceeds the expected minimum of 5%. Car parking spaces will be provided for disabled persons. The scheme has 3 spaces; 2 for disabled parking and 1 for staff/servicing/deliveries.

Health & wellbeing

5.24 Of the proposed accommodation 8 of the rooms are studio type rooms, the rest are in cluster type accommodation. The 3 accessible rooms are studio type. There is a communal room in the Hive. The layout and room sizes are influenced by the fact that the scheme involves the conversion of existing buildings. Each room is of sufficient size and has adequate natural daylight. The amount of outside amenity space accords with the recommended provision in Local Plan policy GI6 - New open space provision (see section on open space at 5.38).

Ecology

5.25 Local Plan policy GI4 Trees and Hedgerows advises on the value of the existing tree cover and hedgerows, their biodiversity value, the contribution they can make to the quality of a development, and its assimilation into the landscape context. The scheme has been revised to the extent that it is compliant with the policy as the scheme is consistent with the retention of trees on the site.

5.26 NPPF paragraph 187 states planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs.

5.27 The scheme has been revised and no longer proposes an extension to the building at the rear of the site (the Hive). The development is exempt from statutory 10% Biodiversity Net Gain.

5.28 The scheme is supported by a Preliminary Ecology Report (Pinfold Ecology and Design dated August 2024) which makes recommendations for biodiversity enhancement; the installation of bat and bird boxes. As such the scheme would accord with NPPF paragraph 187.

Transport

5.29 Local Plan policy T1: Sustainable Access advises development will be permitted where it minimises the need to travel and provides safe, suitable and attractive access for all transport users including those with impaired mobility, such that it maximises the use of more sustainable modes of transport. This will be

achieved by ensuring developments that can be reasonably expected to generate significant traffic movements are supported by frequent high quality public transport linking them to York's City Centre and other key destinations, as appropriate; requiring development proposals to demonstrate safe and appropriate access and links to local services; give priority to pedestrians and cyclists and create safe layouts.

5.30 There are no parking standards or recommendations in the Local Plan. Policy T8: Demand Management advises standards will be contained in forthcoming guidance. The standards would be within the context of policy T8 which is intended to reduce congestion, minimise private vehicle trips and car ownership and promote sustainable travel. It is well established, through consideration of other PBSA schemes, that they are essentially car free. Where necessary and practical, provision is made for servicing/deliveries and disabled car parking spaces are provided.

5.31 The proposals are compliant with policy T1 in that the site is within walking distance of a frequent bus service and the university. The use and proposals are consistent with policies T1 and T8 in being conducive to minimising congestion, promoting sustainable travel and accommodating persons with impaired mobility (the site has a safe and suitable pedestrian access and provides over-sized cycle parking and parking for a blue badge holder).

5.32 The cycle store would be located at the rear of the Hive building. The store was relocated to the rear in the interests of the character and appearance of the conservation area and to avoid conflict with trees. The dimensions of the store will be controlled by condition and will provide space for over-sized cycles. A travel plan can also be secured through condition, which would trigger installation of additional cycle spaces subject to demand. It will be covered and secure and provide 24 spaces, 4 of which being for over-sized cycles. The provision is sufficient for the scheme, taking into account recommendations in national guidance – Cycle Infrastructure Design LTN1/20 for cycle parking and accessible cycle parking.

5.33 Car parking – government statistics on blue badge holders suggests that less than 1% of occupants would be blue badge holders. Two disabled car parking spaces are proposed (5% of the total bedrooms); this is considered sufficient.

5.34 The site benefits from existing access; no changes are proposed to this extent. Servicing requirements would not be materially different compared to the previous site use. There are no issues in respect of access and servicing.

Sustainable design and construction

5.35 Part C of Local Plan policy CC2 relates to conversions. It requires changes of use (non-residential applies to PBSA) achieve BREEAM Non-domestic refurbishment and fit-out excellent rating as a minimum. Proposals relating to heritage assets should demonstrate the maximum BREEAM score that can be achieved having balanced issues of significance and value to the historic environment with wider benefits to the economy and to the environment as appropriate. These requirements will be secured by conditions for the two buildings.

Open space

5.36 Local Plan policy GI6 New open space provision states residential development proposals should contribute to the provision of open space for recreation and amenity in accordance with current local standards and using the Council's up to date open space assessment. It states off-site provision will be considered acceptable if the proposed development is of insufficient size in itself to make appropriate provision. The background text advises the relevant standards are the Open Space and Green Infrastructure (2014) and Update (2017).

5.37 The amount of amenity space on-site exceeds 1,013 sqm and therefore provides the amount of amenity space required when applying figures from the Open Space and Green Infrastructure Update (2017). According to the Council's evidence base, the ward has a surplus of outdoor sports provision.

Land contamination

5.38 The site has had no previous industrial type uses and there is no evidence the buildings and gardens would require any remediation. A standard condition can establish the procedure should unexpected contamination be identified.

6.0 CONCLUSION

6.1 In principle the scheme is regarded policy compliant. The site is designed as part of the university campus in the adopted Local Plan and the relevant policy ED1 advises student housing will be permitted on campus. The scheme also has the following benefits -

- It involves re-use of what were redundant university buildings to contribute towards meeting evidenced student housing need, in a sustainable location. The scheme accords with the sustainable development and environmental objectives of the Local Plan and NPPF; the reuse and environmental improvement of existing buildings is aligned with the objective to minimise waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- The proposals preserve and better reveal the significance of a listed building and would bring it into a sustainable new use, consistent with its conservation, improving its environmental performance and addressing defects which are causing the building to deteriorate. The proposals are beneficial in respect of the impact on the listed building. The scheme (as revised) does not harm the significance of heritage assets.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 Approved plans

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

Plans LTD299

01 - location plan

16J - Site plan and proposed elevations for 5/5a

14C - Floor plans for 5/5a

10D and 12F - Floor plans and elevation for the Hive

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

3 The hive external works

The external works to the hive, as shown on drawing 12F, shall be completed in full prior to first occupation of the building.

New hanging tiles shall be to reasonably match the existing tiles in all respects.

Typical section details for new and replacement doors and windows, shown in context, shall be submitted to the Local Planning Authority prior to the commencement of such works. The development shall be carried out fully in accordance with the approved details thereafter.

Reason: In the interests of the character and appearance of the conservation area.

4 Landscaping

The development shall not be occupied until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. The scheme shall include at least one tree in the proposed new planting bay (where the car park is currently) and seating within the grounds which is of inclusive design.

The approved scheme shall be implemented within a period of six months of the completion of the development and retained for the lifetime of the development. Any trees or plants which are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of the character and appearance of the area and so that new planting becomes established (the site is in the conservation area and note that any tree works would therefore require consent).

5 BREEAM (listed building)

Prior to commencement of construction details shall be submitted of a scheme which shall illustrate the maximum BREEAM score that can be achieved for the building identified as 5 Main Street (the listed building) on the approved plans having balanced issues of significance and value to the historic environment with wider benefits to the economy and to the environment as appropriate. The development shall be fully carried out in accordance with the approved details.

Reason: In accordance with policy CC2; to ensure that all new developments achieve high standards of sustainable design and construction, by minimising greenhouse gas emissions, using resources efficiently, enhancing climate change resilience and promoting health and wellbeing.

6 BREEAM

The building identified as 'the Hive' on the approved plans shall achieve a BREEAM Non-Domestic refurbishment and Fit out 'excellent' rating as a minimum.

Prior to commencement of construction a pre-assessment statement shall be issued to demonstrate the scheme is able to achieve compliance. A post construction certification to evidence the required BREEAM rating has been achieved shall be issued to the local planning authority within 6 months of first occupation.

Reason: In accordance with policy CC2; to ensure that all new developments achieve high standards of sustainable design and construction, by minimising greenhouse gas emissions, using resources efficiently, enhancing climate change resilience and promoting health and wellbeing.

7 Noise

No development shall take place until a detailed scheme of noise insulation measures for protecting the approved bedrooms from externally generated noise has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and completed in full prior to first occupation of the relevant building.

During the night-time (23:00-07:00 hours) bedrooms shall achieve internal noise levels of no greater than 30 dB LAeq (8 hour). LAFMax level should not exceed 45dB(A) on more than 10 occasions in any night-time period and should not regularly exceed 55dB(A). These noise levels shall be observed with all windows open 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 sections 12 and 15.

8 External lighting plan (bats)

Prior to the installation of any new external lighting, a 'Lighting Design Plan' shall be submitted to and approved in writing by the local planning authority. The plan shall detail –

- a) Specified lighting in-line with current guidance - Bat Conservation Trust (2023) Bats and Artificial Lighting at Night: <https://theilp.org.uk/publication/guidancenote-8-bats-and-artificiallighting/>
- b) Demonstrate how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications), clearly demonstrating where light spill will occur, both within and outside the site boundary.

The development shall be fully carried out in accordance with the approved Lighting Design Plan.

Reason: To maintain the favourable conservation status of bats and ensure the site remains attractive to other light sensitive species in accordance with NPPF section 15.

9 Biodiversity Enhancements

Prior to first occupation of the development hereby permitted a biodiversity enhancement scheme shall be submitted to the local planning authority and the approved scheme shall be fully implemented. The scheme shall include, but not be limited to, the erection/installation of at least 3 bat boxes and at least 2 bird boxes on the buildings on site or adjacent trees on site. (Suitable examples of bat boxes are included in Appendix A of the Preliminary Ecology Report (Pinfold Ecology and Design August 2024)).

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with section 15 of the NPPF to contribute to and enhance the natural and local environment by minimising impacts on, and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.

10 Site management

The development shall not be occupied until a management and occupation plan for the site has been submitted to and approved in writing by the Local Planning Authority. The development shall operate in accordance with the approved management and occupation plan at all times.

The plan shall detail the following -

- Single occupancy only for the bedrooms within cluster accommodation.
- Management and maintenance of servicing and waste collection facilities.
- Arrangements for managing waste collection (it is noted that a private waste collection service is required because the bin stores are of inadequate size based on Council standards).
- Provision of staff on-site.
- Management in the interests of avoiding noise disturbance (including use of external areas).
- Ongoing management and maintenance of landscaping and open space - Strategy for dealing with any complaints from the public.
- Student tenancy agreements to include clauses relating to anti-social behaviour and prevention of car ownership for non-blue badge holders.
- Arrangements for minimising disturbance during arrival/departure at beginning and end of term time. This shall include details of the site operators responsibilities in terms of co-ordinating arrivals and departure times for residents and the associated policing operations on-site / preventing indiscriminate parking locally.

Reason: In the interests of amenity and highway safety and in accordance with policy H7.

11 Cycle and bin storage

The development shall not be occupied until the cycle and bin storage has been fully provided.

The cycle parking enclosure to the rear of the Hive shall be provided with lighting, be covered and secure and provided with sheffield type stands. It shall be at least 6 metres in width and the access aisle width and entrance shall be at least 1.8m wide. The sheffield stands shall be spaced at least 1m apart

The facilities shall be retained for such storage use at all times.

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

12 HWAY19 Car and cycle parking laid out

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

Reason: In the interests of highway safety.

13 Restriction of use

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 within the City of York administrative boundary shall occupy any part of the development at any time.

Reason: In accordance with policy H7 and 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.

14 Communal uses

The communal amenity space for occupants shall be provided in accordance with the approved floor plans and site plan prior to first occupation and retained for communal uses at all times.

Reason: In the interests of good design and amenity.

15 Unexpected contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

16 Obscure glazed windows

The first floor windows on the northwest facing elevation, on the rear wing of no.5 Main Street (to the corridor and bedroom 33 as shown on the approved floor plans) shall be obscure glazed at all times.

Reason: to avoid undue overlooking of neighbouring gardens, in accordance with Local Plan policy D1: Placemaking.

8.0 INFORMATIVES:

Notes to Applicant

1. Construction management

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works, and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site

2. 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 39) 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 revised plans to address issues relating to heritage assets and cycle parking and through the use of planning conditions.

Contact details:

Case Officer: Jonathan Kenyon

Tel No: 01904 551323