

COMMITTEE REPORT

Date: 2 September 2021 **Ward:** Fishergate
Team: East Area **Parish:** Fishergate Planning Panel

Reference: 21/01570/FULM
Application at: Plumbase Waterloo House Fawcett Street York YO10 4AH
For: Erection of a 3 and 3.5 storey student accommodation block (83no. student studios), ancillary storage building and landscaping following demolition of existing buildings (resubmission)
By: KMRE Group (Church Fenton) Limited
Application Type: Major Full Application
Target Date: 28 September 2021
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

Application site

1.1 The application relates to the former Plumbase premises on Fawcett Street. The site sits between Barbican Court and Escrick Terrace on Fawcett Street. It comprises of an L-shaped 2-storey warehouse type building arranged around a car parking area at the front of the site. A second larger warehouse type building, of similar height, is located behind.

1.2 The site is partially within the Central Historic Core Conservation Area (the warehouse building at the back is outside of the conservation area). There are seven Listed Buildings along Fawcett Street, between Paragon Street and where the road meets Fishergate. The site is within the nationally designated City Centre Area of Archaeological Importance.

1.3 South of the site is a terrace of 2-storey houses facing Fawcett Street. Also to the south, along Escrick Street, are 2-storey and 2.5 storey houses. Nos.2-11 have small private amenity spaces to the immediate rear of the buildings. Otherwise the space behind the buildings is hard-standing and provides communal car parking.

1.4 To the north, opposite the front warehouse building on-site, is Barbican Court, a 3-storey block of housing. The fire station and its car parking area and outside training yard are adjacent the north and east sides of the site.

Recent site history

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1.5 An application for re-development of this site was deferred at Planning Committee 21 April 2021 and then refused at the meeting 17 June 2021. The reason for refusal was the lack of communal amenity space within the building. The refusal reason in full was –

“The proposed development would have an inadequate amount of internal communal amenity space for its future residents. It would be inadequate in terms of providing an inclusive environment and taking into account the health and well-being of its occupants.

As such the proposed development is in conflict with NPPF paragraph 127, in particular parts a) and f) which state planning decisions should ensure that developments will function well ... and 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”.

Proposals

1.6 This application is for the same development considered by members previously. The only change is that the number of student rooms has decreased from 86 to 83. Instead of the fewer rooms, there are communal amenity spaces (each some 25 sq m in floor space) on each of the upper floors. Consequently there is communal amenity space on each floor of the building.

1.7 The buildings external appearance and the site layout is the same as the previous application. The building would be 3-storey where it faced onto Fishergate, stepping up to 3.5 storey in the rear section. The building would be setback from Fishergate, with an area of hard-standing to the front, which could be used for servicing / drop-off. Two accessible car parking spaces are shown on the access road and there is outside amenity space and bin and cycle storage on the south side of the site (adjacent Escrick Street and Escrick Terrace).

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
- 8 Promoting healthy and safe communities
- 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
- GI6 New open space provision

3.0 CONSULTATIONS

Highway Network Management

3.1 No objection. Recommend conditions as in the previous application. Recommended conditions included securing the construction of the proposed site access / servicing areas, removal of redundant crossings and the provision of footpath widening local to the site.

Public Protection

3.2 Recommend conditions in respect of land contamination, air quality screening assessment to assess the likely impact of the proposed gas fired boiler plant (if proposed), ground floor windows at the front recommended to be non-opening, to reduce long-term exposure to traffic pollution, the preparation and adherence to a construction management plan, evidence proposed windows will provide adequate internal noise levels.

Yorkshire Water

3.3 No objection. Recommend the proposed drainage strategy be secured through planning condition.

North Yorkshire Police

3.4 The police advise that student accommodation can be susceptible to burglary. Strong boundary protection is recommended to deter such. A condition is recommended to secure measures as to how crime will be addressed by design.

Fire and Rescue

3.5 No objection/observation to the proposed development. The North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority will make further comment in relation to the suitability of proposed fire safety measures when the building control body submit a statutory Building Regulations consultation to the Fire Authority.

Conservation Areas Advisory Panel

3.6 The Panel is of the opinion that this is a bad scheme and should not be approved. The external appearance of the building is still neither inviting to the prospective residents, nor in its present form an enhancement to the Conservation

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Area. The internal layout was not felt to be conducive to the mental health of the students as they would effectively be living in cells. The student rooms should be in cluster units, anecdotal evidence during the current Covid situation would tend to reinforce this view. It would appear the scheme is being driven by profit over student well-being.

4.0 REPRESENTATIONS

4.1 Four objections have been received. Objections are as follows –

Road safety and Highway Network Management

- Increase in traffic on Fawcett Street
- Vehicle drop-off & a general increase in traffic on the access road could block access points to Barbican Court
- Bus services to university already do not have capacity at peak times
- Poor location for student accommodation due to distance from universities and the road safety issues around the site, in particular the Fishergate gyratory.

Amenity

- Noise disturbance
- The revised scheme still has limited amenities for its occupants. It does not offer the facilities as other student accommodation such as cinemas, study rooms gyms and a wider mix of accommodation. The design and layout is akin to a hotel, which provides poor living standards.
- Daylight - a number of the rooms fall below the recommended levels. Is the report up to date? If rooms are below average improvement is needed - unless there are significant overlooking which prevent such.
- Concern over impact on Barbican Court - light pollution and loss of daylight.

Principle of the proposed use of the site

- Student accommodation should be provided on campus. An assumed reduction in student numbers in future.
- Loss of car parking spaces
- Loss of business due to loss of Plumbase

Sustainability

- Will materials from demolition be re-used / recycled?

5.0 APPRAISAL

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KEY ISSUES

- Principle of the proposed development
- Heritage Assets (including archaeology)
- Design of the proposed building
- Neighbours amenity
- Highway safety and sustainable travel
- Public protection

Principle of the proposed development

5.1 The site is not allocated for development in the Publication Draft Local Plan 2018 (2018 DLP). It was formerly in commercial use, as a showroom and for retail and trade sales. It is currently vacant and classed as previously developed / brownfield land in NPPF terms.

5.2 In considering the proposed use and whether it is acceptable in principle, key sections in the NPPF are Section 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 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 of the NPPF requires planning 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.
- Give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs
- Where there is an existing or anticipated shortage of land for meeting identified housing needs (which includes student accommodation), 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.

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. However H7 states proposals for new student accommodation will be supported where:

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- 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 acknowledged that the student rental market remains strong and that demand for purpose built student accommodation is high, particularly from international students. The supply of purpose built student accommodation is monitored and both the applicants and the Council's current data show that around 50% of students are within purpose built accommodation. This proportion illustrates need.

5.7 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 DLP maps.

Heritage Assets

5.8 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.

5.9 Paragraph 190 of 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.

5.10 Paragraph 202 of the NPPF states that 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.

5.11 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 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 have no harm to heritage assets 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 (taking land from within the application site), 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 The site is within the City Centre Area of Archaeological Importance. NPPF paragraph 194 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 68 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.

5.15 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 130 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 Local requirements for buildings in terms of addressing climate change 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 windows to student rooms are 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.

5.24 In terms of waste, the developers have confirmed on-site management will be responsible for putting bins out for collection. An amended drawing of the waste store illustrates it will have the capacity recommended by Council's Waste Management Team.

5.25 The condition regarding landscaping will secure approval and implementation of crime prevention measures. As recommended by the police this will include boundary treatment restricting site access.

Amenity

5.26 Paragraph 130 of 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.

Impact on Barbican Court

5.27 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.

5.28 The proposed building would be no more than 2.5m higher, to both eaves and ridge height, than the existing building. The front section of the proposed building would be 3-storey, of comparable eaves and ridge height to Barbican Court. 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.

5.29 The taller section of the proposed building 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.

5.30 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

5.31 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.

5.32 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

5.33 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.

Future users

5.34 The proposed studio rooms will range in size from 21 sq m to 28 sq m. These are self-contained rooms and will contain en-suite bathrooms, and space to prepare food / cooking and study. The applicants have provided an indicative layout showing the rooms furnished, which shows a reasonable layout fit for purpose. The national average size of purpose built student accommodation studio rooms outside of London is 20.6 sq m.

5.35 There are no national space standards or guidance in respect of communal amenity space for purpose built student accommodation. It is noted that Leeds City Council have draft local guidance which recommends 1 sq m per bedspace amenity space. That guideline would be exceeded within this scheme.

5.36 The communal area by the entrance will provide 86 sq m amenity space and there are communal rooms on each floor which are each approx. 25 sq m. As such the scheme would provide some 160 sq m communal amenity space. In addition the outside space will be landscaped and available for student use.

Public open space

5.37 The NPPF in section 8 advises that planning decision should aim to create healthy and inclusive places. Paragraph 98 states ‘access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate’.

5.38 Policy GI6 (new open space provision) of the Publication Draft Local Plan states ‘all residential development proposals should contribute to the provision of open space for recreation and amenity’... ‘The precise type of on-site provision required will depend on the size and location of the proposal and the existing open space provision in the area. Where there are deficiencies in certain types of open space provision in the area surrounding a proposed development, the Council will seek variations in the component elements to be provided by the developer in order to help to overcome them’. The policy goes on to state that ‘the Council will encourage on-site provision where possible but off-site provision will be considered acceptable in the following circumstances’.

5.39 An open space contribution towards amenity open space has been agreed, calculated using local supplementary guidance. A Planning Obligation would secure a contribution of £8,607. In accordance with the Open Space and Green Infrastructure Update 2017, the amenity space to be enhanced would be within 720m of the site.

Highway Network Management

5.37 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. Paragraph 107 advises that when setting car parking standards consider accessibility, development type, public transport, local car ownership, and facilitation of electric charging.

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- 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.

5.38 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.

5.39 The site depends on the existing access adjacent Barbican Court. Tracking drawings demonstrate this can safely accommodate waste collection (which could 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.

5.40 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. Other types of development would likely lead to more trips by private car. 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.

5.41 Management details in outline have been provided in respect of student arrivals/departures at the beginning and end of term and a document specific to the site operator could be secured through condition. The management would allocate slots to avoid congestion and direct persons to local car parks, such as the Q Park on Kent Street, should they wish to remain in the city for longer periods.

PUBLIC PROTECTION

Air quality

5.42 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.

5.43 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. Ground floor windows facing Fishergate will be non-opening (with alternative ventilation provided). 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

5.44 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. No harm to Designated Heritage Assets has been identified. 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 (which includes student accommodation). 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. Technical matters can be addressed through planning conditions.

6.2 The previous application was refused due to the lack of amenity space within the proposed building. This scheme has a revised layout that provides communal rooms on each floor and has increased the amount of internal amenity space by some 75 sq m. This amendment, and the loss of three student rooms, is considered to address the reason for refusal of the previous scheme.

6.3 Approval is recommended subject to completion of a Planning Obligation towards amenity open space. The contribution would be £8,607. In accordance

with the Open Space and Green Infrastructure Update 2017, the amenity space to be enhanced would be within 720m of the site.

7.0 RECOMMENDATION:

i That delegated authority be given to the Head of Development Services to APPROVE the application subject to:

- a. The completion of a Section 106 Agreement to secure a planning obligation to provide a contribution of £8,607 (index linked) towards amenity open space.
- b. The conditions set out below

ii The Head of Development Services be given delegated authority to finalise the terms and details of the Section 106 Agreement.

iii The Head of Development Services be given delegated authority to determine the final detail of the planning conditions

Conditions:

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 F / 104 Rev C
Elevations - 1613-105 Rev B / 201 A
Refuse / Cycle Store - 1613-106 Rev B

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

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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; to include scheduling of deliveries / construction vehicles, to avoid beginning and end of school times.
- 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).

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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 the following 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

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- 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).

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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 130 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 130 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) Crime prevention measures, to include access control measures (i.e. boundary treatment) private / semi-private spaces.
- d) Hard surfacing to roads, shared spaces, parking areas and footpaths.
- e) 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 Delivery / service areas

The development shall not be occupied until -

- Provision has been made within the site for accommodation of delivery/service vehicles in accordance with tracking detailed on drawing 600137-HEX-00-GEN-DR-

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C-0110 Rev P04. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

- All existing vehicular crossings not shown as being retained on the approved plans shall have been removed by reinstating kerbing and footway; to match adjacent levels.

Reason: To ensure that delivery/service vehicles can be accommodated within the site and to maintain the free and safe passage of highway users in accordance with section 9 of the NPPF and in the interests of good management of the highway and road safety

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 Windows to be as shown on plan to prevent overlooking

Windows shall be obscure glazed, in accordance with the annotation on the approved elevations. The obscure glazing 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.

20 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)

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- 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.

21 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.

22 External lighting

Any external lighting on-site shall not exceed the recommended lighting levels for Environmental Zone E3 (suburban) as specified in the ILP Guidance Notes for the Reduction of Obtrusive Light (Table 2 - Obtrusive Light Limitations for Exterior Lighting Installations - General Observers).

Reason: To avoid light pollution in the interests of the character of the area and general amenity, in accordance with paragraph 180 of the NPPF.

23 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.

24 Site management

Prior to first occupation of the development hereby permitted a management and occupation plan for the site shall be submitted to the Local Planning Authority for approval. 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 studio rooms as shown in the approved scheme.
- Management of the outside amenity space in the interests of avoiding noise

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disturbance.

- Arrangements for management of student arrivals and departures at the beginning and end of term. To ensure that private car travel does not have an adverse effect on the highway network.

Reason: In the interests of amenity and highway safety.

25 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.

26 Front windows

Ground floor windows on the west elevation (facing Fawcett Street) shall be non-opening and shall be retained permanently as such. The relevant rooms shall be provided with alternative means of ventilation.

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

27 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.

28 Waste management

The development hereby approved shall have a management company who shall be responsible for placing waste and recycling bins out for collection on the relevant day. The waste bins shall be stored in the refuse store at all other times.

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Reason: In the interests of good design and visual amenity, in accordance with section 12 of the NPPF.

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 through the use of planning conditions.

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