

## COMMITTEE REPORT

**Date:** 17 November 2016      **Ward:** Guildhall  
**Team:** Major and                      **Parish:** Guildhall Planning Panel  
Commercial Team

**Reference:** 15/01571/FULM  
**Application at:** Coal Yard 11 Mansfield Street York YO31 7US  
**For:** Erection of four storey block for student accommodation (84 units)  
following demolition of existing building  
**By:** Horwell Bros Ltd  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 27 June 2016  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 This is a full application for the erection of a building to provide student accommodation at Mansfield Street York. Members may recall that the application was deferred from consideration at the meeting on the 18<sup>th</sup> August, to enable further liaison to take place between the applicant and officers in order to seek satisfactory details of a flood evacuation plan. A Committee site visit was conducted on 16<sup>th</sup> August 2016.

1.2 The site is located to the east of Foss Islands Road. Access is along Mansfield Street, a small cul-de-sac of mixed commercial development. To the north of the site is a retail unit formally occupied by Topps tiles, to the south and east are various commercial and industrial uses.

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

1.4 The proposal, which has been amended since first submission, is to remove the existing single storey office building and redevelop the coal yard area with a four storey structure to provide student accommodation (84 units with associated kitchen and living areas). The existing office building area will provide 5 car parking spaces and cycle and bin storage to service the building.

### PLANNING HISTORY

1.5 There is no relevant planning history on the site.

## **2.0 POLICY CONTEXT**

### 2.1 Policies:

Please see section 4 of this report for the policy context.

## **3.0 CONSULTATIONS**

### INTERNAL

**3.1 HIGHWAY NETWORK MANAGEMENT** - No objections to the amended scheme subject to conditions.

**3.2 PLANNING AND ENVIRONMENTAL MANAGEMENT (Forward Planning)** - satisfied that the principle of the scheme can be supported. The applicant has shown a need for student housing in accordance with policy ED10 of the Development Control Local Plan. The report by Lawrence Hannah setting out the viability of the site as an employment site is accepted. The policy team recognise that there is not a strong case for retaining the Employment use of the site.

**3.3 PLANNING AND ENVIRONMENTAL MANAGEMENT (Archaeology)** - An archaeological evaluation will be required to establish the nature and depth of any archaeological features which exist on site. This work should have been carried out in advance of determining this application. However, on this site City Archaeology are prepared to accept that this work can proceed after the application has been determined if appropriate conditions requiring evaluation and if appropriate excavation is carried out at the site

**3.4 EMERGENCY PLANNING** - Considers that we should not accept development in flood zone 3a which potentially creates a demand for assistance from the emergency services at a time when they are likely to be very busy. Revised Flood Evacuation Plan :- disappointed that the suggestion for an emergency egress gate in the perimeter fence, used solely in time of flood and controlled by the building wardens, could not be negotiated with neighbouring premises. Previous comments and concerns remain.

**3.5 FLOOD RISK MANAGEMENT TEAM** - no objections in principle subject to conditions which seek to ensure that the site is properly drained.

**3.6 PUBLIC PROTECTION** -The submitted noise survey acknowledges the high level of noise associated with the adjacent construction sites. Public protection is however satisfied that the amenity of students will be protected with the use of specific glazing to windows and trickle ventilation and this is to be conditioned. In addition conditions are required to achieve an electric hook up point in the car park

area, and environmental management plan during the construction phase of the development, conditions relating to the installation of plant and equipment and land contamination.

## EXTERNAL

3.7 GUILDHALL PLANNING PANEL - No comments received.

3.8 YORKSHIRE WATER AUTHORITY - SITE LAYOUT - Yorkshire Water has no objection to the proposal from the developer to cut back the existing live 3" diameter water main located within the site. If there are properties fed from this main then the services will require diverting at the developers cost. SURFACE WATER - The submitted Flood Risk Assessment, dated 10<sup>th</sup> February 2016, does not confirm a route or rate for surface water disposal.

3.9 The developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse is not reasonably practical before considering disposal to a public sewer.

3.10 ENVIRONMENT AGENCY - Provided the Sequential test is passed there are no objections to the application subject to conditions which seek to ensure that the details in the submitted flood risk assessment are implemented. Emergency planning should be consulted. (N.B. The Agency has been involved in the preparation of a revised evacuation plan).

## 4.0 APPRAISAL

### 4.1 KEY ISSUES:-

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

## PLANNING POLICY

4.2 The site is located to the east of the city centre in a sustainable urban location.

## NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

4.3 Paragraph 14 of the NPPF indicates that the heart of the framework is a presumption in favour of sustainable for decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- Specific policies in this Framework indicate development should be restricted.

4.4 The footnote to paragraph 14 indicates that the presumption in favour of development does not apply where more restrictive NPPF policies apply, such as in areas at risk of flooding.

4.5 The NPPF says at Annex 1, paragraph 216, that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. Weight may also be given to relevant policies in emerging plans according to the stage of preparation

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

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

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

residual risk can be safely managed, including by emergency planning and it gives priority to the use of sustainable drainage systems.

## DEVELOPMENT PLAN

4.9 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt.

## CITY OF YORK DRAFT LOCAL PLAN

4.10 The City of York Council does not have a formally adopted Local Plan. Nevertheless the City of York Draft Local Plan Incorporating the Fourth Set of Changes Development Control Local Plan (Approved April 2005) (DCLP) was approved for Development Management purposes. The DCLP does not form part of the statutory development plan for the purposes of S38 of the 1990 Act. Its policies are however considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

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

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

## Emerging Local Plan

4.13 The planned consultation on the Publication Draft of the City of York Local Plan, which was approved by the Cabinet of the Council on the 25 September 2014, was halted pending further analysis of housing projections. Since then officers have initiated a work programme culminating in a "Local Plan - Preferred Sites 2016" document and other supporting technical documents. Members have approved

these documents for consultation which commenced on the 18th July 2016 and will run until the 12th September 2016. The emerging Local Plan policies can only be afforded weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight is limited. The evidence base that underpins the proposed emerging policies is also a material consideration in the determination of the planning application.

4.14 The site is proposed to be allocated for light industrial, storage and distribution (B1c/B2/B8) employment uses under Policy EC1: Provision of Employment Land. The application site falls within the wider proposed allocation known as E5: Land at Layerthorpe and James Street Sites at James Street (900sq.m/0.2ha). This allocation has been carried forward into the allocations document June 2016.

4.15 The site is also an existing employment site. Policy EC3 (Loss of Employment Land) continues the approach to existing employment land set out under E3b in the DCLP. When considering proposals uses which involve the loss of land and/or buildings which are either identified, currently used or were last used for industrial, business, office or other employment uses, the council will expect developers to provide a statement to the satisfaction of the council demonstrating that the existing land and or buildings are demonstrably not viable in terms of market attractiveness, business operations, condition and/or compatibility with adjacent uses; and the proposal would not lead to the loss of a deliverable employment site that is necessary to meet employment needs during the plan period.

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

## Evidence Base

4.17 The DJD Economic Baseline Report which formed part of a suite of documents known as the Economic and Retail Growth and Visioning Study (2014) says that York's ability to attract and retain investment into the city and support business expansion is in part dependent on ensuring the availability and suitability of employment land.

4.18 The application site has been considered for employment use through the emerging local plan site selection process. All sites were analysed individually however in order to create the best opportunities for sustainable sites where possible individual sites were amalgamated into larger sites where they were adjacent to each other or overlapping. The site forms part of the larger site referenced 307. Following analysis the site was found to be an existing employment

area that should be retained for small scale owner-occupier and small scale business demand including B1 (c) and B2 uses. This has led to the proposed allocation of the site as part of a wider site known as E5 in the emerging local plan. It found that the development of B use classes on this site would complement the surrounding area and have an excellent impact on improving employment opportunities in the area, with an excellent ability to deliver several significant regional and local policy objectives. The draft allocation document June 2016 carries this allocation forward identifying the site as a vacant plot within an existing employment area.

4.19 In the absence of a formally adopted local plan the most up-to date representation of key relevant policy issues is the National Planning Policy Framework (NPPF). It is against this Framework that the application proposal should principally be addressed.

#### Principle of the Development

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

#### Loss of Employment Land

4.21 The Government through the NPPF is seeking to ensure that the planning system does every thing it can to support sustainable economic growth. Significant weight should be attached to this aim in planning decisions. Local planning authorities should plan proactively to meet the development needs of business however Paragraph 22 of the NPPF says the long term protection of sites allocated for employment should be avoided where there is no reasonable prospect of the site being used for the allocated employment use.

4.22 Both the DCLP and the emerging Local plan have policies that seek to resist the loss of employment land. That is policy E3b of the DCLP and policy EC3 of the emerging plan. Policy E3b says planning permission will only be given for other uses where there is a sufficient supply of employment land and, unacceptable environmental problems exist or, the development of the site for other appropriate uses will lead to significant benefits to the local economy or, the use is ancillary to an employment use. Generally evidence that an employment use is no longer viable will be required if non employment uses (those falling within class B1, B2 and B8). This normally includes marketing the property for sale.

4.23 The applicant has commissioned property Construction Consultants Lawrence Hannah to write a report on the loss of employment land. The report considered the site in the context of B1 (office), B1/B2 (Industrial), A1 (Retail) and D2 (Leisure). The key messages from the report include:

- There has been no marketing of the site itself;
- There is little demand within these business sectors based on nearby premises;
- In relation to industrial uses there is a disproportional split between of office to yard space;
- There is limited access to the site which makes it unsuited to b8 uses;
- Continued use of the site as a coal yard, waste transfer/storage yard, provides a source of conflict with adjacent uses;
- The land and building are not viable in terms of market attractiveness, business operation or condition;
- Policy E3b supports the permission for non employment uses if ancillary to an employment use. The Lawrence and Hannah report suggests the provision of student accommodation is ancillary to the delivery of further education in York.

4.24 Policy colleagues accept the Lawrence Hannah report and do not object to the principle of the development based on the criteria in draft policy E3b. This stance is somewhat in conflict with the continued promotion of the site for employment use as part of the allocations document (June 2016) to the emerging local plan. However the current evidence, which is not contradicted by policy, is that there is no demand for employment uses on this site and the current use is not likely to remain. On this basis no objections are raised to the principle of the loss of the employment site.

## STUDENT HOUSING

4.25 Paragraph 50 of the NPPF says that Local planning authorities should plan for a wide choice of high quality homes based on current and future demographic trends, market trends and the needs of different groups in the community.

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



4.27 The emerging local plan says that students form an important element of the community and the presence of a large student population contributes greatly to the social vibrancy of the city and to the local economy. The council encourages purpose-built student accommodation where there is a proven need and it is designed and managed in a way that attracts students to take it up under emerging policy H7.

4.28 A report has been prepared DWP with input from specialist providers in relation to the need for additional student accommodation. The report considers the following:

- Student numbers: Total 23,095 in 2013/2014, with those in full time education 20,005;
- The proposed growth in student numbers at both Universities in York over the coming years: from 6,500 to 8,000 by 2018 at York St John and by 5,500 students up to the period 2030 at York University;
- Accommodation provision: at York St John's (1657 bed spaces), University of York (4,950 bed spaces), private accommodation (1289 bed spaces) and proposed student accommodation developments (326 bed spaces).
- Increasing dependence on private sector for provision;
- Provision of purpose built student accommodation at Mansfield Street will help to reduce the number of Houses in Multiple Occupation (HMO's);
- Recent investment in student housing provision has resulted in an increase in bed spaces but does not fully address potential demand;
- Much of the existing student accommodation is old and will need to be taken out of use either as it becomes obsolescent or refurbished;
- Interest from several student accommodation providers indicating investor confidence in the sector and the delivery of purpose built student accommodation remains a market opportunity.

4.29 In relation to the figures provided in the DWP Report, Officers would agree with the student totals and the proposed growth in student numbers. There is also general agreement with the accommodation provision in bed spaces, apart from the proposed developments which should also include 660 bed spaces at the former St Joseph's Convent on Lawrence Street, 58 self contained units at 2-14 George Hudson Street and 114 student rooms at 29-31 and 37 Lawrence Street. However even when these additions are factored planning policy consider that there is still a demand for student accommodation bed spaces. In accordance with DCLP policy ED10 it is considered that the applicant has shown that there is a need for the development. Other elements of draft policy ED10 are considered below.

## SITING AND DESIGN

4.30 The site is located at the end of Mansfield Street; a small cul-de-sac accessing a range of none domestic uses. The site itself is surrounded by industrial and retail development and sits about 1 metre lower than land to the north, east and south. There is an existing single storey office building on the south west side of the land the remaining yard area is used for the storage of coal and consists of an impermeable surfaced area with brick wall boundary. The initial design for the site was for the erection of a five storey building providing 107 student units. The scheme has been redesigned to provide 84 student units in a four storey building. The upper level is provided as a glazed recessed roof structure to lessen the visual significance of the upper level. The building is otherwise predominantly a brick structure which sits fairly centrally within the yard area; the existing office structure is removed to provide space for car parking, cycle and bin storage facilities. A turning area at the end of the cul-de-sac is also provided as part of the car parking arrangements and this will be adopted as highway land.

4.31 The building is accessed from its western side via a pedestrian access gate. It is set back from the road providing small court yard for visitor cycle parking and a small landscaped amenity area. The north and south elevations are set 5 metres from the northern and southern boundaries and a little less from the eastern boundary. The narrow area around the building, which is enclosed by a 2 metre wall, provides the external space for the accommodation. The height of the building is 10 metres to a parapet and 12 metres in total; this is shown in cross section as being marginally higher than the highest part of the gym building on the western side and similar in height to the highest part of the adjacent, recently converted (to residential use), William Birch offices. The industrial uses at the rear of the site and former Topps tiles to the north are industrial buildings on a single level. Being set a metre above the site level reduces the differential in height between the existing and proposed structures nevertheless in views of the building from the east and from Layerthorpe to the north the building will be visible.

4.32 In Officers' opinion there is no overriding character to the area that would preclude the approach to development proposed by the applicant and there would be no reasonable basis to object to the proposed scheme on design grounds despite its large scale and design that is different to its immediate surroundings.

## RESIDENTIAL AMENITY

4.33 The closest residential development to the site is located in the former William Birch Offices, which have been converted under Permitted Development rights following the approval of a prior notification application. Student housing has also been constructed on a site to the east. However the site's nearest neighbours are commercial uses; retail, leisure and industrial. At the request of Public Protection, the applicant has submitted a noise report which assesses the noise environment for future residents. Public Protection have considered this report and concluded that with appropriate glazing the building will provide an acceptable residential

environment for students and support the application subject to a condition requiring noise insulation details.

4.34 The site's current environment is not one in which a residential use can easily be envisaged. The existing coal use, the single storey office, the poor state of repair of buildings on the periphery and the boundary treatment all need upgrading. The proposed scheme includes work to maintain and improve the site boundaries and the removal of the existing building will in itself change the balance of development and create a better environment. City centre facilities are close by and the cul-de-sac location means traffic and pedestrian movements are relatively low. Officers consider that overall the balance of uses in this area is changing as part of this changing environment and, based on the enhancement of the site boundaries providing a better backdrop to the proposed external space; it is considered that the development will provide an acceptable residential environment for student housing.

## HIGHWAYS ACCESS AND PARKING ARRANGEMENTS

4.35 Highway Network Management have no objection to the proposed development. The proposed student accommodation is close to the city centre, public transport and the University of York St John. It is within easy cycling distance of the University of York and therefore deemed to be situated in a sustainable location.

4.36 The block is situated at the head of a road which currently does not have a turning head. Parking restrictions protect the free flow of traffic in this and nearby streets. Although the site is considered to be in a sustainable location, the limited off-street parking means that without viable sustainable travel alternatives being promoted, the development has the potential to still attract multiple car ownership but without the off-street facilities to accommodate them. In order to address this Highway Network Management require a travel plan to incentivise sustainable travel and reduce the potential impact on the highway. The travel plan shall contain information on how private car ownership will be prevented, measures to prevent occupants parking on the adjacent streets, and delivery of further cycle parking if demand requires.

4.37 There are 84 units proposed in the amended layout. The cycle shelter provides 36 covered and secure cycle spaces. A further covered area for 8 bikes within the secure compound has been provided and this could be extended if bike use was significant. This provides the block with a minimum of 50% provision of CYC Appendix E standards which has been adopted on a number of student accommodation sites nearby.

4.38 The applicant has provided a turning head suitable for modest delivery vehicles, the turning head would be offered up for adoption. Access to private parking to be controlled by the applicant is also from the turning head. The parking

will enable the occupier to manage start/ end of term arrivals/ departures. Highway Network Management requests a management plan to be conditioned in line with other student accommodation sites within York. In addition to the turning head, a footpath within the applicant's ownership is to be provided at the end of Mansfield Street and offered up for adoption. The turning area and footway works to the area will be covered by a highway agreement. Access for refuse vehicles will be as existing, where wagons reverse the length of Mansfield Street.

4.39 Vehicular access for construction is very restricted, being accessible by Mansfield Street only and at the end of a narrow street with limited turning for large vehicles. Highway Network Management therefore requires a method of works condition to mitigate the impact on the adjacent highway during construction.

#### SUSTAINABILITY (Building Design and Accessibility)

4.40 The application is supported by a sustainability statement which indicates that the building envelope will be a high performing construction. It is proposed that a condition be attached to require the building to achieve BREEAM 'very good' standard to accord with the requirements of the Council's Interim Planning Policy on Sustainable Design and Construction. The applicant has also considered the scheme against policy GP4a of the DCLP which seeks to ensure that development considers the principle of sustainability through a number of criteria including accessibility, social needs, employment opportunities, high quality design, consumption of materials and resources, minimising pollution, conserving natural areas and landscaping, maximising renewable sources, making provision for refuse and recycling. Officers are satisfied that based on the parameters of GP4a, and with appropriate conditions, that the site achieves the requirements of GP4a in an accessible urban location on previously developed land.

#### FLOOD RISK

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

- Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- Development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can

be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

4.42 A comprehensive sequential test supports the application which has looked at a total of 73 sites and concluded that no other site in the geographical area is available for the development. The application details show that there is a demonstrable need for university accommodation within the city and the scheme passes the sequential test as there are no other available sites in more suitable locations.

4.43 The development would make effective use of previously developed land in a central location, there is still a need for student housing and there are benefits in terms of wider housing land supply. The building has been designed with an undercroft that allows water to pass through the structure during the event of a flood. The scheme could achieve local requirements in terms of sustainable design and construction.

4.44 The internal ground floor level would be at 10.96 AOD, which is 600 mm above the 1 in 100 year flood level. Although occupants of the building would be safe in the event of flood, they would not be able to exit the building via a 'dry at all times' route and so would potentially need to be rescued in the event of flood if they had not already left the site. This has given rise to the concern of the emergency planning officer. In order to be assured that the building would be safe for its lifetime and could provide safe access and escape (so minimising any potential requirement for rescue services deployment) a comprehensive flood evacuation plan has been sought, which would monitor potential flood events and ensure the building could be fully and safely evacuated before the site and surrounding area were inundated with flood water. The revised evacuation plan includes provision of:-

- two site wardens who will be in attendance on the site 24 hours a day, 7 days a week with flood warden duties including sweep clearance of the building once occupant had evacuated
- a flood evacuation mode for the fire alarm system,
- Environment Agency flood evacuation training for all residents and staff at the start of each academic year and for mid term occupants/ new staff
- Shuttle Transfer from the site to designated muster point in flood zone 1

With the revised evacuation plan in place, officers consider that the development satisfies the requirements of the exception test.

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

4.46 The Environment Agency is not objecting to the proposal subject to conditions in relation to the submitted flood risk assessment.

## ARCHAEOLOGY

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

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

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

## 5.0 CONCLUSION

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

5.2 Based on the evidence submitted and the comments of policy the loss of the employment site is supported.

5.3 DCLP policy ED10 (Student Housing) says planning applications for off campus residential accommodation on windfall sites should meet a series of criteria. The applicant must demonstrate an identified need for the development and give consideration to accessibility to educational establishments by means other than the car, the scale and location of the development should be acceptable and the impact on the amenity of nearby residents should not be detrimental. Car parking must also be satisfactorily managed. In accordance with policy ED10 it is considered that the

applicant has shown that there is a need for the development. Furthermore it is considered that the site has an acceptable relationship to adjacent development and will not impact on residential amenity. Management of car parking would be conditioned. The application is considered to comply with the requirements of policy ED10.

5.4 Following receipt of the revised comprehensive evacuation plan the flood risk assessment and application is considered to pass the exceptions test in accordance with the requirements of the NPPF.

## **6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

DC2069–R1, LDS 2229/002C, 003 Rev D, 101 Rev D, 102 Rev D, 103 Rev C, 202 B, 203 /002D received 9<sup>th</sup> June 2016

LDS2229.004 received 7<sup>th</sup> July 2016

Flood evacuation plan received 3<sup>rd</sup> November 2016

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

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

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

Reason: So as to achieve a visually cohesive appearance.

4 No construction works shall take place 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 to be planted. This scheme shall be implemented within a period of six months of the

completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

5 No development will take place until an archaeological evaluation of the site has been carried out in accordance with a detailed methodology (which will detail a trial trench, analysis, publication and archive deposition) which shall first be submitted to and approved in writing by the Local Planning Authority and a report submitted to and approved in writing by the Local Planning Authority. A report on the results of the evaluation shall be submitted to the Local Planning Authority within six weeks of the completion of the field investigation.

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

6 If, following the carrying out of the archaeological evaluation required by the above condition, the Local Planning Authority so requires, an archaeological excavation of the site will be carried out before any development is commenced. The excavation shall be carried out in accordance with a detailed methodology (to include trenches, community involvement, post-excavation analysis, publication and archive deposition), which shall first be submitted to and approved in writing by the said Authority. Reasonable access shall be afforded to any Local Planning Authority nominated person who shall be allowed to observe the excavations. A report on the excavation results shall be submitted to the Local Planning Authority within twelve months of the completion of the field investigation.

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

## 7 Construction Management

Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust



during the demolition, site preparation and construction phases of the development and including car parking and material storage areas shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents.

#### INFORMATIVE:

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

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

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

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

The CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what

will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved.

8 Prior to commencement of the development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination(including ground gases where appropriate);

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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.

9 Prior to commencement of the development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical

environment) must be prepared and is subject to the approval in writing of the Local Planning Authority.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

10 Prior to first occupation or use of any part of the development, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and approved 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.

11 In the event that previously unidentified contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

12 The development hereby approved shall be constructed to a BREEAM standard of 'very good'. A formal Post Construction assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate shall be submitted to the Local Planning Authority within 12 months of first occupation

(unless otherwise agreed). Should the development fail to achieve a 'very good' BREEAM rating a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a 'very good' rating. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.'

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

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

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

Reason: Reason: To protect the amenity of students occupying the site from externally generated noise and in accordance with the National Planning Policy Framework.

14 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted shall be submitted to the local planning authority for approval in writing. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the background noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with

BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

Reason: To safeguard the amenity of occupants of neighbouring premises

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

Reason: In the interest of satisfactory and sustainable drainage.

16 No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority. The development shall take place in accordance with the approved details.

Design considerations.

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

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

showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable

17 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of

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

Reason: So that the Local Planning Authority may be sati

18 One (1) electric vehicle charge point shall be provided prior to first use or occupation of any part of the development in a position to be first agreed in with the Local Planning Authority and it shall thereafter be maintained for the lifetime of the development. Electric vehicle recharge points should be in a prominent position on the site and should be for the exclusive use of zero emission vehicles.

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

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

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

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

20 Prior to the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking

areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

21 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles 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.

22 The development shall not be occupied until the highway layout, as shown on the approved plans (including new footway and turning head shown on DWP drawing LDS2229.002C (subject to highways agreements)) have been completed.

Informative: These works are to be the subject of one or more Section 38 Agreement(s) or other highways agreement(s).

Reason: In the interests of highway safety

23 A detailed method of works statement identifying the programming and management of site clearance/excavation/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The a statement shall include at least the following information;

a) a dilapidation survey jointly undertaken with the local highway authority of the surrounding highway

b) details of access/ egress and turning within the site for contractors and other users of the area

c) the routing for construction traffic that will be promoted including a scheme for signing the promoted construction traffic routing.

d) where contractors will park

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users

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

Reason: To reduce private car travel and promote sustainable travel

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

25 Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking or re-enacting that Order with or without modification), the development hereby approved shall be used only as student accommodation and for no other purpose. It shall only be let to or hired by and occupied by either students engaged in full time further or higher education within the City of York administrative boundary or who are delegates attending part time courses or conferences within the city, and shall not be used for any other purpose.

Reason: For the avoidance of doubt and In order to control the future occupancy of the development in the event of it any part of it being sold or rented on the open market without securing adequate levels of planning gain (such as open space and education provision and affordable housing) in accordance with Policy H2a of the City of York Draft Local Plan. In addition the site is located within flood zone 3a and the sites use for other uses within Class C2 would need to set out appropriate emergency procedures in the event of flood.

26 The development shall be occupied and operated fully in accordance with the flood risk management measures detailed in the Flood Risk Assessment, and the revised Evacuation Plan Revision C dated 3<sup>rd</sup> November 2016. In addition finished floor levels shall be set no lower than 10.96 m above Ordnance Datum (AOD).

Reason: To mitigate against flood risk and in the interests of the safety of future occupants.

## **7.0 INFORMATIVES: Notes to Applicant**

Informative note: Drainage



i) The public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort, the developer is required to eliminate other means of surface water disposal.

Notes:

- a. It is important that Yorkshire Water are consulted.
- b. No infiltration tests carried out to discount the use of soakaways therefore these should be carried out and proof submitted to us and Yorkshire Water.
- c. The details provided show only the 15 & 30 minute storm duration in a 1 in 100 year storm but with no allowance for climate change and not to the above criteria therefore the details should include these.

#### STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

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

- Amended scheme submitted and re-consultation undertaken

#### **Contact details:**

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