

COMMITTEE REPORT

Date: 6 July 2023
Team: East Area

Ward: Guildhall
Parish: Guildhall Planning Panel

Reference: 22/01795/FULM
Application at: Enterprise Rent-a-car 15 Foss Islands Road York YO31 7UL
For: Erection of 3, 4, and 5 storey student accommodation building with associated car parking following demolition of existing buildings.
By: The Hire Group and Gregory Projects Limited
Application Type: Major Full Application
Target Date: 13 July 2023
Recommendation: Delegated Authority to Approve

1.0 PROPOSAL

1.1 Planning permission is sought for a 3-5 storey block of purpose built student accommodation. The accommodation would comprise of 134 studio flats (including 7 accessible studios) and 2 x one bed flats (total 136 units). The proposal also includes social space on the ground floor and communal study space on the first floor.

1.2 There are four buildings on site including a 19th century building fronting onto Foss Islands Road. At the time of the site visit the buildings were occupied by employment uses. The agent has advised that these businesses have vacated the buildings.

1.3 The proposed H-shaped building would be three storeys facing the city walls and rising to five storeys to the eastern boundary of the site facing Elvington Terrace. The 2 no. north-south running wings would be in red brick and the connecting section running east west would be in a buff brick.

1.4 Current access to the site is from Foss Islands Road, and there are 3 no. buildings existing on site. The land to the east is at a higher level than the application site. To the south and east there is residential development, and to the north there is a supermarket, and to the north east is a bus depot. Foss Islands Road and the city walls (Ancient Scheduled monument) are to the west. The site is within an Area of Archaeological Importance. The site abuts the Central Historic Core Conservation area. The majority of the site is within Flood Zone 2 with the south west corner within Flood Zone 1. The site is in an Air Quality Management Area.

1.5 During the application revised plans have been submitted showing the proposed building stepped back from Foss Islands Road, together with other alterations.

1.6 The proposed development does not comprise 'Schedule 1' development. The proposed development is however of a type listed at 10 (b) in column 1 of Schedule 2 (Urban Development Projects) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. It is the view of Officers that the proposed site is not within or adjacent to an environmentally sensitive area (as specified in the regulations) and taking into account the characteristics of the proposed development, the location of the development, and characteristics of the potential impact, the proposed development would not result in significant environmental effects and therefore an Environmental Impact Assessment is not required.

Relevant Planning History

1.7 23/00818/DMNOT - Demolition of 4no. buildings – Refused, following details are required: Procedure regarding the site notice has been followed therefore does not comply with Schedule 2 Part 11, Class B, Section B.2 (b) (ii) and (iv) of the Town and Country Planning General Permitted Development Order 2015 (GPDO); Measures to prevent disturbance during demolition in respect of vibration and; Details as to how the site would be cleared or otherwise treated following the demolition works.

1.8 21/01854/FULM - Erection of 4 storey student accommodation building with associated car parking following demolition of existing buildings - Withdrawn

2. POLICY CONTEXT

2.1 The Publication Draft York Local Plan (2018)

EC2 Loss of Employment Land

H7 Student Housing

D1 Placemaking

D2 Landscape and Setting

D4 Conservation Areas

D5 Listed Buildings

D6 Archaeology

D7 The Significance of Non-Designated Heritage Assets

D10 York City Walls and St. Mary's Abbey Walls ('York Walls')

GI2 Biodiversity and Access to Nature

GI6 New Open Space Provision

CC1 Renewable and Low Carbon Energy Generation and Storage

CC2 Sustainable Design and Construction of New Development

CC3 District Heating and Combined Heat and Power Networks

ENV1 Air Quality

ENV2 Managing Environmental Quality

Application Reference Number: 22/01795/FULM

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ENV3 Land Contamination
ENV5 Sustainable Drainage
WM1 Sustainable Waste Management
T1 Sustainable Access
DM1 Infrastructure and Developer Contributions

2.2 Please see the Appraisal Section (5.0) for national and local policy context.

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT

3.1 Access and Servicing - Previous objection relating to highway safety and impact on the network is now removed due to an improvement to the access and servicing arrangement at the front of the building. The D-shaped off street layby; accessed and egressed in a similar location to the existing vehicle accesses, will suitably accommodate the expected hot food take away, internet orders and grocery deliveries and taxi drop offs/pick-ups and managed student arrival and departure.

3.2 Waste vehicles are to access the site from Elvington Terrace utilising the existing highway network from the first floor level.

3.3 Car Parking - The student accommodation proposed to be a car free development, as sustainable transport links to both Universities and the city centre are good. Two Disabled parking spaces have been accommodated on site, along with a parking space for maintenance of the substation to the Foss Islands Elevation. The developer has chosen to ignore our requirement of a 5% (7 No.) provision of blue badge holder bays (as we are duty bound to request by the Equalities Act 2010). Two blue badge spaces (1.5%) is an under provision of 5 disabled car parking bays and does not reflect the number of accessible rooms provided in the development. There is capacity in the parking bays opposite the development on Foss Islands Road to reasonably accommodate overspill blue badge parking in the vicinity of the development; however these would have to be accessed via the nearby pedestrian crossings, so not ideal. We are unfortunately unable to refuse the application on this basis under paragraph 111 of the NPPF.

3.4 The development does not form part of a residents parking zone; therefore residents (other than blue badge holders) will not be able to park in the nearby existing zones. The development would not be included in any new Res park zones in the future.

3.5 A Travel Plan and Student Arrivals/ Departure Traffic and Parking Management Plan will be required to be conditioned to reduce the potential of student vehicles

being parked on the highway and promote sustainable modes of travel. The developer has agreed to provide funds as part of a 106 agreement for travel plan assistance and alterations to the existing parking restrictions on Foss Islands Road.

3.6 Cycle Parking – The internal cycle provision is acceptable, however the future store areas should be removed of detail (rack positions) are not ideal (in front of doors and smaller spacings, not enough access space to 2-tier).

3.7 Request following conditions: Cycle Parking areas; Building shall not be occupied until parking and manoeuvring of vehicles have been constructed; details of access/egress from Foss Islands Road; refuse collection; removal of redundant crossings; method of works; Student Arrivals/ Departure Traffic and Parking Management Plan; submission of Travel Plan; Tree Pit details

3.8 Request following S106 contribution:

3.9 Contributions for Travel Plan support calculated at £5,000 per year for the first 5 years: totalling £25,000 - Index linked. Note that we use the term 'travel plan support' to describe what the funding is for. For the avoidance of doubt; the applicant is still responsible for their travel plan but the travel plan team would support it with services to potential include targeted events/ try-outs of bus/cycles and general assistance.

3.10 A review of parking/ loading restrictions (and possible physical measures) on Foss Islands Road and associated Traffic Regulation Order totalling £6,000.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (LANDSCAPE ARCHITECT) Comments to the original submitted scheme

3.11 If the scale/massing, alignment, and elevational treatment is appropriate, as a continuous frontage with neighbouring terraces, accept the case presented in the Design and Access Statement that it is not necessary to have tree planting at the front of the building.

3.12 This arrangement creates two courtyards (connected through the building), thereby increasing amenity availability and quality of outlook for the students. The sketch schemes look fine. Tree locations will need to be checked against the final drainage layout.

3.13 There are a few minor discrepancies between the proposed site plan and the sketch landscape proposals. All final drawings should tally. Note the 'instant ivy screen' along the northern boundary on the latter. Request the following conditions: submission of landscaping scheme

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT
(CONSERVATION ARCHITECT) Comments to the original submitted scheme

3.14 The development is still for a 3, 4 and 5 storey building, comprising 139 individual studios for students (a slight increase in unit numbers from the withdrawn scheme).

3.15 The development is still a very large building. The highest parts of the building have been set towards the back of the site (away from Foss Island Road), but will still be visible in sensitive views, and the deep plan form and overall scale (footprint and massing), are larger than neighbouring residential buildings, much larger in some cases.

3.16 The revised designs for the site represent a substantial improvement from the previous scheme in terms of the articulation and elevational handling, and the harm to the setting of adjacent heritage assets has been reduced.

3.17 The principal material for this building should be a red brick that better reflects this part of York, including the building that will be replaced and the adjacent terrace of Victorian housing, but conditions attached to a permission could further control the detail of the design. A condition in respect of further boundary wall details (all boundaries) should also be attached.

3.18 Do not object to this application in heritage terms.

3.19 Concerned that it is overdevelopment of the site (a building that is too big for the plot) has caused a number of compromises to the design quality. While the architectural composition of the designs have been improved since the previous scheme, the number of units has actually increased, and the overall scale of the building hasn't been much reduced.

3.20 The footprint of the building still fills the majority of the plot, nearly touching it's boundaries on all sides. At the front of the building there is no space for drop off spaces for vehicles, and question how many vehicles will use the loading bay other than those who perhaps know the building well. While occupiers may not own cars, they will undoubtedly use them (moving in/out, taxis etc).

3.21 The studios are all single aspect, with some windows of neighbouring studios in very close proximity to each other at the corners, potentially compromising privacy, or at least a sense of it. Routes through the site to the bike store are pinched, a single lift to serve 100+ flats, corridors without natural daylight etc, all point to the building being too squeezed.

3.22 The scale of the building relative to the site, has led to some areas of design compromise that will impact on future occupiers.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ECOLOGY OFFICER)

3.23 It would be preferable if further consideration could be given to the provision of scrub habitat within the landscape design, with the aim of satisfying the Biodiversity Net Gain (BNG) – Habitat Trading Rule. It should also be noted that updated Defra Metric calculations should accompany design changes, such as those provided as part of this resubmission. However, as the provision of set BNG uplifts and the use of the Defra Metric are not yet mandated via the Environment Act (2021), these factors are optional.

3.24 A general guide for the provision of bat roosting and bird nesting features has been provided in section 59 (Ecological Constraints and Opportunities) of the Preliminary Ecological Appraisal and section 14 (Evaluation and Conclusion) of the Bat Survey Report. It is recommended that the applicant continues to work with a consultant ecologist to develop a plan to provide appropriate enhancements for bats and birds. Request following condition: Submission of biodiversity enhancement plan/drawing

3.25 To ensure wildlife enhancements measure and soft landscaping are managed and maintained, the provision of a landscape and ecological management plan is considered appropriate. Request this is sought via condition

3.26 As stated in section 47 (Birds) of the Preliminary Ecological Appraisal, the application site offers suitable nesting habitat for birds, although minimal. Precaution methods are therefore needed to ensure active nests are not destroyed during the proposed works. Request timing of works is sought via condition

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ARCHAEOLOGY)

3.27 The proposed development site is located within the Central Area of Archaeological Importance and is immediately adjacent to the Central Conservation Area.

3.28 A desk-based assessment for the site was produced as part of the pre-application process (YAT 2021). The report suggests that the site was probably used for agricultural purposes prior to the 19th century. A watching brief was undertaken at proposed development site in 1988 but did not reveal any deposits of archaeological significance. The site has not been subject to any targeted archaeological investigation relating to this scheme.

3.29 It is assumed that the site comprises of natural deposits overlain by medieval and later horticultural soils – these may contain stray finds from any period. More

modern archaeological features may include those associated with the Foss Islands Branch Railway which is shown on the northern edge and possibly impinging into the proposed development site on the 1892 OS plan.

3.30 Below-ground impact: The proposed development will have a negative impact on any surviving archaeological deposits. An archaeological evaluation is required to ascertain the precise depth and character of the archaeology on this site. This can take place before or after the buildings are demolished as it will target less disturbed areas of the site. The evaluation will determine whether any further mitigation by record is required.

3.31 Above-ground impact: Two Heritage Impact Assessments have been produced and submitted as part of the full planning application. These highlight the potential for harm to the setting of Walmgate Bar and the City Walls. It is suggested that anything larger than 3 storey development, particularly with a modern design, has the potential to have a negative impact on the adjacent stretch of the City Walls and Walmgate Bar.

3.32 Specialist conservation advice is required on harm to the setting of heritage assets and adjacent Conservation Area.

3.33 Cobbled setts are apparently visible beneath the tarmac in places within the site. Would encourage these to be revealed/re-used in the development somewhere if feasible.

3.34 The proposed development site includes 4 buildings – with three potentially dating to the mid-late 19th century. The Heritage Statement by Voyage suggests that at least two of the extant buildings are related to the Foss Islands Branch Railway. A light photographic record accompanied by some background information on the buildings and any other railway related structures is required ahead of their demolition.

3.35 Request following conditions: programme of post-determination archaeological evaluation; building recording

LEAD LOCAL FLOOD AUTHORITY

3.36 Request following conditions: development carried out in accordance with the submitted drainage details

PUBLIC PROTECTION

3.37 The proposed use as student accommodation will introduce noise sensitive receptors to the area e.g. residents and also introduce noise generating sources to the area e.g. noise from plant room, noise during construction, noise from the social

space and roof terraces etc. The submitted noise assessment is suitable in terms of the noise mitigation measures to ensure future residents are not adversely affected by noise and the proposed mitigation measures within the report should be adhered to. This department has concerns about the social space and the lack of controls being proposed within these areas. There are existing residential premises close to the development and noise from the use of these areas could adversely impact on existing residents. The applicant has verified that there will be no music played in these areas and the location of the terraces are on the façade of the building where noise levels are already high due to existing traffic. Therefore provided all of the mitigation measures as stated within the report are implemented including no music being played in the external terrace areas then this department has no objections to the application in terms of noise. However in addition to the mitigation measures the following conditions are recommended: Details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises.

3.38 An air quality assessment has been carried out for the development to consider impacts during construction and operational phases. Potential construction phase air quality impacts from fugitive dust emissions were assessed as a result of demolition, earthworks, construction and track-out activities. Operational phase impacts were assessed in relation to traffic emissions from vehicles using the site, combustion emissions associated with energy plant on site and exposure of future occupants of the site to poor air quality.

3.39 Potential construction phase air quality impacts from fugitive dust emissions were assessed as a result of demolition, earthworks, construction and track-out activities. The assessment was carried out in line with best practice guidance from the Institute of Air Quality Management (IAQM). It is considered that the use of good practice control measures would provide suitable mitigation for a development of this size and nature and reduce potential impacts to an acceptable level. To minimise dust emissions during site preparation and construction activities, appropriate mitigation measures have been recommended in the report for inclusion in a 'Dust Management Plan'. With the implementation of these mitigation measures, the impact of any construction phase dust emission is not anticipated to be significant. Such measures should be packaged into a Dust Management Plan / Construction Environmental Management Plan (CEMP) and agreed in writing with City of York Council. Request sought via condition, in addition to the timing of demolition and construction

3.40 The scheme is anticipated to result in a reduction in traffic movements from the site due to the removal of existing retail units. Operational phase road traffic emissions were therefore screened out as insignificant based on best practice guidance. The air quality assessment states that the proposed development will be heated primarily via air source heat pumps and one gas-fired water heater. All exhaust gases associated with combustion plant will be released to atmosphere at

roof level via a dedicated stack. Emissions from combustion plant were also screened out as insignificant based on best practice guidance.

3.41 The proposed development is within CYC's Air Quality Management Area (AQMA) and elevated levels of nitrogen dioxide have been monitored by CYC in this area of Foss Islands Road in recent years. CYC undertakes monitoring of nitrogen dioxide (NO₂) concentrations close to the proposed development façade (approximately 50m to the south of the site, at the roadside outside No. 8 Foss Islands Road). and are likely to be indicative of air quality outside the proposed development at ground floor level. Whilst concentrations are elevated, as they have been within current health based objective levels for a number of years they would not be grounds on which to require additional exposure mitigation for the accommodation. It should be noted that long term exposure of future occupants of the accommodation to pollution from Foss Islands Road at ground floor level will be minimised as the ground floor area to the Foss Islands elevation does not contain any habitable rooms (bedrooms etc). Pollution levels to the first floor and above are likely to be lower than those monitored at ground floor level and within health based standards.

3.42 It is noted that there are 2 car parking spaces proposed as part of the development and provision for 1 EV charging point. An EV charging point is provided adjacent to the spaces with provision for a future charging point.

3.43 The applicant has submitted an Arc Environmental Phase 1 Desk Top Study ref 20- 961 dated 27/1/21 and an Arc Environmental Phase 2 Ground Investigation report 20-961 dated 25/6/21. The recommendations of these reports are that some remediation works for soils should be undertaken. Request following conditions: submission of remediation strategy; submission of verification report; reporting of unexpected contamination

3.44 The proposed site for the student accommodation is located close to residential premises therefore the lighting from the development should be considered in terms of lighting spillage. The applicant has provided a lighting spillage plan however it is noted that the lighting at the nearest residential property will be 5 lux. If this lighting is to be on 24 hours then the level should be less than 2 lux after 11pm. Request the following condition: Submission of lighting details

WASTE SERVICES

3.45 No objections

ECONOMIC DEVELOPMENT UNIT

3.46 No comments received

CARBON REDUCTION TEAM

3.47 The statement has demonstrated a clear understanding of energy efficiency and carbon reduction measures which can be considered for the site. Request following conditions: reduction in carbon emission of at least 28%; BREEAM 'Excellent'; A water consumption rate of 110 litres per person per day; At least a 19% reduction in Dwelling Emission Rate compared to the target fabric energy efficiency rates as required under Part L1A of the Building Regulations 2013

EMERGENCY PLANNING TEAM

3.48 No comments received

FORWARD PLANNING TEAM

3.49 The site is currently in use as a vehicle hire depot, offices and vehicle servicing, inclusive of approx. 2000sqm gross internal floorspace and employing 11 FTE posts. The site is not allocated in the emerging Local Plan, but is an existing employment site. The applicant has addressed the proposed loss of employment in the submitted Planning Statement, with reference to DCLP policy E3b 'Existing and Proposed Employment Sites'. Submitted Local Plan policy EC2: Loss of Employment Land now refers, and requires i. a statement of viability/market attractiveness (in most cases involving marketing the site for a reasonable period, not less than 18 months), and ii. confirmation that the site is not necessary to meet employment needs during the plan period. In relation to ii., while the plan allocates sufficient land to accommodate forecast employment growth over the plan period, retaining existing employment land (where appropriate) is an important element of the Plan's strategy to meet employment need. To satisfy EC2 we would expect the applicant to submit the evidence to support their stated points.

3.50 There has been ongoing consultation with the Universities during the preparation of the Plan in order to understand their growth needs, in terms of anticipated numbers of students and land take; these have fluctuated through various stages of plan preparation, which reflects the complex nature of quantifying the needs of Universities over the course of the plan period and beyond. Given the uncertainties in quantifying growth, the Council has sought, through the policies in the plan, to provide flexibility in delivering higher education and other related uses over the lifetime of the Plan. Policy H7, alongside policies ED1 – ED5, provides the conditions within which flexible growth can be accommodated by the City, and sets out a number of criteria against which the application should be assessed. The need for student housing is determined by the level of student growth planned for by the individual institutes and the Plan seeks to support and direct this need while allowing the educational facilities and private providers flexibility in delivery.

3.51 The applicant's submitted Market Demand Report (Aug 2022) addresses H7i., in particular providing an assessment of existing and likely future student numbers requiring accommodation, reviewing current provisions (including vacancies) and likely future supply. The applicant has based forecasting on HESA data to 2020/21, which is consistent with proposed modifications to the emerging Plan. The Plan acknowledges that student number trends predict high rates of student growth in York; on the basis of latest projections and linking to the OAN, in the range of 275-620 per annum. Their analysis shows a demand for student housing. We are not aware of concerns around PBSH vacancies, and would suggest that applicants operating in a competitive market are well placed to determine capacity in that market.

3.52 The site is well located for accessing both York St John and the University of York Campuses by means of sustainable transport, and is close to a range of shops and services. Subject to an appropriate assessment of the loss of employment land, the proposed use of the site for student housing is supported in principle.

3.53 Main Modification 5.17 introduces a requirement for speculative development of off-campus student accommodation to secure financial contributions towards delivering affordable housing, based on a 'per bedroom' formula. Rooms must be secured by nomination agreement for occupation by students of one or more of the University of York and York St John University. However, at this moment in time limited weight can be given to these policy requirements as they are subject to unresolved objections and therefore not consistent with NPPF paragraph 48. Anticipate receiving the Inspector's report on the emerging Local Plan in early autumn, which may considerably alter the weight afforded to policies in the Plan.

HOUSING POLICY OFFICER

3.54 Request condition that it is only for student accommodation, or if any residential use is approved in future the appropriate affordable housing contribution would need be paid/provided

LIFELONG LEARNING AND LEISURE

3.55 A development of this nature should be providing for both amenity and sports space. Have accepted the courtyards as amenity spaces. Estimate that combined they are about 350m². This leaves a shortfall in provision and therefore an offsite payment is requested £14,647. The amenity open space payment would be used at either Hull Road Park and / or St Nicolas Fields Nature Reserve. Request ". Request £28,968 towards sports provision.

EXTERNAL CONSULTATIONS

GUILDHALL PLANNING PANEL

Application Reference Number: 22/01795/FULM

Item No: 4c

3.56 Object, the setting back of the building from Foss Island Road has improved access. the building is overdevelopment of the site. It is too high and too close to the rear boundary.

POLICE ARCHITECTURAL LIAISON OFFICER

3.57 No comments

YORKSHIRE WATER

3.58 No objections. Request following condition: Works in accordance with FRA and Drainage strategy

FIRE AND RESCUE PREVENTION OFFICER

3.59 No objections

HISTORIC ENGLAND

3.60 No comments

4.0 REPRESENTATIONS

YORK CIVIC TRUST - Comments to the original submitted scheme

4.1 Object, due to its impact on the setting of the City Walls, and the poor standard of living offered to prospective residents.

4.2 The site is currently occupied by a car rental unit and vehicle repair centre. It faces the stretch of the City Walls between the Red Tower and Walmgate Bar. The city walls are both a scheduled ancient monument and nationally listed at Grade I for their exceptional interest. The site forms part of the setting of this nationally important heritage asset. The site is adjacent to the boundary of the Outer Walmgate Character Area of the Central Historic Core Conservation Area, and sits within the City Centre Area of Archaeological Importance.

4.3 The proposed student accommodation block does not relate well to its context. It is taller and more prominent than the terraced houses to the south and the supermarket to the north. As most of the images of the building show it as a white model, it is difficult to understand how it will look in context, however, the elevation drawings show a dark grey building which is not sympathetic to the red brick terraced houses or the pale stone of the City Walls. The proposed development does not enhance or better reveal the significance of the city walls, nor does it make

a positive contribution to them. The Trust does not believe that sufficient justification has been offered for the scale of the proposed building, or the proposed materials.

4.4 The proposed accommodation does not offer a welcoming environment to prospective residents.

4.5 Students approaching from the city by bike must cycle through a gate, down the side of the building, through the courtyard garden and into a semi-underground area (due to the change in levels) to access the bike store. From here, they can either go back outside and walk around to a pedestrian entrance, or enter the building through the laundry room. They must then navigate a series of narrow, windowless corridors to access their studio room or the common ancillary space.

4.6 There are no shared social spaces on most of the floors, so little opportunity for casual interaction with neighbours.

4.7 The refuse store is on the first floor, although this is at street level to the rear of the building. The only laundry facilities are on the ground floor. Residents are likely to use the lift to transport refuse and laundry through the building, and only one lift has been provided. This seems insufficient for to service the large number of units. There are also accessible studio rooms on most of the floors, and it may be difficult for residents of these rooms to enter or leave during busy times with only one lift available.

4.8 Question whether the room sizes are sufficient. Note that a room size comparison has been submitted comparing the studio rooms to those in other recently approved schemes. Some approved schemes do have smaller room sizes, this should not be used to justify further insufficient accommodation. Concerned the scheme will offer cramped and isolating living conditions which will impact negatively on the mental health of its residents.

4.9 Vehicular access to the proposed development is also problematic. A single loading bay for 139 units seems insufficient, especially for busy moving in and moving out periods. Concerned that it may not be readily apparent to people arriving in vehicles that the loading bay is intended for their use, and therefore drivers will stop at the side of the road, impacting on traffic

4.10 The sustainability aims of the development are underwhelming. It appears that the aim is to comply with legislation and policy, rather than to achieve a higher standard such as BREEAM or Passivhaus. There is a missed opportunity to create a truly sustainable development rather than simply meeting the minimum required standards.

YORK CONSERVATION AREA ADVISORY PANEL - Comments to the original submitted scheme

Application Reference Number: 22/01795/FULM

Item No: 4c

4.11 Object, The Panel considered that it was difficult to understand and comment fully on the proposals based upon the submitted information.

4.12 the scale of the block fronting Foss Islands Road is an improvement on the previously submitted scheme, the massing and height of the rear of the development is still out-of-scale with the adjacent residential buildings.

4.13 Plans showing typical room layouts should be provided along with details of the space standards which have been used. Details of shared facilities, such as kitchen, dining and lounge areas, should be indicated on the ground floor in the area marked as 'Ancillary', if indeed that is the area allocated for such facilities. In addition, there appears to be an inadequate provision of communal spaces on the upper floors to facilitate casual student interaction. Such spaces might help reduce any potential sense of isolation in areas which are otherwise exclusively corridors and study bedrooms.

4.14 FOUR REPRESENTATIONS OF OBJECTION to current scheme

- Overdevelopment of the site
- Increase in noise pollution from the use of outside areas
- Result in the use of residential parking in areas in the immediate locality
- Deliveries/taxis will result in traffic waiting on Foss Islands Road
- Insufficient parking provision
- Concerns for safety of existing residents in the area from increase in crime, proposal would exacerbate the existing issue
- Change in the character of the area from the construction of student accommodation in the area
- The proposal would block views of the Minster from neighbouring dwellings
- Result in a loss of privacy
- Surrounding road network unable to cope with the increased levels of traffic to support the number of students
- Adjacent to the city walls and design is generic

4.15 TWELVE REPRESENTATIONS OF OBJECTION to original and subsequent revisions

- Change in the character of the area from the construction of student accommodation in the area, Oversaturation of student accommodation in the area
- Existing anti-social behaviour/noise disturbance from the existing student accommodation in the area, affecting the occupants of the nearby dwellings
- Proposal would exacerbate the existing issue with crime in the locality
- Concerned that future occupants of the student accommodation will complain regarding the noise from the supermarket, bus depot, living in an industrial area and proximity to public house
- Require an industrial area on the edge of the city centre

- Design not appropriate in close proximity to the city walls
- Result in an increase in traffic
- Result in the use of residential parking in areas in the immediate locality
- Height, at 5 storey the building will dominate the adjacent 4 storey apartment blocks
- Result in a reduction in light
- Loss of outlook
- No visitor parking, concerns will using the parking for the adjacent apartments
- Use of Elvington Terrace for the collection of waste will result in disturbance to the dwellings on Elvington Terrace
- Existing disturbance from the construction of the student accommodation in the area, will exacerbate the issue
- Overdevelopment of the site
- Site should be developed for affordable housing or commercial units
- A pilot scheme for a last-mile cargo hub is only a few hundred yards away, the Enterprise location is considered an ideal site to progress into for fulfilling to the council's zero emissions freight ambitions

5.0 APPRAISAL

Key Issues

- Flood Risk
- Loss of Employment Land
- Impact to Heritage Assets
- Student Accommodation
- Highways
- Visual Amenity and Character
- Residential Amenity

5.1 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. Adopted Neighbourhood Plans form part of the statutory Development Plan for the City of York. The site is not considered to be within the general extent of the greenbelt.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.2 The planning policies of the National Planning Policy Framework as published are a material consideration in the determination of planning applications. The presumption in favour of sustainable development set out at paragraph 11 of the NPPF does not apply when the application of policies relating to impacts on designated heritage assets indicate that permission should be refused.

PUBLICATION DRAFT YORK LOCAL PLAN (2018)

5.3 The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. It has now been subject to full examination. Modifications were consulted on in February 2023 following full examination. It is expected the Draft Plan will be adopted in late 2023.

5.4 The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.

FLOOD RISK

5.5 The majority of the site falls within Flood Zone 2 (medium probability of flooding). Policy ENV4 of the draft Local Plan (2018) is in accordance with Paragraph 166 of the NPPF which states that when determining applications the LPA should only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and 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;
- it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- any residual risk can be safely managed;
- and safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

- SEQUENTIAL TEST

5.6 The LPA needs to be satisfied in all cases that the proposed development would be safe and not lead to increased flood risk elsewhere. The aim of the sequential test is to steer new development to areas at the lowest probability of flooding (Zone 1). The NPPG states that when applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken: *"the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases it may be identified from other Local Plan policies, such as the need for affordable housing within a town centre, or a specific area identified for regeneration. For example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives"*.

5.7 The applicant has not provided any information regarding the potential sites that have been considered within Flood Zone 1. The proposal would result in an increase in the vulnerability classification from 'less vulnerable' to 'more vulnerable'. However the proposed site is within a commercial/residential area. The site has historically been developed; the existing buildings cover just under half of the site. The proposal would provide additional student accommodation. The site is in a prominent city centre location, and along a main route through the city centre. On balance it is considered that the proposed development passes the sequential test. The Flood Risk Management Team are satisfied that the proposed floor levels are appropriate in this location. As this site falls within Flood Zone 2 an Exception test is not required.

5.8 The site benefits from the presence of the Foss Barrier, this regulates flood levels adjacent to the site, and although the Barrier was overwhelmed in December 2015 the storms experienced on this occasion were significantly in excess of the standard of protection of the barrier and record flows were experienced on the River Foss. The likelihood of this occurring again is low given the recent works by the Environment Agency to improve the resilience of the Foss Barrier, recently completed barrier is able to manage the scenarios experienced in 2015 has built in further resilience to include the impact of climate change. Whilst the site is in Flood Zone 2 the residual risk is relatively low - the NPPF guidance recognises that an understanding of residual risk is important behind flood defence infrastructure and it is considered that the applicant has addressed this in their approach.

LOSS OF EMPLOYMENT LAND

5.9 The NPPF states significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development (paragraph 81). Policy EC2 (Loss of Employment Land) of the draft Local Plan (2018) and Policy E3b (Existing and Proposed Employment Sites) of the Development Control Local Plan (2005) set out that when considering proposals involving proposals which involve the loss of land and/or buildings which are either identified, currently used or were last used for employment uses, the council will expect developers to provide a statement to the effect 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;
- the proposal would not lead to the loss of an employment.

5.10 The supporting text sets out that the council will expect the applicant to provide evidence proportionate to the size of the site of effective marketing the site/premises for employment uses for a reasonable period of time. Where an applicant is seeking to prove a site is no longer appropriate for employment use because of business

operations, and/or condition, the council will expect the applicant to provide an objective assessment of the shortcomings of the land/premises that demonstrates why it is no longer appropriate for employment use.

5.11 The site is not allocated for employment use in the Draft Local Plan. At the time of the site visits there were a number of businesses operating from the site, including a garage, vehicle hire, and mobile communications business. All these businesses have subsequently vacated the site. The agent advises that the existing buildings are in a poor level of repair, and to bring the buildings to the required standard would be commercially unavailable. The current state of repair of the building together with the layout of the site would be unlikely to attract future leaseholders. Officers have been advised that due to the poor state of repair of the buildings the owners have been unable to properly insure the buildings. The applicants sought advice from an estate agent and were advised that there would not be the demand for an office based use. There is a demand for small units for industrial use and there are several clusters nearby. However the size of the site would only allow small number of units.

5.12 Officers understand that the site was not marketed, rather the estate agent approached a number of local and regional developers on the basis of re-development as a hotel or student accommodation. They advise they received three initial conditional offers. The proposed modifications to the Policy EC2 are now with the Planning Inspectorate following consultation earlier in the year. At this time until the re-worded policy has gone through proper process it carries very little weight and officers do not consider the required 18 months of marketing information can be sought at this time.

5.13 The NPPF states that local planning authorities should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development (paragraph 81).

5.14 The site is tightly constrained by the adjacent properties, highway frontages. The opportunities for employment uses are limited. In addition industrial or noisy commercial activity on-site would be incompatible with the residential uses to the south and east of the site. Due to the scale and location of the site, it is unlikely to be redeveloped as offices.. The impact on the local economy of the loss of the employment land is therefore likely to be small.

IMPACT TO HERITAGE ASSETS

5.15 The site is adjacent to the Area of Archaeological Importance, and whilst just outside of the Central Historic Conservation Area (Character areas 16 – Outer Walmgate and 17 – Walmgate Bar) it is considered to fall within the setting of the

Conservation Area. The closest listed buildings are located over 88 metres to the south (the Grade II Ellen Wilson Hospital on Lawrence Street). The application site which is located approximately 18 metres to the east of the city walls and 82 metres from Walmgate Bar to the south (both Scheduled Ancient Monuments).

5.16 In accordance with section 72 of the Planning (Listed Building and Conservation Area) Act 1990 (“the 1990 Act”), the Local Planning Authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area in exercising its planning duties. Section 66 of the 1990 Act requires the Local Planning Authority to have regard to preserving the setting of Listed Buildings or any features of special architectural or historic interest it possesses. Where there is found to be harm to the character or appearance of the Conservation Area, or the setting of a listed building, the statutory duty means that the avoidance of such harm should be afforded considerable importance and weight.

5.17 The legislative requirements of Sections 66 and 72 of the 1990 Act are in addition to government policy contained in Section 16 of the NPPF. The NPPF classes listed buildings, conservation areas and scheduled monuments as 'designated heritage assets'. Section 16 of the NPPF advises that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Paragraph 197, in particular, states that local planning authorities should take account of the desirability of sustaining and enhancing an asset's significance, the positive contribution it can make to sustainable communities and the positive contribution new development can make to local character and distinctiveness.

5.18 The Draft Local Plan (2018) Policies D4, D6, D7, D10 reflect legislation and national planning guidance that development proposals should preserve or enhance the special character and appearance and contribution to the significance and setting of the heritage assets and respect important views.

5.19 Although close to the city wall, the application site is separated from it by a large and busy road. There are views from the city walls to the application site, but these are largely views into a commercial and shopping complex and the views from the application site towards the Conservation Area are dominated by the large, busy road and junction. Officers are satisfied that the proposed development would not dominate the city walls or the views into York and as such it is considered there would be no harm caused to the significance of heritage assets namely the city walls and Walmgate Bar, and the setting of the Central Historic Core Conservation Area by the construction of the proposed building.

5.20 The nineteenth century buildings on the site are not considered to be a non-designated heritage assets however it is considered to contribute to the setting of

the nearby Central Historic Core Conservation Area and its connection to the historic industrial use of the Foss Islands area. The CYC Conservation Architect advises they do not object to the application in heritage terms. The proposal is considered to have a neutral impact to the nearby heritage assets. The Archaeology Officer has confirmed they would require a condition for archaeological investigation.

STUDENT ACCOMMODATION

5.21 Policy H7 (Student Housing) of the emerging Local Plan 2018 sets out that proposal for new student accommodation should demonstrate: there is a proven need for student housing; and. It is in an appropriate location for education institutions and accessible by sustainable transport modes; and 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. Policy H7 is in general supportive of Purpose Built Student Accommodation (PBSA) as a means of freeing up housing suitable for wider general housing needs. Policy H7 requires the University of York and York St John University to address the need for any additional student housing which arises as a result of their future expansion, taking into account the capacity of independent providers; this is an acknowledgement that privately built PBSA is an important part of the student housing market.

5.22 The Council's Strategic Housing Market Assessment (2016) (SHMA) acknowledges that the student rental market remains strong and that demand for PBSA is high, particularly from international students. The Applicant has submitted a report on the need for student accommodation.

5.23 The SHMA also analyses the needs of specific groups within the population, such as older people and students. The student population in York (22,269 at the time of the 2011 Census of which 19,002 were full time students) grew by around 7,400 between 2001 and 2011, and is projected to continue to grow, albeit at a slower rate. Higher Education Student Statistics (HESA) data referenced in the SHMA shows 23,095 students in the City by 2014, with most significant growth in numbers of full-time students. The SHMA acknowledges that the student rental market remains strong and that demand for purpose built student accommodation is high, particularly from international students. HESA data (2018/19) shows 26,090 students enrolled at York St John University and the University of York.

5.24 The applicants provide a summary of recently approved PBSA schemes. Officers consider the record of recently approved and completed schemes is reasonably consistent with that provided by the applicant. The applicants Market Demand Report does not provide analysis of current levels of provision/vacancy. Officers are not aware of concerns around Purpose Built Student Housing vacancies, and would suggest that applicants operating in a competitive market are well placed to determine capacity in that market.

HIGHWAYS

5.25 The NPPF encourages development that is sustainably located and accessible. Paragraph 110 requires that all development achieves safe and suitable access for all users. It advises at paragraph 111 that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Further, paragraph 112 requires development to, inter alia, give priority first to pedestrians and cycle movements and create places that are safe, secure and attractive thereby minimising the scope for conflicts between pedestrians, cyclists and vehicles. Policy T1 of the 2018 emerging Local Plan supports the approach of the NPPF in that it seeks the safe and appropriate access to the adjacent adopted highway, giving priority to pedestrians and cyclists.

5.26 The site is considered to be in a sustainable location. The site is considered to be within a sustainable location close to York St Johns and the University of York and close to public transport. Two vehicle disability parking spaces have been proposed. The applicant has declined to provide 5% accessible parking spaces. This is disappointing however officers do not consider that a reason for refusal on this basis could be successfully defended at appeal. There are public parking spaces on the opposite side of Foss Islands Road. The surrounding streets have parking restrictions.

5.27 At the time of writing the report revised cycle parking details had just been submitted. The plans show 97 covered and secure cycle space within the building (a mixture of Sheffield stands and two tier stands – an initial cycle parking provision of 71%. The plans show future cycle provision (if needed) in the amenity area to the north (totalling 40 spaces). There would be 5 visitor cycle spaces. Access to the cycle store would be from Foss Islands Road. access to vehicle /cycle access would be controlled and there would be no public access to this area.

5.28 The proposals are considered to be acceptable in terms of principle of development and their impact on the surrounding highway network. It is considered necessary to condition the submission of a travel plan. The Highway Network Management team have requested that contribution of £25,000 towards the City of York Travel Plan support, together with a review of parking/loading restrictions on Foss Islands Road and associated Traffic Regulation Order totalling £6,000. These obligations are considered to comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL).

VISUAL AMENITY AND CHARACTER

5.29 Chapter 12 of the NPPF gives advice on design, placing great importance to that design of the built environment. In particular, paragraph 130 of the NPPF states that planning decisions should ensure that development, inter alia, will add to the

overall quality of the area, be visually attractive, sympathetic to local character and history and have a high standard of amenity for existing and future users. This advice is reflected in Draft Local Plan Policies GP1 and GP9 of the 2005 Draft Local Plan and D1 and D2 of the 2018 Draft Local Plan and, therefore, these policies can be given weight.

5.30 The application site is within the defined city centre. The existing building fronting onto Foss Islands Road is an attractive building. Is it one of the last remnants of the Victorian/Edwardian commercial development in the area. The wider area of Layerthorpe is characterised by some low building height (typically two storey) out of town style large commercial premises dating from the last four decades (warehouses, retail, and office), in a flat landscape, with little green space. The area to the south is residential in character. The immediate area is undergoing change with the redevelopment of plots into higher density student or private apartments of between three and five floors.

5.31 The proposed front elevation would be set back from the pavement by 7.7 and 9.5 metres. The space allows for vehicles to pull off Foss Islands Road, and 3 no. vehicle parking spaces, and soft landscaping. The proposed materials would be predominantly red and buff brick with brown/copper coloured clad bay windows. There would be pitched roof to the 2 wings running north south, the connected element would be three - five storeys and have a flat roof. The pitched roofs would be slate.

5.32 The proposed development is three increasing to five storeys in height, the height of the front/Foss Islands elevation is 12.3 metres. The height of the adjacent terrace to the south is 10 metres, the neighbouring supermarket (to the north) is 7 metres. The five storey element towards the east of the site would be 17 metres in height. The surrounding and levels to the east and south are higher than the application site as such the building would rise approx. 14.5 metres above the neighbouring land levels. The neighbouring four storey apartments are between 12 and 13 metres in height. As such the height of the building is considered to be reasonable in this location.

5.33 There are weaknesses in the scheme, notably the massing and side and rear elevations which will appear particularly monotonous and bland due to the scale of the building. In acknowledging the weaknesses of the side and rear elevations, Officers accept that whilst there will be some views from public streets, they would be viewed in context and partially screened by the neighbouring existing and proposed buildings. The primary/front/Foss Islands Road elevation has been developed to a satisfactory design standard in accordance with the NPPF and 2018 Draft Plan Policy D1.

5.34 Policy D2 (Landscape and Setting) of the 2018 Draft Plan states that proposals will be encouraged and supported where they include sustainable, practical and high

quality soft and hard landscape details and planting proposals that are clearly evidence based and make a positive contribution to the character of streets, spaces and other landscapes. Landscaping and two trees are proposed to the front/Foss Islands Road elevation. A utilities report has been submitted which demonstrate there is sufficient space. The details of the landscaping are sought via condition.

RESIDENTIAL AMENITY

5.35 The NPPF seeks a good standard of amenity for all existing and future occupants, and that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are sympathetic to local character and history, including the surrounding built environment and landscape setting. Policies D1 and ENV2 of the 2018 Draft Plan seek to ensure that development proposals do not unduly affect the amenity of nearby residents in terms of noise disturbance, overlooking, overshadowing or from overbearing structures.

5.36 The proposal represents an intensification of use of the site combined with the acknowledged impacts from noise and disturbance, and accumulation of rubbish that can be associated with student accommodation. Officers consider that the amenity concerns about the development can be split into three main areas; the first being the impact of the structures themselves; second being the concern about the intensity of the development, the behaviour patterns of students and the impact of this behaviour on the residential amenity of existing residents; and thirdly the amenity of the occupants of the proposed building.

5.37 The proposed development is set between a commercial and residential area. The distance between the adjacent dwelling and the proposed building would be 1.3 metres at its closest point. The elevation adjacent to and facing the terraced dwellings does not have any windows in the upper storeys. The ground floor window would be screening by the boundary wall. The distance between proposed building and the closest apartments to the south (Curlew House) would be 16 metres. The closest windows facing Curlew House would be 29 metres. Between the proposed building and Dunlin House to the east would be 22 metres. The proposed development is not considered to result in undue overlooking or loss of privacy. By virtue of the distance to the neighbouring and surrounding dwellings to the south and east it is not considered there would be an undue loss of light to these dwellings. The proposal would result in a sense of enclosure however this is not considered to result in harm.

5.38 There are two separate courtyards proposed as part of the development that would provide amenity space for the students. . In order to protect neighbouring amenity details of how the area would be managed could be set out in a conditioned management plan.

5.39 Paragraph 186 of the NPPF is relevant. It states that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed. Subject to a condition to ensure that the recommendations of the Noise Impact Assessment are carried out the proximity of the proposed building is not considered to unduly impact on the use of the nearby commercial and residential sites. The proposed development would be managed, and a condition could be imposed that requires a management plan to be submitted to and approved by the Local Planning Authority. The management plan could address issues such as: refuse collection; change over days, security measures, maintenance, student liaison and community involvement etc.

5.40 There are differences between student accommodation and general housing in that students live in student accommodation only for a short fixed period of time, common space is provided. It is also the case that student occupants will use internal spaces differently and, in some instances, more intensely for a wider range of purposes (i.e. bedrooms acting as multi-purpose spaces for study and relaxation), than would be expected in general housing and this needs to be taken into account when considering the overall standard of amenity provided. Each studio is single aspect. The rooms are considered to be of an adequate size. A general communal area for all occupants has been provided on the ground floor, with a study room on the first floor.

5.41 There are 7 accessible studios, they are located on each floor with the exception of the fourth floor. On the ground floor one accessible studio is close to the building entrance and the other is adjacent to the lift. A further 3 studios on the upper floors are sited adjacent to the lift. The two other accessible studios are set at a distance from the lift but are adjacent to the staircase. This provision is considered to offer a variety of accommodation for differing ranges of accessibility needs.

AFFORDABLE HOUSING

5.42 It is considered necessary to condition the occupancy of the building to only students engaged in full-time or part-time further or higher education in the city as the application does not propose affordable housing.

5.43 The proposed wording for Policy H7 (Off Campus Purpose Built Student Accommodation) requires a financial contribution towards delivering affordable housing elsewhere in the city. The proposed modifications to the policy are now with

the Planning Inspectorate following consultation earlier in the year. At this time until the re-worded policy has gone through proper process it carries very little weight and officer do not considered that the affordable housing contribution can be sought at this time.

BIODIVERSITY

5.44 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities to have regard, in the exercise of the functions, to the purpose of conserving biodiversity. Paragraph 174 of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by, inter alia, minimising impacts on and providing net gains for biodiversity. Draft Local Plan policies reflect this advice in relation to trees, protected species and habitats.

5.45 The proposed soft landscaping demonstrates biodiversity net gain, in accordance with Paragraph 180 of the NPPF: while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate. The trees and planting can be sought/retained by condition

SUSTAINABILITY

5.46 Policy CC1 'Renewable and Low Carbon Energy Generation and Storage' requires that all new buildings must achieve a reasonable reduction in carbon emissions of at least 28% unless it can be demonstrated that this is not viable. The revised Building Regulations that came into force in June 2022 (with a transition period) exceed Policy CC1 requirements for reduction in carbon emissions. It is noted that there is no application for building regulations consent made prior to June 2022. As such the proposed building would be considered under the more stringent 2022 Building regulations as such it is not considered necessary to condition the 28% reduction in carbon emissions.

5.47 The Local Plan has been through full hearings. The wording of Policy CC2 is being revised, as such the wording of Policy CC2 currently has little weight until it has been through the full consultation process. The proposed development would be considered under the more stringent 2022 Building regulations.

DRAINAGE

5.48 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. Local Plan Policy GP15a (Development and Flood Risk) and Publication Draft York Local Plan (2018) Policy ENV5 (Sustainable Drainage) advise discharge from new developments should not exceed the capacity of receptors and water run-off should, in relation to existing runoff rates,

be reduced. The CYC Flood Risk Engineer considers the submitted surface water drainage scheme is acceptable and compliance with the submitted scheme can be sought via condition.

SAFE ENVIRONMENTS

5.49 Section 17 of the Crime and Disorder Act 1998 requires all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and do all they reasonably can to prevent crime and disorder". Paragraphs 92 and 130 of the NPPF require developments should create safe places and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. The Designing Out Crime Officer has confirmed they have no objections to the proposed scheme.

OPEN SPACE CONTRIBUTION

5.50 Public Realm has confirmed that an open space contribution is required in this case. This can be secured through a Section 106 agreement. The contribution of £14,647 would be used to improve the amenity open space within the nearby Hull Road Park and/or St Nicolas Fields Nature Reserve. This obligation is considered to comply with CIL Regulation 122. The Public Realm team has requested a contribution towards sports provision. Sports provision contributions are not normally requested for student accommodation as it is considered that the occupants would typically use the sports facilities provided by the university or colleges, for this reason it does not form part of the officer recommendation.

SECTION 149 OF THE EQUALITY ACT 2010

5.51 Section 149 of the Equality Act 2010 contains the Public Sector Equality Duty (PSED) which requires public authorities, when exercising their functions, to have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

5.52 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) take steps to meet the needs of persons who share a relevant protected

characteristic that are different from the needs of persons who do not share it;

c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

5.53 The PSED does not specify a particular substantive outcome, but ensures that the decision made has been taken with “due regard” to its equality implications.

5.54 Officers have given due regard to the equality implications of the proposals in making its recommendation. The issues with regard thereto are noted above in relation to this application but do not raise any matters that would outweigh the material planning considerations.

6.0 CONCLUSION

6.1 The application site is in a sustainable location. The site is within Flood Zone 1 and 2 would not increase flood risk elsewhere. The proposal meets the requirements of the NPPF sequential test (as set out above) and is acceptable when considered against national planning policy on flood risk, the sequential test is passed. In assessment of Heritage Assets, the scheme would preserve the character and appearance of the conservation area, and the setting of City walls. Impacts on archaeology are considered to be acceptable and can be mitigated by planning condition. The proposed development is not considered to result in harm to residential amenity or highway safety, nor would the proposal have an unacceptable impact on ecology on or adjacent to the site.

6.2 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 proposals are acceptable in principle when applying NPPF and local plan policy.

7.0 RECOMMENDATION:

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

i. The completion of a Section 106 Agreement to secure the following planning obligations:

Open Space

£14,647 improve the amenity open space within the Hull Road Park and / or St Nicolas Fields Nature Reserve .

Travel Plan

£25,000 towards the City of York Travel Plan support

Traffic Regulation Order

£6,000 towards a review of parking/ loading restrictions on Foss Islands Road in the vicinity of the site and associated Traffic Regulation Order

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

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

7.0 RECOMMENDATION: Delegated Authority to Approve

1 TIME2 Development start within three years

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

Drawing Number FIR420 300-1101-1101 P01 'Context Location Plan Survey' received 19 August 2022;

Drawing Number FIR420v304-300-1101-2101 P02 'Proposed Context Block Plan GA' received 26 April 2023;

Drawing Number FIR420v304-400-1101-2101 P04 'Proposed Site Plan GA' received 22 June 2023;

Drawing Number FIR420v304-501-1101-2101 P04 'Proposed Bldg Plan (Ground Floor) GA' received 22 June 2023;

Drawing Number FIR420v304-501-1102-2101 P03 'Proposed Bldg Plan (First Floor) GA' received 10 May 2023;

Drawing Number FIR420v304-501-1103-2101 P02 'Proposed Bldg Plan (Second Floor) GA' received 26 April 2023;

Drawing Number FIR420v304-501-1104-2101 P02 'Proposed Bldg Plan (Third Floor) GA' received 26 April 2023;

Drawing Number FIR420v304-501-1105-2101 P02 'Proposed Bldg Plan (Fourth Floor) GA' received 26 April 2023;

Drawing Number FIR420v304-501-1106-2101 P02 'Proposed Bldg Plan (Roof) GA' received 26 April 2023;

Drawing Number FIR420v304-501-3100-2101 P02 'Proposed Bldg Elevations GA' received 26 April 2023;

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Drawing Number FIR420v304-501-3100-2102 P02 'Proposed Bldg Elevations GA' received 26 April 2023;
Drawing Number FIR420v304-501-3100-2103 P02 'Proposed Bldg Elevations GA' received 26 April 2023;
Drawing Number FIR420v304-300-3100-2301 P02 'Proposed Context Elevations Massing Model' received 26 April 2023;
Drawing Number FIR420v304-300-3100-2302 P02 'Proposed Context Elevations Massing Model' received 26 April 2023;
Drawing Number FIR420v304-300-3100-2303 P01 'Proposed Context Elevations Massing Model' received 28 April 2023;
Drawing Number FIR420v304-300-3100-2303 P02 'Proposed Context Elevations Massing Model' received 28 April 2023;
Drawing Number FIR420v304-300-3100-2304 P01 'Proposed Context Elevations Massing Model' received 28 April 2023;
Drawing Number 1151_SK02 Revision A 'Sketch Landscape Proposals' received 10 May 2023;

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.

A 1 metre by 1 metre sample panel of the brickwork to be used on this building shall be erected on the site and shall illustrate the colour, coursing, 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: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location.

4 Prior to development (excluding demolition) where remediation works are shown to be necessary, development (excluding demolition) shall not commence until a detailed remediation strategy has been submitted to and approved by the Local Planning Authority. The remediation strategy must demonstrate how the site will be made suitable for its intended use and must include proposals for the verification of the remediation works. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason: To ensure that the proposed remediation works are appropriate and will remove unacceptable risks to identified receptors.

5 Prior to first occupation or use, remediation works should be carried out in accordance with the approved remediation strategy. On completion of those works, a verification report (which demonstrates the effectiveness of the remediation carried out) must be submitted to and approved by the Local Planning Authority. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason: To ensure that the agreed remediation works are fully implemented and to demonstrate that the site is suitable for its proposed use with respect to land contamination. After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990.

6 In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and, if remediation is necessary, a remediation strategy must be prepared, which is subject to approval in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation strategy, a verification report must be submitted to and approved by the Local Planning Authority. It is strongly recommended that all reports are prepared by a suitably qualified and competent person.

Reason: To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination.

7 All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday 0800 to 1800 hours

Saturday 0900 to 1300 hours

Not at all on Sundays and Bank Holidays

8 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 shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must include a site specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and include a package of mitigation measures commensurate with the risk identified in the

assessment. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

NOTE: For noise details on hours of construction, deliveries, 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).

With respect to dust mitigation, measures may include, but would not be restricted to, on site wheel washing, restrictions on use of unmade roads, agreement on the routes to be used by construction traffic, restriction of stockpile size (also covering or spraying them to reduce possible dust), targeting sweeping of roads, minimisation of evaporative emissions and prompt clean up of liquid spills, prohibition of intentional on-site fires and avoidance of accidental ones, control of construction equipment emissions and proactive monitoring of dust. Further information on suitable measures can be found in the dust guidance note produced by the Institute of Air Quality Management, see <http://iaqm.co.uk/guidance/>. The CEMP must include a site specific risk assessment of dust impacts in line with the IAQM guidance note and include mitigation commensurate with the scale of the risks identified. 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.

In addition to the above 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. 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: To protect the amenity of the locality

9 Details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, shall be submitted to the local planning authority for approval. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. 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 representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of 23:00 to 07:00 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 protect the amenity of nearby properties and the environmental qualities of the area.

10 The development shall be constructed in accordance with Mitigation Section 5 (pages 23 - 25) of the Noise Impact Assessment (ref: 50-370-R1-3 dated July 2022 by E3P).

Reason: To protect the amenity of the occupants of the development. To protect the amenity of the occupants of the neighbouring and nearby dwellings. To ensure that new development can be integrated effectively with adjacent businesses. To ensure compliance with Policy ENV2 of the draft Local Plan (2018) and the NPPF

11 The development shall be carried out in accordance with the details detailed in the submitted High Level Drainage Strategy - Re: 20.20341-ACE-00-XX-DR-C-1200 Revision P10 dated 18th November 2022.

Reason: In the interest of satisfactory and sustainable drainage

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. Note, the applicant has provided sufficient to

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eliminate other means of surface water disposal, and

ii) The applicant should be advised that the Yorkshire Waters prior consent is required (as well as planning permission) to make a connection of foul and surface water to the public sewer network

12 A programme of archaeological building recording, specifically a written description and photographic recording of any railway building or structure to Historic England Level of Recording 1 is required for this application.

The archaeological scheme comprises 3 stages of work. Each stage shall be completed and agreed by the Local Planning Authority before it can be approved.

A) No demolition/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 should conform to standards set by CYC and the Chartered Institute for Archaeologists.

B) The programme of recording 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 and dissemination of results and digital archive deposition with ADS will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report shall be deposited with City of York Historic Environment Record and a selection of digital archive images with ADS to allow public dissemination of results within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

This condition is imposed in accordance with Section 16 of NPPF.

Reason: The buildings on this site are of archaeological interest and must be recorded prior to demolition.

13 A programme of post-determination archaeological evaluation is required on this site. The archaeological scheme comprises 3-5 stages of work. Each stage shall be completed and agreed by the Local Planning Authority (LPA) before it can be approved.

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

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 and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

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 within 6 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 preservation in-situ, or for the investigation, recording and recovery of archaeological remains and the publishing of findings shall be submitted as an amendment to the original WSI. It should be understood that there shall be presumption in favour of preservation in-situ wherever feasible.

E) No development shall take place until:

- details in D have been approved and implemented on site

- provision has been made for analysis, dissemination of results and archive deposition has been secured

- a copy of a report on the archaeological works detailed in Part D should be deposited with City of York Historic Environment Record within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

This condition is imposed in accordance with Section 16 of NPPF.

Reason: 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 ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ.

14 No demolition works, or vegetation clearance shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of suitable nesting habitat for active birds' nests immediately before such works and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning

authority.

Reason: To ensure that breeding birds are protected from harm during proposed work. All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended.

Informative: The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Suitable habitat is likely to contain nesting birds between 1st March and 31st August inclusive. As suitable nesting habitat is present on the application site, it should be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is certain that nesting birds are not present.

15 A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a minimum of five-years).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Reason: To ensure wildlife mitigation, compensation and enhancements measure are managed and maintained appropriately.

16 A biodiversity enhancement plan/drawing shall be submitted to, and be approved, in writing by, the local planning authority prior to the commencement of works. The plan should include a minimum of four bat box, suitable for crevice

dwelling species and four boxes for nesting birds.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraph 174 d) of the NPPF (2021) to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

17 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority tree planting details, including tree pit system, volumes of accessible soil, means of support, means of watering, a suitable root barrier system to prevent roots from growing into the adjacent highway. Where trees are to be located within paved areas, the planting details shall accommodate suitable soil volumes underneath porous surfacing so that the trees have the capacity to survive and thrive.

Reason: To ensure that the trees are able to perform as intended within the approved landscape scheme.

18 Within three months of commencement of development a detailed landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include the species, stock size, density (spacing), and position of trees, shrubs, and other plants. It will also include tree planting details including means of support, watering, and protection; paving, and street furniture. The proposed tree planting shall be compatible with existing and proposed utilities. The approved scheme shall be implemented within a period of six months of the practical completion of the development. Any trees or plants which within a period of ten years from the substantial completion of the planting, 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 the Local Planning Authority agrees alternatives in writing.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species and other landscape details across the site, since the landscape scheme is integral to the amenity of the development and the immediate area.

19 Details of the height, type, position, angle and spread of any external lighting shall be submitted to and approved in writing by the Local planning authority prior to the development hereby permitted being brought into use. The external lighting shall be erected and maintained in accordance with the approved details to minimise light spillage and glare outside the designated area.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area.

20 The development hereby approved shall be used only as student housing accommodation. No person other than a student registered with, and engaged in, a course of full time further or higher education or a delegate registered with and attending a part time educational course within the City of York administrative boundary shall occupy any part of the development at any time.

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) 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.

21 The amenities for the occupants of the development (communal living areas, laundry, study room etc) shall be provided in accordance with the approved floor plans prior to first occupation of the development and shall be retained for the lifetime of the development.

Reason: In the interests of good design and the living conditions of the occupants of the development.

22 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 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.
- Information and advice to occupants about noise and consideration to neighbours. student liaison and community involvement.
- Property maintenance
- security measures,
- Dealing with anti-social behaviour,
- Fire safety

Reason: In the interests of amenity and highway safety

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

Reason: In the interests of highway safety.

24 The cycle parking storage and refuse 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.

Waste and recycling bins shall be stored in the refuse store at all times except for collection days.

Reason: To promote sustainable transport and in the interests of good design in accordance with sections 9 and 12 of the NPPF. To ensure there is suitable cycle storage and refuse storage areas of the life of the development. So as to achieve a visually cohesive appearance.

25 No part of the development shall be occupied until a Full Travel Plan has been submitted and approved in writing by the LPA. The Travel Plan should be developed and implemented in line with local and national guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of annual travel surveys carried out over period of 5 years from the first survey shall then be submitted annually to the authority's travel plan officer for approval.

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

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

- measures to prevent the egress of mud and other detritus onto the adjacent public highway;
- a dilapidation survey jointly undertaken with the local highway authority;
- the routing for construction traffic that will be promoted;

- the safe routing of pedestrians around the site;
- the extent and programming of any road /footway closures;
- a scheme for signing the promoted construction traffic routing;
- an outline programme/ schedule for deliveries to site
- where contractors will park; and
- where materials will be stored within the site.

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.

Informative: Please contact development.adoption@york.gov.uk to arrange joint dilapidation survey. Please contact highway.regulation@york.gov.uk to discuss Temporary Traffic Regulation Orders.

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.

27 The development shall not be begun until details of the access/ egress from Foss Islands Road together with associated visibility splays have been submitted to and approved in writing by the Local Planning Authority, and the development shall not come into use until the access and egress have been constructed in accordance with the approved plans.

Reason: In the interests of road safety.

28 Refuse collection access shall be from Elvington Terrace and details of the design of this pedestrian access, together with associated sightlines, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

Reason: In the interests of highway safety.

29 The development shall not come into use until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating kerbing and footway; to match adjacent levels.

Reason: In the interests of good management of the highway and road safety.

30 Prior to the occupation of the site, details shall be agreed in writing with the Local Planning Authority of arrangements to manage student arrivals and departures on the adjacent public highway at term change-over times. The management plan shall include information on how private car ownership will be prevented, measures to prevent occupants parking on the adjacent streets such as

requiring student residents not to be registered keeper of a vehicle (may be included within tenancy agreement). The agreed Student Arrivals Traffic and Parking Management Plan shall be implemented upon occupation of any part of the development and shall be thereafter maintained to the satisfaction of the Local Planning authority for the life time of the development unless alternative arrangements are first agreed in writing with the Local Planning Authority.

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

31 VISQ4 Boundary details to be supplied

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:

- Request revised plans
- Request additional information

2. YORKSHIRE WATER INFORMATIVE

The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

3. INFORMATIVE:

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

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action being taken under the Control of Pollution Act 1974:

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

4. CONSENT FOR HIGHWAY WORKS

You are advised that prior to starting on site, consent will be required from the Highways Authority for the works being proposed under the Highways Act 1980 (or legislation/ regulations listed below). For further information, please contact the officer(s) named:

Works in the highway (Section 171) - streetworks@york.gov.uk

Vehicle crossing (Section 278) - development.adoption@york.gov.uk

Temporary highway closure (Road Traffic Regulation Act 1984, Section 14)
highway.regulation@york.gov.uk

Structures affecting the highway - Approval in Principle for works to the retaining wall to the east of the site. Please contact Siavosh.Mahmoodshahi@york.gov.uk

5. DISPOSAL OF COMMERCIAL WASTE

Section 34 of the Environmental Protection Act 1990 places a duty of care on all producers of controlled waste, i.e. businesses that produce, store and dispose of rubbish. As part of this duty, waste must be kept under proper control and prevented from escaping. Collection must be arranged through a registered waste

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carrier. It is unlawful to disposal of commercial waste via the domestic waste collection service.

Adequate arrangements are required for proper management and storage between collections.

Section 47 of the Environmental Protection Act 1990

The storage of commercial waste must not cause a nuisance or be detrimental to the local area. Adequate storage and collections must be in place. Where the City of York Council Waste Authority considers that storage and/or disposal are not reasonable, formal notices can be served (Section 47 of the Environmental Protection Act 1990). Storage containers cannot be stored on the highway without prior consent of the Highway Authority of City of York Council.

6. INFORMATIVE:

You are advised that this proposal may have an effect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

7. THE PARTY WALL ETC ACT 1996

The proposed development may involve works that are covered by the Party Wall etc Act 1996. An explanatory booklet about the Act is available at:

<https://www.gov.uk/party-wall-etc-act-1996-guidance>

Furthermore the grant of planning permission does not override the need to comply with any other statutory provisions (for example the Building Regulations) neither does it override other private property rights (for example building on, under or over, or accessing land which is not within your ownership).

Contact details:

Case Officer: Victoria Bell

Tel No: 01904 551347