

COMMITTEE REPORT

Date: 24 March 2025 **Ward:** Fulford And Heslington
Team: East Area **Parish:** Heslington Parish Council
Reference: 24/01377/FULM
Application at: 5 Main Street Heslington York YO10 5EA
For: Change of use of offices (use class E) to 25no. bed purpose-built student accommodation, erection of a single storey extension to The Hive and associated external works.
By: Miranda Lam
Application Type: Major Full Application
Target Date: 27 March 2025
Recommendation: Approve

1.0 PROPOSAL

The site

1.1 The application relates to land formerly owned by the university and buildings used as offices. The site was deemed surplus to requirements and marketed for sale in 2023. The site comprises of 5/5a fronting Main Street, a car parking area and a mid-20th century office building behind; referred to as the Hive. There is a garden area to the rear of the buildings.

1.2 The front building (no.5 / 5a) is grade II listed. It was used only for storage subsequent to it being sold by the university. The building behind is a mid-20th century office building of two storey and with decorative tiled cladding to its facade.

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

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

The scheme

1.5 The scheme has been revised since the initial submission. The amount of development has been reduced in that a proposed extension to the rear of the Hive building has been omitted. The scheme is now essentially conversion, apart from

an approx. 6 sqm single storey extension proposed to the Hive building. The conversion would provide student accommodation with 25 bedrooms -

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

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

2.0 POLICY CONTEXT

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

2.2 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. The development plan is the Local Plan 2018. There is no adopted Neighbourhood Plan in respect of the application site.

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

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

The National Planning Policy Framework (NPPF)

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

Local Plan

2.5 The Local Plan was adopted on 27 February 2025. The following policies are considered of particular relevance -

- EC2 Loss of employment land
- H3 Balancing the housing market
- H7 Student housing
- D1 Placemaking
- D4 Conservation areas
- D5 Listed buildings
- CC2 Sustainable design and construction of new development
- GI2 Biodiversity and access to nature
- T1 Sustainable access

Supplementary guidance

Heslington Conservation Area Appraisal (2009)

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

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

Heslington Village Design Statement

2.8 The document was accepted as supplementary planning guidance in April 2004. Of note section 3.2.1 planning guidelines, paragraph 5 states “The gardens and open spaces behind and between the houses are of great value to the rural charm of the Village, are important for birds and wildlife and should be retained. There should be a presumption against the sub-division of gardens and open spaces when future planning applications are considered”.

3.0 CONSULTATIONS

INTERNAL

Affordable housing officer

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

Design & Conservation – Archaeology

3.2 Advised no conditions requested following submission of revised plans.

Design & Conservation – Conservation Officer

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

Design & Conservation – Ecology

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

Design & Conservation – Landscape

3.5 Objected to the original/superseded scheme due to -

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

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

Carbon Reduction Team

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

Flood Risk Management

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

Local plans / Strategic Planning

Loss of employment land

3.9 The Council's Economic Strategy recognises the importance of protecting existing employment and commercial land that is both high and low value. It considers the planning system and Local Plan can play a large part in protecting existing employment sites by incentivising the redevelopment and enhancement of sites and buildings for employment use and stop housing uses from encroaching on our vital employment sites – using the planning system to drive the right growth. Policy EC2 requires that, in most cases, a minimum of 18 months effective marketing of the premises is undertaken. The offices are conveniently situated close to the University of York and evidence has been provided there was interest in use of the premises as offices (although they did not lead to an offer). Officers consider that the proposal as it stands is contrary to policy EC2 as 18 months marketing for an employment use has not been carried out. Once that has been completed, and if no interest in them for an employment use can be shown, a full analysis of the marketing, interest in the property and issues should be provided as evidence.

Student accommodation need

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

Public Protection

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

Highway Network Management

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

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

EXTERNAL

Internal Drainage Board

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

Heslington Parish Council

3.14 Comment as follows –

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

NHS / Vale of York CCG

3.15 No response.

Yorkshire Water

3.16 No objection.

York Conservation Areas Advisory Panel

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

4.0 REPRESENTATIONS

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

- Extension to the Hive - Proposed extension to the Hive does not comply with the Village Design Statement, where it has been stated that gardens and open spaces behind and between houses should be retained to preserve the character of the Conservation Area.
- Car parking - insufficient car parking for residents.
- Noise – noise due to student residents.
- Preferences for an alternative scheme, including residential, for which it is considered in higher need. The amount of student accommodation proposed would unbalance the village.

- Objections consider the proposals are contrary to the Neighbourhood Plan. Officer note - the neighbourhood plan was withdrawn; it does not carry any weight in decision-making. The examiner in assessing the draft plan recommended policy HES 12 Purpose Built Student Accommodation be deleted.

5.0 APPRAISAL

5.1 The key issues are –

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

Principle of the proposed use

Loss of employment land

5.2 Local Plan policy EC2: 'Loss of Employment Land' states "when considering 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 satisfaction of the Council demonstrating that:

- i. the existing land and or buildings are demonstrably not viable in terms of market attractiveness, business operations, condition and/or compatibility with adjacent uses; and
- ii. the proposal would not lead to the loss of an employment site that is necessary to meet employment needs during the plan period".

5.3 The accompanying explanation to the policy states: "When considering the loss of employment land and/or buildings 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 and in most cases not less than 18 months. 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. This includes all employment generating uses, not just office or industrial uses". It goes on to state "It is particularly important that

Grade 1 offices in the city centre, York Central and other high access locations are protected where there remains a proven need”.

5.4 The final sentence advises that the policy applies to all employment generating uses. The proposed use will generate some employment (on-site staff associated with day-to-day management of the use and its grounds). However, the primary use is residential, and it is considered policy EC2 is engaged.

5.5 The marketing that has taken place illustrates the site and its existing buildings are not attractive to commercial developers. The property was marketed between October 2023 and May 2024 (7 months). All offers made were for residential development (market housing or student accommodation). Although there was interest registered, no offers were made for commercial use; feedback received from those who showed interest was the lack of offers were due to the location and floorplates of the buildings.

5.6 The frontage building (5/5a) is a domestic building and Grade II listed. The building at the rear is a purpose built multi storey office. Combined this provides 825 sqm office floorspace of varying type. Neither building has inclusive access internally (no lift access to first floor). It is difficult to envisage an alternative employment use of the site compared to the former office use, which has not generated any commercial interest following the marketing campaign.

5.7 It is not essential marketing is for 18 months to comply with policy EC2 and in this case it is considered the marketing was reasonable. Due to the size of the offices, their varying condition and type (a listed building of domestic typology and a dated purpose-built office), their location (outside of the city centre), the lack of interest following marketing, it is considered the premises do not need to be retained as offices to meet employment needs during the plan period and the requirements of policy EC2 have been satisfied.

Local Plan policy H7: off-campus purpose-built student accommodation (PBSA)

5.8 Local Plan policy H7 states proposals for new off campus PBSA, other than the allocation at SH1, will be permitted where all of the following criteria are satisfied:

- i. it can be demonstrated that there is a need for student housing which cannot be met on campus and
- ii. it is in an appropriate location for education institutions and accessible by sustainable transport modes.
- iiia The rooms in the development are secured through a nomination agreement for occupation by students of one or more of the University of York and York St. John University.

- iii. The development would not be detrimental to the amenity of nearby residents and the design and access arrangements would have a minimal impact on the local area. In respect of amenity the explanation text advises that in the interests of the proper management of the student accommodation and to protect the amenity of adjacent residents, where permission is granted it will be subject to a planning condition requiring that prior to the accommodation being occupied a management plan shall be agreed in writing with the Council.
- iv. The accommodation shall be occupied only by full-time students enrolled in courses of one academic year or more and conditions or obligations shall be imposed to secure compliance with this requirement and for the proper management of the properties.

5.9 The Council's most recent data shows that based on current student numbers, purpose build accommodation, including schemes with permission, schemes with a resolution to grant (subject to a s106 legal agreement and allocated sites) will provide approximately 1 bedspace for every 2 students. On this basis there remains a need for student accommodation. The site is in a suitable location due to its proximity to the university. The scheme is conversion only so the scheme would not have an adverse impact on residential amenity. As per the explanation to the policy, in respect of amenity from noise and operational matters, a management plan would be secured by condition to protect the amenity of adjacent residents. As such the proposals accord with points 1,2 and 3 of the policy.

5.10 In respect of points 2a and 4 of policy H7 paragraph 130 of the supporting Design & Access Heritage Statement states that the applicant can confirm a nomination agreement for occupation of the property by University students only on a full-time course for a minimum of one academic year is acceptable. The policy requirement can be dealt with through a planning condition and would entitle the relevant University to allocate students to the development.

5.11 The final element of the policy states "for new student accommodation a financial contribution should be secured towards delivering affordable housing elsewhere in the City". However, in accordance with NPPF paragraph 65 (which states that to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped any affordable housing contribution due should be reduced by a proportionate amount) affordable housing is not required; the scheme is conversion only therefore vacant building credit applies.

Type of student accommodation

5.12 When applying Local Plan policy H3 the Council's most recent data suggests a need for at least 50% of student accommodation to be within clusters to ensure affordability. Policy H3 states the Council will expect developers to provide housing solutions that contribute to meeting York's housing needs, as identified in the latest Local Housing Needs Assessment (LHNA) and in any other appropriate local

evidence. New residential development should therefore maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.'

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

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

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

Principle of use conclusions

5.16 The proposed change of use is considered compliant with relevant Local Plan policies. Further to Local Plan policy the scheme involves the re-use of existing buildings. It is aligned with the NPPF in achieving the following principles (and the appropriate weight is given to these benefits in overall assessment of the scheme) –

- Section 5 – Delivering a sufficient supply of homes – paragraph 73 advises the LPA (Local Planning Authority) should support development of windfall sites and give great weight to the benefits of using suitable sites within existing settlements for homes.
- Section 11 – Making effective use of land – paragraph 125 states planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused.
- Section 14 – Meeting the challenge of climate change ... - aligned with paragraph 161 in respect of reuse of existing resources including the conversion of existing buildings.

Impact on heritage assets

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

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

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

Significance

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

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

Impact on significance

- Listed building

5.21 The revised scheme for 5/5a respects the floorplate and plan form of the building and follows the advice provided by the Council's Design and Conservation Officer. The external works would remove cement render over a section of the

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

- **Conservation area**

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

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

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

Archaeology

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

Design

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

- fail to take account of York's special qualities,; and/or

- fail to make a positive design contribution to the city, and/or
- cause damage to the character and quality of an area will be refused.

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

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

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- Are visually attractive and sympathetic to local character.
- Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).
- Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

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

Safe & inclusive / Secure by design

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

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

Health & wellbeing

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

Ecology

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

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

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

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

Transport

5.37 Local Plan policy T1: Sustainable Access advises development will be permitted where it minimises the need to travel and provides safe, suitable and attractive access for all transport users including those with impaired mobility, such that it maximises the use of more sustainable modes of transport. This will be achieved by ensuring developments that can be reasonably expected to generate significant traffic movements are supported by frequent high quality public transport linking them to York's City Centre and other key destinations, as appropriate; requiring development proposals to demonstrate safe and appropriate access and links to local services; give priority to pedestrians and cyclists and create safe layouts.

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

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

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

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

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

Sustainable design and construction

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

Open space

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

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

Land contamination

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

6.0 CONCLUSION

6.1 In principle the scheme is regarded policy compliant. There is deemed to be no conflict with policy EC2 in respect of the loss of employment land and the accommodation proposed accords with purpose-built student accommodation policy H7. Even if it were considered that the scheme had not fully met the marketing requirements in EC2, when applying all material considerations and applying NPPF advice on reusing previously developed land in sustainable locations for residential uses (as set out in paragraph 5.16), the benefits of the scheme would outweigh any identified adverse effects in this case. All technical matters can be resolved by condition.

6.2 The scheme (as revised) does not harm the significance of heritage assets. Importantly the scheme accords with the environmental objectives of the Local Plan and NPPF; the reuse and environmental improvement of existing buildings is aligned with the objective to minimise waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

7.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 Approved plans

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

Plans LTD299 -

01 - location plan

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

14C - Floor plans for 5/5a

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

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

3 The hive external works

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

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

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

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

4 Landscaping

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

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

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

consent).

5 BREEAM (listed building)

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

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

6 BREEAM

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

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

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

7 Noise

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

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

Reason: To protect the amenity of people living in the new property from externally generated noise and in accordance with the NPPF sections 12 and 15.

8 External lighting plan (bats)

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

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

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

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

9 Biodiversity Enhancements

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

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

10 Site management

The development shall not be occupied until a management and occupation plan for the site has been submitted to and approved in writing by the Local Planning

Authority. The development shall operate in accordance with the approved management and occupation plan at all times.

The plan shall detail the following -

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

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

11 Cycle and bin storage

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

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

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

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

12 HWAY19 Car and cycle parking laid out

The development shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been

constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

13 Travel plan

No part of the development shall be occupied until a Travel Plan has been implemented. The Travel Plan shall be developed and implemented in line with local and national guidelines and in particular shall include measures to monitor cycle usage and include actions to install further cycle parking subject to demand. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of the 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 yearly annual travel surveys carried out over period of 4 years from the first survey shall then be submitted annually to the LPA for its written approval.

Reason: To promote the use of sustainable means of transport.

14 Restriction of use

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

The student accommodation hereby permitted shall be subject to a nominations agreement with a Higher Education Provider at all times.

Reason: In accordance with policy H7 and for the avoidance of doubt and in order to control the future occupancy of the development, as otherwise the development would involve other requirements in order to be NPPF compliant, such as the inclusion of affordable housing.

15 Communal uses

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

Reason: In the interests of good design and amenity.

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

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

8.0 INFORMATIVES:

Notes to Applicant

1. Construction management

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

2. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 39) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: sought revised plans to address issues relating to heritage assets and cycle parking and through the use of planning conditions.

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