

COMMITTEE REPORT

Date: 3 February 2022 **Ward:** Guildhall
Team: East Area **Parish:** Guildhall Planning Panel

Reference: 21/02164/FULM
Application at: Alton Cars York Ltd 3 James Street York YO10 3WW
For: Demolition of existing buildings and redevelopment of the site for purpose-built student accommodation with up to 319 bedrooms, associated communal facilities, car parking and landscaping
By: S Harrison Developments Ltd
Application Type: Major Full Application
Target Date: 10 February 2022
Recommendation: Approve

1.0 PROPOSAL

Summary

1.1 The proposals are for purpose built student accommodation on land last used for employment uses. The presumption in favour of sustainable development in paragraph 11d of the NPPF applies to this application. This means permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. The scheme is recommended for approval; the loss of employment land would not be in conflict with the NPPF and nor would it conflict with Publication Draft Local Plan 2018 (eLP) policy EC2: Loss of Employment Land. The proposed use is compliant with eLP policy H7: Student Accommodation. There would be no impact on designated Heritage Assets; no undue impact on residential amenity or highway safety and all technical matters have been addressed.

Application site

1.2 The application site is located along James Street, between Brinkworth Terrace to the south and Elvington Terrace to the north. The site previously accommodated a vehicle repair garage (Alton Cars) and comprises of an industrial warehouse building with hard-standing to the north and south used for car parking. The operator will relocate to an alternative site at Elvington when the lease expires.

1.3 On the opposite side of James Street and further north are predominantly industrial estate type buildings. To the west are a group of residential blocks,

predominantly 4-storey in height. To the immediate south is student accommodation. Along Brinkworth Terrace the wing of accommodation (at the rear of the former WMC) is 3.5 storey. Further south, along Lawrence Street buildings are domestic in scale. The Lawrence Street frontage buildings, between the inner ring road and James Street, are within the Central Historic Core Conservation Area (Walmgate Character Area).

Proposals

1.4 The proposed student accommodation has 319 bedrooms; a mix of 253 within clusters and 66 studios. The building would be A-shaped in footprint, with two landscaped courtyards and between 3 and 5 storey in height (with the top floor within the roof). Servicing would take place from Brinkworth Terrace utilising an existing entrance into the site and turning head within the highway.

1.5 The applicant and architects were the developers of the student accommodation at the former Lawrence Street WMC, located to the south of the application site. The applicants undertook their own pre-application consultation, which included residents, Yorkshire Housing who operate the accommodation to the west, and local councillors.

2.0 POLICY CONTEXT

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise.

2.2 The National Planning Policy Framework ('NPPF') is a material consideration in the determination of this planning application. Key sections of the NPPF are as follows –

- 5 Delivering a sufficient supply of homes
- 9 Promoting sustainable transport
- 11 Making effective use of land
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change

2.3 The Publication Draft City of York Local Plan 2018 ('2018 eLP') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF its policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012.

2.4 Key relevant Publication Draft Local Plan 2018 Policies are as follows -

DP3 Sustainable Communities
 D1 Place-making
 D6 Archaeology
 EC2 Loss of employment land
 CC1 Renewable and Low Carbon Energy Generation and Storage
 ENV1 Air Quality
 ENV5 Sustainable Drainage
 H7 Student Housing
 HW1 Protecting Existing Facilities
 T1 Sustainable Access

3.0 CONSULTATIONS

Internal

Design, Conservation and Sustainable Development - Archaeology

3.1 The site lies within the Central Area of Archaeological Importance. Based on investigations nearby it is understood this area contains a significant archaeological resource within 1-2m of the modern ground surface. No investigation has taken place within the proposed site boundary. It is anticipated the southern half of the site has the most archaeological potential – in particular areas not previously disturbed.

3.2 A full evaluation is required across the entire site following the demolition of the extant building. A Written Scheme of Investigation (WSI) has already been prepared (On-Site Archaeology July 2021). Without information on the site's archaeological profile, the foundation design will require approval through condition, to ensure control over the final design of the building to ensure preservation in-situ can be achieved if/where required. Officers have recommended a suitably worded condition.

Design, Conservation and Sustainable Development - Countryside and Ecology Officer

3.3 No objection. Recommend biodiversity enhancement in accordance with the Preliminary Bat Roost Assessment by Wold Ecology Ltd. As the application site offers suitable habitat for nesting birds, primarily within the workshop building, precautionary methods required to ensure active nests are not destroyed during the proposed works.

Design, Conservation and Sustainable Development - Landscape Architect

3.4 In recent years, aesthetics and amenity have played a much greater part as James Street and the immediate area have become more residential. The emerging, green, road corridors, make deliberate connections with Tang-hall Beck (green infrastructure corridor no.16 – ‘Osboldwick/Tang-hall corridor’) and the River Foss (GI corridor 03 - ‘Foss corridor’ and 11 - ‘City Walls’).

3.5 The proposed development presents another opportunity to improve the environment along James Street - aesthetically and physically, and to make a positive contribution to its evolving character and street scene in which street trees play a defining role. The proposed building should be set back from James Street a sufficient distance to sustain sizeable street trees, which should have a notable presence and be of a scale fitting for the proposed building height and mass. The setback provided is too narrow to be effective in this respect.

3.6 On the west side of the site green punctuations recommended as the elevation appears very close to the boundary and thus possibly overbearing on Dunlin House and the open space between Dunlin House and Heron House (officer note – the building has subsequently been moved further from the site boundary in this area).

Highway Network Management

3.7 Officers have requested a financial contribution to enable the Council to assist with the Travel Plan for the site. At pre-application stage officers also made the following points -

- Vehicles should be able to access/egress the service area in a forward gear.
- Adequate cycle parking must be provided.

Public Protection

3.8 Noise - the noise assessment by PDA Acoustic Consultants (September 2021) considers the existing noise climate and advises of the appropriate noise mitigation

measures to ensure that internal noise levels for the accommodation meet the requirements of BS8233:2014. A condition to secure such is recommended.

3.9 Construction Management - recommend controls be put in place to minimise noise, vibration and dust during demolition and construction as there are commercial and residential properties nearby.

3.10 Land Contamination - the Delta Simons Preliminary Geo-Environmental Risk Assessment ref 21-1257.01 (August 2021) is acceptable and concludes the need for a site investigation.

3.11 Electric Vehicle charging - recommend provision of a charging facility in line with paragraph 110 of the NPPF, which states developments should be designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

External

Conservation Areas Advisory Panel

3.11 The application was considered by the Panel as the site is adjacent to the York Central Historic Core Conservation Area. The panel had no objection to this scheme and noted that it was of a higher standard in terms of space and student facilities than many recent similar schemes. Elevations were well modulated with an easily identified main entrance. It was not felt the scheme would be detrimental to the appearance of the Conservation Area.

North Yorkshire Police – Designing out crime officer

3.12 Comments outline relevant safety and security considerations, crime issues at the site location and recommendations. Access control, lighting to aid surveillance, physical protection to doors, windows and cycle storage are recommended and that a management plan be in operation for the site. The proposals for boundary treatment and CCTV are commended.

Guildhall Planning Panel

3.13 Object – over-development. The building is too high. It should be setback from the site boundaries to allow for landscaping. It would overlook the dwellings to the west. Too many apartments are proposed and a lack of green space.

Yorkshire Water

3.14 Ask for site drainage details to be approved by the Local Planning Authority prior to any piped discharge of surface water from the development. In accordance with the sustainable drainage hierarchy it must be evidenced that surface water via infiltration is not feasible. Following such, Yorkshire Water would accept the proposed restricted discharge rate of 33.3 Litres/second.

4.0 REPRESENTATIONS

York Civic Trust

4.1 Broadly support the scheme. Aspects of the proposal are welcomed and offer better design quality than other recent student accommodation schemes proposed in York. However, the Trust is unable to support the application in its current form due to shortcomings in the design, choice of materials, and internal layout of the scheme. Comments in this respect are as follows -

- The overall massing of the building is acceptable. However the proposed building does overtly maximise the use of the site. More separation between the building and the street recommended.
- The massing and design profile of the proposed building sits well in the context of the surrounding area. The gable ends offer a regular rhythm and interest to the James Street elevation, resulting in a positive contribution to the area. However, the current design risks the entrance area being too prominent and too 'busy' and the dormers are considered overstated and too dominant.
- Materials - Question whether the roofing material would be better suited as uniformly pantiles, rather than split between pantiles and slate as proposed. Also whether render or brickwork would be preferable to the section of cladding proposed at the main entrance.
- Layout - Further detail over the internal layout would be beneficial in ensuring quality of design, in particular at top floor level where rooms are proposed within the roofspace (officer note typical layouts have since been provided).

There have been eight further objectors

4.2 The following grounds for objection have been raised:-

- Amenity of residents in dwellings to the west

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- Loss of light and privacy due to the height of the proposed building and location of windows. Existing windows and patios look directly towards the site and would be affected.
- Overlooking of the communal landscape area to the west.
- The development would mean more use of the land to the west as a cut through (toward the inner ring road / Foss Islands Road). Associated concerns regarding noise disturbance and litter.
- Impact on setting due to building height – the proposed building is five storey, this is unprecedented; taller than any other buildings locally.
- Need for construction management
- Concern over the amount of student accommodation in the area. It is reported that this scheme along with the three others along Lawrence Street would amount to some 1,300 student rooms. The increase in student accommodation numbers has led to issues of noise, anti-social behaviour and congested car parking. This scheme has inadequate car parking and will lead to further parking problems locally.

5.0 APPRAISAL

Key issues

5.1 The key issues in assessment of this scheme are -

- Principle of the proposed development
- Where there is impact on the Central Historic Core Conservation Area
- Design of the proposed building
- Neighbours amenity
- Highway safety and sustainable travel
- Public protection
- Archaeology
- Drainage

Principle of the proposed development

Loss of the employment use

5.2 The site is currently in employment use. Publication Draft Local Plan (DLP) policy EC2 advises that loss of employment land is appropriate where –

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

5.3 Policy EC2 identifies the need for each type of employment use over the emerging plan period and in policy EC1 it allocates sites which more than provide sites to meet demand. The allocated sites are more desirable to the application site taking into consideration sustainable transport links for office type uses, logistics for storage / distribution and compatibility with neighbours for industrial uses. The current operator has relocated to what it considers to be a preferable site, in terms of operationally and logistically.

5.4 The loss of employment land primarily must be assessed against NPPF policy. NPPF Paragraph 122 requires that planning decisions “reflect changes in the demand for land”. Paragraph 123 states Local Planning Authorities “should support proposals to use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres”.

5.5 The NPPF places a strong emphasis on re-using sites such as this for residential development where there is need. There is evidently a trend in re-using former industrial land in the Walmgate, Lawrence Street and Layerthorpe areas for residential/student use, which has been beneficial to regeneration and the vitality and viability of the city centre, and not evidentially undermined key economic sectors.

5.6 The loss of employment land is not objected to on the following grounds –

- When the lease for Alton Cars was expiring the site was marketed and the only interest was from developers of student housing.
- The existing business on-site has identified an alternative, preferable location.
- The emerging local plan allocates adequate land to meet employment needs, which are in locations better suited to employers needs compared to the application site.
- Due to the scale and location of the site, it is unlikely to be redeveloped as offices (evidenced by the inquiries made for the site when it was marketed).

- Industrial or noisy commercial activity on-site would be incompatible with the residential uses to the south and west of the site.
- Planning permission has been recently granted for change of use of multiple former industrial or commercial premises along James Street which sets a precedent and demonstrates the extent of housing need. Sites include - James House (initially office to residential under permitted development rights), the multiple phases of the Brickworks Student Accommodation scheme at James Street / Redeness Street and residential development at 1 Redeness Street.
- The Council's economic development team have been consulted and not raised objection to the application.

Proposed use

5.7 The site is previously developed and in a sustainable urban location. The proposed re-use of the site in principle conforms with NPPF section 11, which requires planning decisions should:-

- Promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (paragraph 119).
- Give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs (120).
- Local Planning Authority's should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs (121).
- Take a positive approach to applications for alternative uses of land, where it is developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. (123).

5.8 NPPF policy on decision making (in paragraph 38) states Local planning authorities should approach decisions on proposed development in a positive and creative way. Decision-makers at every level should seek to approve applications for sustainable development where possible.

5.9 Policy H7 Student Housing within the 2018 eLP carries limited weight in decision-making at this stage as the emerging plan is not adopted and there are objections to the policy. It is against the NPPF policies that this proposal should principally be assessed. H7 states proposals for new student accommodation will be supported where:

- 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
- development would not be detrimental to the amenity of nearby residents and the design and access arrangements would have a minimal impact on the local area.

5.10 Despite the number of recent applications, there remains demonstrable need for student housing. The amount of purpose built student accommodation (PBSA), operated by the university and other operators, including permissions yet to be implemented, would accommodate under 50% of students (in full time education).

5.11 The site is in an appropriate location for student accommodation. Nearby around Navigation Road, Walmgate, Lawrence Street and James Street are multiple large-scale PBSA developments which provide essentially car free developments due to their accessibility.

Impact on the Central Historic Core Conservation Area

5.12 The site is outside of, but adjacent to, the Central Historic Core Conservation Area. The Council has a statutory duty (under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to consider the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

5.13 Of the Central Historic Core Conservation Area, the Walmgate Bar Character Area lies to the south and west of the application site and includes the terrace of 19th Century houses along Foss Islands Road and the frontage buildings on the north side of Lawrence Street terminating at James Street. St Lawrence's Church is also within the conservation area. The church is listed at grade II and identified as a landmark building in the conservation area appraisal. The character area appraisal identifies the key qualities of this character area as being –

- The 18th century former houses on the north side of Lawrence Street, which are Grade II listed.
- Walmgate Bar, which has the last remaining barbican in the city.
- St Lawrence's Church, a large landmark in the area. The Church possesses group value with those buildings already in the Conservation Area. The churchyard provides a setting for this group of buildings and positively contributes to the appearance of the character area.

5.14 Analysis has been provided with the application illustrating the impact of the scheme when viewed in juxtaposition with the Central Historic Core Conservation Area. The analysis takes into consideration views from the east, from the City Walls, along the outer ring road (from where there are views of the walls and the spire of the Grade II listed St Lawrence's Church) and from Lawrence Street to the south.

5.15 In views from the City Walls and the inner ring road there would be glimpsed views of the proposed building beyond the Waitrose service yard and the neighbouring 15 Foss Islands Road (the latter is currently subject an application for redevelopment). There would be no effect on the prominence of the church spire on the skyline.

5.16 From both the east and south existing views are towards the warehouse type, and utilitarian buildings, along James Street. In views the building's scale would be complimentary to foreground buildings. There would be no harm to the setting of the conservation area. The proposed building is of a scale which would enable it to blend in with its surrounds and the architecture of the building is more closely related to the conservation area setting compared to existing views, towards warehouse type buildings found along James Street.

Design

5.17 NPPF paragraph 130 sets out design considerations. Paragraph 131 now emphasises the importance of trees in urban environments and recommends they are incorporated into developments. Paragraph 130 advises developments should –

- function well and add to the overall quality of the area over the lifetime of the development;
- be visually attractive
- be sympathetic to local character
- make effective use of the site
- create places which are safe, inclusive, promote health and well-being, and with a high standard of amenity

Layout and architectural approach

5.18 The layout gives a sense of enclosure to the street whilst providing defensible space to the building and enhanced landscaping to the street scene. Trees will be accommodated in the two courtyards and on the south side of the site. The approach, considering the layout and variety in building form and materials, respects

the domestic character and urban grain found along Lawrence Street (to the south) rather than the approach of setting buildings further back from the street, now present at the northern (towards Layerthorpe) section of James Street / Hallfield Road. The application site and the proposed building use is coherent to the Lawrence Street context and the approach to layout is not objected to.

5.19 The outward facing elevations will comprise of two brick types; orange and brown multi types and the roofs typically red clay tile. The taller section, which identifies the entrance, varies in its appearance, using slate roof tiles. The building has varying eaves and ridge heights and façade treatments, creating a rhythm and vertical emphasis to the facades, reflective of the streetscene along Lawrence Street. Objections by others to the use of metal cladding are noted, but its use is limited and not objected to. More traditional materials are prevalent on the proposed building and metal cladding is found on various other schemes nearby.

5.20 Overall the architectural approach is complimentary to the townscape within the Central Historic Core Conservation Area, along Lawrence Street and Foss Islands Road. The building, in its materials, massing and detailing, references back to the plot width, scale, variety, form and materiality within the aforementioned streets.

Scale

5.21 The building is between 3 and 5 storey high. The buildings' perceived scale would be moderated by its massing and the presence of the apartment blocks to the west. Since submission the scheme has been revised and the amount of development proposed on the western side of the site reduced. Initially the amount of development at 4th and 5th floor level were reduced (with the number of student rooms proposed reduced by 10). This change was subject to re-consultation. A further change has been to move the majority of the west elevation further from the west side boundary (where looking towards Heron / Dunlin House). This led to a further reduction with the number of student rooms reduced to 319.

5.22 At the south end of the site the building height steps down to 3-storey and its elevation fronting James Street is generally 3-storey. Toward the centre of the site (where the entrance is positioned) there is an increase in height and the building steps up to 4-storey on the north wing, along Elvington Terrace. The apartments to the west are 4-storey also. On the west side of the site, opposite the neighbouring housing, the proposed building would be taller than its neighbour, as there is accommodation at 5th floor level. However this is within the roofscape and is setback typically 2m or 3m from the main façade.

5.23 It is noted in consultation responses from the Civic Trust and Conservation Areas Advisory Panel that the building height is considered acceptable. The accommodation at top floor level does mean the proposed building height exceeds that of the dwellings to the west. However this level is either setback from the main

façade or accommodated towards the centre of the site. As such the building would be perceived as of similar scale to the dwellings to the west and not be excessive.

Proposed accommodation

5.24 The accommodation proposed would provide reasonable levels of amenity for future occupants.

5.25 There are a mix of studio rooms (66) and clusters (253). Clusters vary, between 6-10 rooms per cluster, sharing a communal kitchen / living area. Communal areas are typically around 40 sq m. The applicants have now provided typical room layouts, including rooms within the roofscape, which illustrate rooms are fit for purpose and would provide reasonable amenity.

5.26 The two courtyards provide some 530 sq m amenity space. This is supplemented by the landscaping around the periphery of the site. At ground floor level are communal areas, which can be used by all residents. The communal areas provide some 325 sq.m floorspace overall and provide amenities such as common room/games room; cinema; gym; study; laundry. These facilities are provided at ground floor level close to the building entrance and adjacent the James Street frontage.

Sustainable design / construction

5.27 Local requirements for buildings in terms of addressing climate change are eLP 2018 policies CC1 and CC2, which seek to secure enhancements over the 2013 Building Regulations. New buildings are expected to have a dwelling emission rate (DER) that is a 28% improvement over the 2013 regulations.

5.28 The developer is aware of the proposed changes to the Building Regulations in 2022. They are therefore proposing the adoption of air source heat pumps. Calculations provided result in a 70.6% reduction in carbon emissions. A condition will require approval of details to evidence the scheme has complied with local policy.

Neighbours amenity

5.29 The proposed building is of comparable height to the apartments to the west. It would be some 3.8m from the boundary where it faces the parking area in front of Dunlin House and the landscaped area to the west. As such and with the existing and proposed developments' outward facing elevations being orientated perpendicular to each other, the proposed development would not be over-dominant or over-bearing and would have no undue impact on neighbour's amenity.

5.30 The development would not lead to direct overlooking of the apartments to the west. Habitable windows to dwellings at Heron / Dunlin House are either north / south facing or are over 22m from the proposed building. The separation distances between habitable rooms would exceed the 18m between habitable rooms currently at Heron / Dunelm House.

5.31 The west elevation proposed would overlook the communal grounds used either for car parking or as amenity space at Dunlin / Heron House. The communal spaces are overlooked by multiple properties and this situation is fundamentally unchanged as a consequence of the proposed development. This arrangement is not objected to.

Biodiversity

5.33 The NPPF states decisions should contribute to and enhance the natural and local environment by minimising the impacts on, and providing net gains for biodiversity.

5.34 Biodiversity gains have been recommended which are bat and bird boxes. Along with the landscaping proposed there would be net gain as required under the NPPF. These benefits can be secured by condition. The site has been inspected by an Ecologist and no evidence of bat roosts or bird nesting were detected on-site. As a precaution an informative will reference the method statement for works set out in the Preliminary Bat Roost Assessment issued, in case bats are discovered.

Highway safety and sustainable travel

5.35 The NPPF states that in assessing applications it should be ensured that:

- Opportunities to promote sustainable transport included where appropriate.
- Safe and suitable access to the site can be achieved for all users.
- Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

5.36 The NPPF states *“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.

Sustainable travel

5.37 By virtue of the site's location and the type of use proposed the majority of associated journeys would be by sustainable modes of travel. The site provides 3 car parking spaces; 2 are accessible. In its current format the site is dominated by parked cars, including on the landscape strips and footpaths around the site.

5.38 Cycle parking provision proposed is 169 spaces (approx. 50%) with space identified in the courtyard for extra spaces (up to 72%) subject to demand. The provision is in a secure location and convenient to access. The amount is acceptable; monitoring of cycle use at other student developments evidences that operationally this is sufficient (the applicant was responsible for the Gray's Wharf PBSA at Percy's Lane. At that site monitoring shows no more than 10% of students own cycles).

Access – servicing / waste

5.39 The service access is on the south side of the building and the refuse store is adjacent. Waste collection would be from Brinkworth Terrace (as per the current arrangement). Condition 23 requires site management in respect of waste collection; to ensure waste is placed out for collection at the appropriate time, stored internally at all other times. The courtyard on the south side of the site and retained turning head on Brinkworth Terrace provide adequate means for servicing the site without any disruption to the network.

Impact on network

5.40 The proposed use will generate significantly less traffic than the current use, reducing the car parking provision from approximately 100 down to 3. Parking associated with the existing use also frequently obstructs the footpath. Traffic generated from the proposed use will be associated with servicing and beginning and end of term arrangements. There are no objections to the scheme in terms of effect on the road network.

5.41 As is typical of purpose built student accommodation, within or at the edge of the city centre, the scheme only provides car parking for accessible use, or associated with servicing. Students are advised in advance of arrival schemes are car free and through the travel plan alternative travel is encouraged.

Public protection

5.42 Section 15 of the NPPF, regarding the natural environment advises that planning decisions should contribute to the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution. Paragraph 186 states opportunities to improve air

quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.

Contamination

5.43 Any permission for the site would be subject to standard conditions for a full site investigation to determine appropriate remediation that would require implementation.

Noise and Air quality

5.44 The site is close to Air Quality Management Areas (AQMA), along Lawrence Street and the inner ring road. The proposed use would have significantly less associated vehicle movements compared to the existing use and can only be beneficial to air quality.

5.45 In terms of noise generation the proposed use also raises no issues. A condition would require a student management plan, which would cover items such as noise and anti-social behaviour. Public comments noted that residents may cut through the land to the west if travelling to or from Foss Islands Road. This could be addressed through management. The route using the public highway via James Street / Leake Street is reasonably direct considering the likely destination of travel by residents of the proposed scheme.

Archaeology

5.46 The site is within the City Centre Area of Archaeological Importance. NPPF paragraph 194 states that “where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation”.

5.47 Only a desk-based assessment has been undertaken as the site was operational until very recently. On-site Archaeology, who undertook evaluation at the former WMC site to the south, have devised an approach to evaluation that would take place when the site is vacant, allowing unhindered access to all parts of the site and enable a full evaluation. The results of the evaluation would enable assessment of the impact of the proposed development on the archaeological deposits. Measures would be explored to achieve physical or in-situ preservation of any significant remains. Where destruction is unavoidable, a scheme of archaeological mitigation will be undertaken in order to achieve preservation ‘by record’.

Flood Risk & Drainage

5.48 The proposed use is appropriate in this location as the site is not in flood zones 2 or 3.

5.49 The NPPF in paragraph 167 establishes that when determining any planning applications, flood risk elsewhere should not be increased and sustainable drainage systems be incorporated, unless there is clear evidence that this would be inappropriate. The local approach following the NPPF, in policy ENV5, is that existing surface water rates are evidenced and reduced by 30%. It also applies the sustainable drainage hierarchy.

6.0 CONCLUSION

6.1 The presumption in favour of sustainable development in paragraph 11d of the NPPF applies to this application. This means permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

6.2 The scheme is considered acceptable in principle, taking into account need for the proposed use and the sustainable location for such. The former site operator has relocated to a preferable site. There are favourable sites where the employment needs of the city, over the emerging plan period, can be accommodated. The scheme accords with local policy for the economy and student accommodation and NPPF paragraph 123 which states Local Planning Authorities *“should support proposals to use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres”*.

6.3 The proposed development ranges in height from 3-5 storey. This building scale is comparable to the development to the west and would not be excessive in this location. There is no harm to the setting of the Central Historic Core Conservation Area. Technical matters are addressed (using planning conditions where necessary). The scheme would function adequately and provide reasonable levels of amenity for future occupants. There would be no undue effects on neighbours and a favourable effect on the highway (and setting in this respect) compared to the former use. Approval is recommended; no adverse impacts of the scheme are identified, that would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

7.0 RECOMMENDATION: Approve subject to a planning obligation to secure funding towards travel plan assistance (over a 5 year period) and subject to the following conditions -

1 TIME2 Development start within three years

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

Context plans

300-1100-2101 P04

300-2100-2101 P04, 2102 P04, 2103 P04

Site plan

400-1101-2101 P04

Floor plans

501-1101-2101 P04, 2102 P04, 2103 P04, 2104 P04, 2105 P04, 2106 P04

Elevations

501-3100-2101 P06, 2102 P06, 2103 P06

Materials

501-3100-2201 P03, 2202 P04, 2203 P04, 2204 P04, 2205 P04, 2206 P03

Areas

400-1101-4401 P04

Typical rooms layouts

700-1100-2401 P01

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

3 Times of construction

The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Any working outside of the permitted hours is subject to prior approval in writing by the Local Planning Authority. (Any requests to work outside of the permitted hours shall contain justification and details of practical measures to avoid noise disturbance).

Reason: To protect the amenities of adjacent residents.

4 Construction management

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Prior to commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to throughout the construction period. The plan shall include the following details -

- Dilapidation survey

A dilapidation survey of the highways adjoining the site which shall be jointly undertaken with the Council's highways department and the results of which shall be agreed in writing with the Local Planning Authority.

- Management of vehicular movements associated with construction and contractor parking; to include scheduling of deliveries / construction vehicles.
- Wheel washing facilities and measures to prevent mud and detritus getting on to the public highway.
- Measures to control the emission of noise, dust and dirt during construction. To include a site specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and a package of mitigation measures commensurate with the risk identified in the assessment and measures to control noise during any piling of foundations. In particular details will be required with regards to demolition and method of piling for the proposed building.
- Means of preventing light pollution during construction, including the angling of lighting and times of operation.
- Point of contact on site for enquiries.
- Complaints procedure.

The procedure should detail how a contact number will be advertised to the public, and procedure once a complaint had been received. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses public.protection@york.gov.uk and planning.enforcement@york.gov.uk

Reason: Specifically required prior to commencement, to protect the amenity of the locality.

5 Drainage

Prior to development (excluding demolition and any enabling works) full details of the site drainage shall be submitted to the Local Planning Authority and approved in writing. The development shall be carried out in accordance with the approved details.

Details shall include -

- Consideration given to the use of soakaways. Discharge to the public sewer shall only be permitted if it can be evidenced soakaways are unsuitable (through an appropriate assessment carried out under BRE Digest 365).
- The means by which the surface water discharge rate shall be restricted to a

maximum rate of 33.3 litres per second.

- Storage volume calculations, using computer modelling, which must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 30% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.
- Existing and proposed ground levels.
- Future management and maintenance of the proposed drainage scheme.

Reason: In the interests of preventing increased flood risk, as required under NPPF section 15, policy ENV5 of the 2018 eLP and the City of York Council Sustainable Drainage Systems Guidance for Developers.

6 A programme of post-determination archaeological evaluation is required on this site.

- A) Following demolition an archaeological evaluation and post investigation assessment shall be completed in accordance with the programme set out in the approved Written Scheme of Investigation (On-Site Archaeology July 2021). 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.
- B) 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.
- C) 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. These details shall be submitted to the local planning authority and approved prior to the commencement of construction. (There shall be presumption in favour of preservation in-situ wherever feasible).
- D) A copy of a report on the archaeological works detailed in Part C 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.

Reason: In accordance with Section 16 of NPPF. 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.

7 Archaeology foundation design

A foundation design and statement of working methods, which preserve at least 95% of the archaeological deposits, is required for this site.

No development (apart from above ground enabling or demolition works) shall commence until a foundation design and statement of working methods (including a methodology for identifying and dealing with obstructions to piles and specification of a level in metres AOD below which no destruction or disturbance shall be made to archaeological deposits except for that caused by the boring or auguring of piles for the building foundation) which preserve 95% of the archaeological deposits on the site has been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In accordance with Section 16 of NPPF and City of York Historic Environment Policy HE10. The site lies within an Area of Archaeological Importance which contains significant archaeological deposits.

8 LC1 Land contamination - Site investigation

9 LC2 Land contamination - remediation scheme

10 LC3 Land contamination - remedial works

11 Nesting Birds

No vegetation clearance shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of suitable habitat for active birds' nests immediately before the 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 shall be submitted to the local planning authority in advance of any vegetation clearance.

Reason: To ensure that breeding birds are protected from harm during construction. 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.

12 Sustainable design and construction

Prior to commencement of construction of the development details of the proposed

building design, to reduce carbon emissions, shall be submitted to the local planning authority and approved in writing. The development shall be carried out in accordance with the approved details.

The details shall evidence either a reduction in carbon emissions of at least 28% compared to the target emission rate as required under Part L of the Building Regulations 2013 or compliance with any approved Part L document dated 2021 or thereafter.

Reason: To fulfil the environmental objectives of the NPPF and support the transition to a low carbon future, and in accordance with policy CC2 of the Publication Draft Local Plan 2018.

13 Materials

Manufacturer's details 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. They shall be made available for review on-site, at the discretion of the Local Planning Authority. The development shall be carried out using the approved materials.

Sample panels of the brickwork to be used shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork/ stonework 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 within that phase. These panels shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

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

14 Large scale details

Details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction of the development and the works shall be carried out in accordance with the approved details.

- a) Typical sections at 1:20 or 1:10
- b) Boundary treatment
- c) Sub-station

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

15 Noise

The sound attenuation measures detailed in the noise assessment - PDA Acoustic Consultants report ref J003462-5141-ECE 02 dated September 2021 shall be fully implemented prior first occupation of the development hereby permitted. The measures shall be permanently retained thereafter.

Reason: To protect the amenity of residents from externally generated noise and in accordance with the National Planning Policy Framework paragraph 130.

16 Footpaths surrounding the site

The development shall not be occupied until all footpaths surrounding the site have been instated / re-instated to adjacent levels.

Reason: To ensure that footpaths are provided around the site (including along Elvington Terrace) and connecting into the wider network. In the interests of good design and sustainable travel, in accordance with sections 9 and 12 of the NPPF.

17 Provision of hard landscaping / access / servicing

The development shall not be occupied until the areas of hard landscaping, servicing areas and access points shall have been provided in accordance with the approved site plan drawing 400-1101-2101 P04.

Reason: In the interest of good design and ensuring the safe and free passage of traffic on the public highway.

18 Landscaping

The development shall not be occupied until there has been submitted to 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. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which 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.

19 Crime and disorder

The development shall not be occupied until details of the following site operation measures have been submitted to and approved in writing by the local planning

authority. The site shall operate in accordance with the approved measures at all times.

- Boundary treatment;
- access control measures;
- physical protection of doors / windows and cycle storage;
- site management plan, to include details of site's operation and management, an antisocial behaviour code, car parking rules on change-over days, and site maintenance.

Reason: In accordance with NPPF paragraph 130f to 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.

20 Biodiversity

The development shall not be occupied until a scheme for providing biodiversity net gain has been submitted to the local planning authority for approval in writing and the scheme has been carried out in accordance with the approved details. The scheme shall provide for at least -

- At least 2 bat boxes, located on the south, east or west elevations and at least 3m above ground level.
- At least 2 bird boxes located at least 3m from ground level and located away from prevailing wind, rain and sunlight.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, in accordance with Paragraph 174 d) of the NPPF.

21 Electric vehicle charging facilities

The development shall not be occupied until a minimum of 1 Electric Vehicle Recharging Point has been provided on site which is accessible from the car parking spaces on-site. The charging point shall incorporate a suitably rated 32A 'IEC 62196' electrical socket to allow 'Mode 3' charging of an electric vehicle.

In addition, a minimum of 1 additional parking bay shall be identified for the future installation of additional Electric Vehicle Charging Point. This additional bay shall be provided with all necessary ducting, cabling and groundwork to facilitate the addition of Electric Vehicle Charge Points in the future, if required (passive provision).

The Electric Vehicle facilities shall be retained thereafter and reasonably maintained at all times and be available for the charging of electric vehicles.

Reason: To promote and facilitate the uptake of electric vehicles on the site in line

with the Council's Low Emission Strategy (LES) and NPPF paragraph 112.

22 Cycle and bins provided and retained

The development shall not be occupied until the cycle and bin storage has been provided in accordance with the approved ground floor plan drawing 501-1101-2101 P04. The facilities shall be retained for such use at all times.

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

23 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 studio/bedrooms.
- Maintenance of servicing and waste collection facilities / arrangements for managing waste collection.
- Provision of staff on-site.
- Management of the outside amenity space in the interests of avoiding noise disturbance.
- Strategy for dealing with any complaints from the public.
- Measures to ensure on-site staff will monitor excessive noise and raise issues with residents.
- That the student tenancy agreements include clauses relating to anti-social behaviour.

Reason: In the interests of amenity and highway safety.

24 Travel Plan

Within six months of first occupation of the development hereby permitted a Full Travel Plan, prepared by the site operator, shall be submitted to the Local Planning Authority for approval in writing. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan as approved.

The plan shall adhere to National Planning Policy Guidance, in providing objectives, monitoring and meeting the identified objectives. It shall include details of the Travel Plan co-ordinator and details for monitoring cycle usage and providing extra facilities subject to demand. Results of annual travel surveys shall be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure that traffic flows from the site can be safely accommodated and to promote the usage of sustainable means of transport. To encourage sustainable modes of travel in accordance with NPPF paragraph 113.

25 Communal uses

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

Reason: In the interests of good design and amenity.

26 Student Accommodation only

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

The owner, or site operator shall keep an up to date register of the name of each person in occupation of the development together with course(s) or conference(s) attended. The register shall be available for inspection by the local planning authority on demand at all reasonable times.

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

8.0 INFORMATIVES:

Notes to Applicant

1. Bats

In the unlikely event that bats are discovered during works the developers attention is drawn to the method statement provided in the Preliminary Bat Roost Assessment by Wold Ecology July 2021.

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 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive

outcome: sought revised plans in order for the scheme to be acceptable in terms of its effect on the setting and surrounding occupants and through the use of planning conditions.

Contact details:

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