

COMMITTEE REPORT

Date: 18 August 2016 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
 Commercial Team

Reference: 16/01263/FULM
Application at: Herbert Todd and Son Percy's Lane York YO1 9TP
For: Erection of 2no. student accommodation blocks, part 3-storey, part 4 storey, comprising of 106no.units following demolition of existing buildings
By: S Harrison Developments
Application Type: Full Application
Target Date: 5 August 2016
Recommendation: Approve

1.0 PROPOSAL

APPLICATION SITE

1.1 The site lies on the corner of Percy's Lane and Navigation Road. Currently on site is a retail premises and its car park. The buildings are part single, part two storey in scale and utilitarian in appearance. These buildings were introduced in the C20 when Percy's Lane was also widened at the east end. There was previously a glassworks on the site. A Yorkshire Water sewer passes through the site which has an associated easement; this constrains re-development of the site.

1.2 Between Percy's Lane and the River Foss there is a student accommodation site with buildings which vary in height between 3 and 7 storey. The grade I listed St Margaret's Church and its grounds are on the opposite side of the lane to the application site. The church is a landmark within the area, identified as such in the conservation area appraisal. Along Navigation Road is housing. The mid C20 blocks of houses opposite the site are predominantly 3-storey, but set lower than the road. Travelling south towards Walmgate is later C20 housing development - 2-storey on the west side which is directly accessed from the street, blocks of flats on the opposite side which go up to 4-storey.

1.3 The site is in the Central Historic Core Conservation Area ('character area 16: Outer Walmgate') and the nationally designated City Centre of Archaeological Importance. The site is in the city centre, as defined in the Draft 2005 York Local Plan and is identified as being at risk of flooding.

PROPOSALS

1.4 Demolition of the existing buildings are proposed, to be replaced by a student accommodation development which would include a mix of townhouses and cluster apartments accommodating 106 students overall. The site would have controlled access and ancillary facilities such as cinema, gym and laundry.

1.5 There would be one building next door to Foxton House (on Percy's Lane) and a second block which would turn the corner. The buildings would follow the line of the street and have a triangular shaped landscaped area in the courtyard area behind. The proposed gap in the Percy's Lane frontage is a consequence of the sewer and the required easement. The building would be 4-storey along Percy's Lane, and 3-storey along Navigation Road. Along Navigation Road the building would step up to follow the contours of the land as it rises between the river and Walmgate.

2.0 POLICY CONTEXT

2.1 Draft Development Plan Allocation:

- Areas of Archaeological Interest GMS Constraints: City Centre Area
- Conservation Area: Central Historic Core
- Contaminated Land GMS Constraints
- Flood-zone 2

Relevant Local Policies

2.2 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005. Whilst the 2005 York Draft Local Plan does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF. The relevant draft policies applicable to this application include

2.3 Relevant Draft Local Plan 2005 Policies:

CYED10	Student Housing
CYGP1	Design
CYGP3	Planning against crime
CYGP4A	Sustainability
CYGP15	Protection from flooding
CYHE2	Development in historic locations
CYHE3	Conservation Areas
CYHE10	Archaeology

CYT4 Cycle parking standards
CYL1C Provision of New Open Space in Development

2.4 Emerging Local Plan - The consultation on the Preferred Sites 2016 document and supporting evidence for the emerging City of York Local Plan is currently subject of an eight week public consultation which started 18 July 2016. The emerging Local Plan policies can only be afforded very limited weight at this stage of its preparation (in accordance with paragraph 216 of the NPPF). However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application. Relevant plan policies include;

SD1 Sustainable Development
H1 Scale of Housing Growth
ACHM1 Balancing the Housing Market
ACHM5 Student Housing
DH1 Design & Historic Development
DHE2 Heritage Assets
DHE5 Streets & Spaces
DHE6 Conservation Areas

2.5 The National Planning Policy Framework (NPPF) was published in March 2012. It sets out government's planning policies and is material to the determination of planning applications. The NPPF is the most up-to date representation of key relevant policy issues and it is against this policy Framework that the proposal should principally be addressed.

2.6 A key emphasis of the NPPF is the presumption in favour of sustainable development which, for decision-taking, means approving without delay development proposals that accord with the development plan. Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless: (1) any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole; or (2) specific policies in the framework indicate development should be restricted (paragraph 14). A footnote to paragraph 14 gives examples of policies where the presumption in favour of sustainable development does not apply. They include policies relating to designated heritage assets and locations at risk of flooding. Both of these policy areas are relevant to the current application. Therefore, in this case, the presumption in favour of development does not apply. Instead, the application should be judged against, among other things, policies in sections 10 and 12 of the NPPF, which are specific to these areas (flood risk and heritage assets respectively) and which are considered later in this report.

3.0 CONSULTATIONS

INTERNAL

PLANNING AND ENVIRONMENTAL MANAGEMENT

Urban Design & Conservation

3.1 The current buildings on site generally make a negative contribution to the conservation area both because of their low architectural quality and their lack of contribution to the street. They are low intensity and low scale so afford generous viewing of the church from the north approach, but this is by coincidence rather than design. The following aspects of the design have been supported –

- Street elevation designed as terraced dwellings with individual front doors. This will help add vitality to the street scene and is a much more positive urban type compared to the usual single or limited communal entrances (often off private rear/side space) for student accommodation.
- Varied roofline and a stepped approach to townscape on a sloping site, rather than taking a “maximum height” and levelling the roof across the site.
- Creating better enclosure to the street. The current buildings on site generally make a negative contribution to the conservation area both because of their low architectural quality and their lack of contribution to the street. They are low intensity and low scale so afford generous viewing of the church from the north approach, but this is by coincidence rather than design.
- The contribution to the continuation of an evolving new urban block of predominantly student accommodation, generally high quality of its type.

Officers had raised concern over the following -

- The setting of St Margaret’s church, particularly with respect to the impact on unfolding views of the church when approached from the north, heading southwards along Navigation Rd. It was accepted however that some limiting if this identified view would be an inevitable consequence of developing the site in a more appropriate and logical urban way (which should be a supported approach in principle)
- Bulk and massing of the proposed building, particularly how this affects the context of buildings on Navigation Rd which are mostly lower than the proposal
- Impact of a raised walkway on the street scene created predominantly so to accommodate bike and bin storage within the plinth of the building

3.2 A reduction in the height of the plinth, moving the bin/cycle store from under the building and a review of the corner treatment to loose bulk were identified as key design areas that could achieve a better solution. Subject to an amendment to address either of these issues, whilst still achieving an appropriate skyline to the building, officers concluded that the scheme would have their support. It was also suggested that the hanging bays be in brick rather than rosemary tiles, so not to use too many materials.

Archaeology

3.3 This site is situated within the Central Area of Archaeological Importance. Archaeological deposits and features dating from the Roman-medieval period are known to survive in this area.

3.4 The desk-based assessment carried out on this site states that previous development and archaeological investigations in the immediate vicinity suggest that the uppermost 2m of deposits on the site are likely to be of 19th and 20th century date. Towards the southeast corner of the site the ground surface lies at a reduced level, relative to the adjacent street. It is in the south-east corner where the archaeological investigations are recommended. Officers recommend a planning condition to require an investigation (a trial trench will be analysed) and if necessary as a consequence of the investigation, excavation may be required.

FLOOD RISK MANAGEMENT

3.5 Officers have no objection to the scheme and recommend it is a condition the development be carried out in accordance with the revised flood risk assessment and drainage strategy.

PUBLIC PROTECTION

3.6 Due to the proximity of sensitive uses, officers ask for the following conditions:-

- A construction management scheme to be approved and adhered to.
- Hours of construction limited to standard hours (with no working on Saturday afternoons and Sundays).
- Details of any mechanical equipment that could be heard outside the site to be agreed

3.7 Due to the historic uses on site (notably a glassworks) there is potential for land contamination. A site investigation is required followed by any required remediation to be agreed and undertaken.

PUBLIC REALM

3.8 Based on the 2014 Local Plan Evidence Base - Open Space and Green Infrastructure Final Report there is a shortfall of amenity open space in Guildhall Ward of -2.74ha. This development will increase this short-fall. However no off-site mitigation is being sought as more than five contributions from developments in the locality since 2010 have already been made. As such to seek a financial contribution would not be compliant with the planning (CIL) regulations.

EXTERNAL

CIVIC TRUST

3.9 Whilst having no objections to the continuing transition of this part of York from business to student quarter, the committee has reservations about the scale of the proposals and high density of this development which is situated adjacent to existing public housing and will adversely impact the streetscape and views of the grade I listed former church.

3.10 The committee is also concerned about the adequacy of archaeological investigation included in the proposals. The assessment of the archaeological potential of the site has indicated that the site may contain features of Roman, Anglo-Scandinavian, medieval and post-medieval/early modern date. Although proposals include piling to limit destruction of archaeological evidence to 5% of the site, it is unfortunate that this development does not seek to increase understanding of this historically important part of the city by more extensive site investigation.

HISTORIC ENGLAND (HE)

3.11 HE updated their position in a letter dated 19 July 2016. They have concern that the building, due to its footprint and height would harm the setting of the grade I listed St Margaret's Church.

3.12 HE considers that the proposed redevelopment of this site has the potential to enhance the over-all aesthetic value of this site within the conservation area, which is an important part of the setting of St Margaret's Church.

3.13 However HE is of the view that there would, nevertheless, be harm to the setting of the Grade I listed former church; due to the curtailment of the evolving view of the church from the north, because the proposed building would be too close to the back of pavement line, especially at the corner. HE also considers the building is taller than is desirable in order to maintain the dominance of the church in the townscape.

ENVIRONMENT AGENCY

3.14 No objection provided the development be carried out in accordance with the provided FRA and drainage proposals.

SAFER YORK PARTNERSHIP

3.15 No concerns raised. Officers note that the development will be provided with good security measures; access control, CCTV coverage, lighting, secure inner communal courtyard area, secure windows and doors, secure cycle stores and general management of the site.

GUILDHALL PLANNING PANEL

3.16 Object on the following grounds:-

- This is an overdevelopment and there is no landscaping.
- Trees and porous surfaces would help prevent flooding.
- Consider there has been harm to the area, to the detriment of local residents, as a consequence of all the student accommodation, which is now dominant and has changed the nature of the area from residential/business to predominantly student living.

YORKSHIRE WATER

3.17 No objection on the basis that the development be carried out in accordance with the drainage proposals provided. It is noted the sub soil conditions would not accept soakaway and the surface water run-off rate should be restricted as proposed.

PUBLICITY

3.18 One comment has been received, from the National Centre for Early Music, based at St Margaret's Church opposite.

3.19 There is no objection in principle and it is acknowledged that potentially the development could improve the area. Concerns are over the scale of the proposed building and potential amenity effects during construction.

- The buildings will be disproportionately massive and severe, out of keeping with those around them, including St Margaret's Church, a Grade 1 listed building.
- Construction will potentially impact on the commercial operations at the music centre. Previous developments in the locality have caused harm. The venue is used as a wedding reception venue - which is vital to financial

viability, and the 2017 July Early Music Festival will run from 7-16 July. It is requested heavy construction should not occur without agreement on Saturdays and during the festival time.

4.0 APPRAISAL

4.1 KEY ISSUES:-

- Principle of the proposed use and vitality of the city centre
- Design, visual impact, heritage assets
- Residential Amenity
- Flood Risk
- Highway Network Management
- Sustainability
- Archaeology
- Open space
- Contamination

PRINCIPLE OF THE PROPOSED USE / VITALITY OF THE CITY CENTRE

4.2 In principle the scheme would be consistent with national policy in the NPPF with regards city centres and residential developments.

4.3 Section 2 of the NPPF: Ensuring the vitality of town centres states planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. It recognises that residential development can play an important role in ensuring the vitality of centres and should be encouraged on appropriate sites.

4.4 Local policies in the 2005 Draft Local Plan (DCLP) are consistent with the NPPF in that they seek to improve the vitality and viability of the city centre and promote residential development at appropriate and underused sites.

4.5 Section 6 of the NPPF: Delivering a wide choice of high quality homes states housing applications should be considered in the context of the presumption in favour of sustainable development.

4.6 DCLP policy ED10 relates to student housing. ED10 advises that proposals for off-campus residential accommodation will need to meet the following criteria -

- There is identified need
- The universities are accessible from the site
- The development is of appropriate design
- The would not be a detrimental impact on nearby residents

4.7 The Emerging Local Plan states that students form an important element of the community and the presence of a large student population contributes greatly to the social vibrancy of the city and to the local economy. Policy ACHM5: Student Housing states that *“student accommodation should, where possible, be on campus, or in locations with good public transport, walking and cycling links to the institutions they are intended to serve. Student accommodation should be purpose-built and designed and managed in a way that attracts students to take it up”*.

4.8 The site is an appropriate city centre location for housing, compatible with its surrounds. The immediate surrounding area is predominantly residential rather than a commercial area where retail or bars and restaurants dominate. The site has good walking and cycling connections to the universities and is close to a frequent bus route to the university.

4.9 This part of the city, around Walmgate/Fossgate, has a diverse range of independent commercial uses and this trend has continued alongside recent regeneration schemes, where new residential and student development has increased the local population. The area is vibrant and makes a significant contribution to the vitality of the city centre. Regeneration, including student development, has made a positive contribution to this part of the city, in terms of meeting national policy objectives for city centres and ensuring their vitality.

4.10 The scheme does not conflict with the draft local plan policies on student accommodation. With regards need, purpose built student accommodation still does not provide accommodation for over half of the student population in the city. There is no evidence from the market or from council policy or evidence base there is not a need for this type of accommodation. The location of the accommodation and its type i.e. purpose built with consideration of security is compliant with both existing and emerging local policies on student accommodation. It is noted also that internal partitions within the building could be altered in future to accommodate other types of residential accommodation if there were market demand.

DESIGN / VISUAL IMPACT / AND IMPACT ON HERITAGE ASSETS

4.11. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“1990 Act”) imposes a statutory duty on local planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interests which it possesses. Section 72(1) of the 1990 Act imposes a statutory duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas when determining planning applications. The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must

give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the 1990 Act. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted. The application must be judged on this basis.

4.12 The legislative requirements of Sections 66 and 72 are in addition to government policy contained in Section 12 of the NPPF. The NPPF classes listed buildings, and conservation areas as “designated heritage assets”. Section 12 advises that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Paragraph 131 of the NPPF, in particular, states that local planning authorities should take account of the desirability of sustaining and enhancing an asset’s significance, the positive contribution it can make to sustainable communities and the positive contribution new development can make to local character and distinctiveness.

4.13 Paragraph 132 advises that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.”

4.14 Paragraph 133 advises that “Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of four specified criteria apply”

4.15 Paragraph 134 advises that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum use.”

4.16 Paragraph 135 requires the effect of an application on the significance of a non-designated heritage asset to be taken into account in determining an application.

4.17 Relevant national design guidance is within the NPPF and discussed further in National Planning Policy Guidance (the NPPG). CABE and English Heritage publication: Building in Context is also nationally recognised design advice. The policies and guidance require consideration of layout, form, scale, detailing and materials; schemes should achieve the following: -

- Relate well to the geography and history of the place and the lie of the land
- Sit happily in the pattern of existing development and routes through and around it

- Respect important views
- Respect the scale of neighbouring buildings
- Use materials and building methods which are as high in quality as those used in existing buildings
- Create new views and juxtapositions which add to the variety and texture of the setting.
- Be functional, adaptable and resilient, and attractive, with a distinctive character

4.18 Historic England has raised concern over a partial loss of the evolving view of St Margaret's Church tower along Navigation Road that would occur should the development go ahead. HE recommended the building is lower and setback from the pavement edge at the corner.

4.19 The existing views of the church HE refer to were introduced in the later C20 as a consequence of demolition of buildings and the widening of the lane where it meets Navigation Road. Historically Percy's Lane was narrower and there were buildings on the corner of Percy's Lane and Navigation Road.

4.20 The site as existing detracts from the character and appearance of the conservation area. It is out of character and unattractive as the building lacks an active frontage and the site is dominated by hard-standing and car parking, it lacks meaningful landscaping.

4.21 The proposed building line follows those established along the north side of Percy's Lane and the West side of Navigation Road. The layout is also influenced by the sewer (and its easement) which runs through the site, as it has at the completed St John's student accommodation behind. The proposed layout is appropriate in design terms as it fits with the urban grain and would provide an animated and active frontage onto the street.

4.22 The applicants have provided analysis which demonstrates views of the church in its entirety would be lost for a distance of around 18m along Navigation Road. This in isolation would cause a low level of harm to the setting of the church. However, 18m is a short stretch along the road overall (as demonstrated on the applicant's analysis plans). Views of the east end of the church and its grounds would remain apparent in views along Navigation Road. To preserve the existing view would involve setting the building back, in a similar manner to the blocks of development opposite, or to require a single storey building on the Navigation Road frontage, which would appear uncharacteristic in isolation on this side of the street. To set only the curved corner of the building back, as suggested by HE, would not have a material impact in views of the church from Navigation Road.

4.23 On the west side of Percy's Lane the street is enclosed by brick buildings which front directly onto the street: the former Ward's warehouse building (4-storey), student accommodation (3 and 4 storey high) and the recently completed Indigo hotel (3 storey). The east side of the lane is more open, due to the car park at the application site and the church and its grounds opposite.

4.24 The proposed building would be 4-storey in height facing Percy's Lane. The proposed ridge level would be level with that of Foxtan House (student accommodation building next door). The corner block would be curved, calm in appearance and 3-storey. Since consultation responses the building proposed along Navigation Road has been partially lowered in scale, which has relocated storage initially proposed under the building. The building would step down in scale, following the topography of the street; it would be 3-storey, as is the existing student block next door and the mid C20 housing opposite.

4.25 The buildings proposed would be of comparable scale to their neighbours and would help moderate the mass of the taller student blocks behind, in views from the public realm.

4.26 The scheme has been designed by the architect's responsible for recent regeneration schemes along Percy's Lane; the student accommodation blocks, the Press offices and the Indigo hotel. The detailing of the proposed buildings are of a similar language and the materials proposed; red brick, slate, red clay tiles and zinc would be respectful of both the recent development in the area and the church and the mid C20 housing blocks on the East side of Navigation Road.

4.27 There will be a view of the grade I listed church lost from Navigation Road, but this would only be for a short duration; some 18m in length. This is less than substantial harm in isolation which, even when attaching significant weight to the desirability of sustaining and enhancing the church's significance, is outweighed by the following benefits to its setting and the character and appearance of the conservation area, and the public benefits of improving the vitality of the city centre and providing needed housing in a sustainable location:-

- The site as existing detracts from the character and appearance of the conservation area.
- The proposed building would follow the urban grain and topography of the setting. The layout, scale and design of the proposed buildings are compatible with the setting and follow national design advice as set out in paragraph 4.12.
- The building would moderate the scale of the 6 storey student building behind in public views, provide active frontages and improve the streetscape.

- The corner building is curved and calm in appearance. It is 3-storey, similar in height to its neighbours, and would not unduly compete with the church for attention. Whilst there would be a loss of view of the church in its entirety, its east end and grounds would still be apparent in the affected approach and the understanding of its setting would not be compromised. In other views the setting of the church would be improved by the re-development of the site proposed.
- There are wider public benefits from the scheme. What will become a vacant site when the current occupants relocate will be re-developed. The scheme proposed will bring a needed housing type in a sustainable location, which would make a positive contribution to business and the vitality of the city centre.

RESIDENTIAL AMENITY

4.28 The National Planning Policy Framework requires that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. DCLP policy GP1: Design requires that development proposals ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

4.29 The proposed building would be of comparable height to the existing student accommodation on Navigation Road and maintain the already established separation between buildings which is around 17m in length. There would be no undue overshadowing of neighbours and the proposed building would not appear over dominant.

4.30 The student accommodation behind the site (Pullman House) overlooks the application site looking towards Percy's Lane. Where it is behind Foxtan House the buildings are around 7m to 10m apart. The proposed block would be between 8m and 9m from Pullman House. Again the separation distances proposed between buildings would be typical of the locality and reasonable in considering future occupants amenity.

4.31 A construction management plan can be agreed with the developers should the scheme go ahead, which would take reasonable steps to manage the impact of construction. The applicants advise they will adhere to the Considerate Constructors scheme also.

4.32 The applicants have advised their programme of works, subject to planning, would have piles installed before the music festival in July 2017 and that it is unlikely work will take place outside of weekdays on a frequent basis, usually this may only take place once the building is watertight and nearing the end of the project where fit-out works (a quiet activity) can be undertaken inside the building.

FLOOD RISK

4.33 Parts of the north side of the site are currently classified as being in Flood Zone 3 and the area where the car park is and the building which faces onto Navigation Road are in Flood Zone 2.

4.34 Because of the flood risk classification of the site and as the proposed use is classed as highly-vulnerable for a scheme to be acceptable the sequential and exception tests must be passed and a site specific FRA is required to demonstrate the development would be safe from flooding for its lifetime and that there would be no increase in flood risk elsewhere.

4.35 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk but, where development is necessary, making it safe without increasing flood risk elsewhere. The aim of the sequential test is to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. A sequential approach should be used in areas known to be at risk from any form of flooding (paragraph 101).

4.36 When determining planning applications local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment (FRA), and following the sequential test, it can be demonstrated that within the site the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location and development is appropriately flood resilient and resistant (paragraph 103).

Sequential and Exception Tests

4.37 Ground levels on site are around 1.5m higher than the student accommodation site to the north (which is in flood zone 3), between the application site and the river. Despite the classification of the site it is actually at low risk from flooding. The Environment Agency's projected flood level for the 1 in 100 year storm event is 10.01m AOD and for the 1 in 100 year + 30% allowance for climate change is 10.94m AOD. The lowest level within the site is 11.11m AOD.

4.38 The EA maps are not always up to date or accurate, this is acknowledged in York's Strategic Flood Risk Assessment and the application site would, based on the topographical survey, be classed as flood zone 1. To allow re-development of the site accords with national policy on flood risk, as it would in fact develop a site where flood risk is low.

4.39 With regards the exception test, the site would be reasonably safe from flooding and would not increase flood risk elsewhere (this is explained in the following paragraphs). As such, and because the proposals have wider sustainability benefits; regenerating what will become a vacant site with a scheme which would not harm the appearance of the area and would provide housing of which there is identified need, there are benefits which mean the exception test is passed.

Making the development safe from flood risk

4.40 NPPG advice is that for a development to be safe there should remain access and egress during the 1 in 100 year flood. The York SFRA recommended floor levels are at least 600mm above the 1 in 100 year flood level.

4.41 The building would have multiple access points. The lowest proposed access/egress point would be along Navigation Road which is at 10.6 AOD. This is above the 1 in 100 flood level of 10.01 AOD. The lowest FFL would be 11.25 AOD and this exceeds the recommended minimum finished floor levels.

Flood risk elsewhere

4.42 In accordance with DCLP GP15a: Development and Flood Risk, surface water run off from the site will be reduced in relation to the existing rates. The proposals are to reduce the existing rate by 30%. The reduction would be achieved as a consequence of providing some 40m³ underground storage and reducing the existing litres per second discharge rate.

HIGHWAY MATTERS

4.43 The National Planning Policy Framework advises that developments should:

- Provide safe and suitable access to the site for all people and minimise conflicts between traffic and cyclists or pedestrians.
- Maximise sustainable transport modes and minimise the need to travel.
- Incorporate facilities for charging plug-in and other ultra-low emission vehicles.

4.44 DCLP policy T4 seeks to promote cycling and states that all new development should provide storage for cycles in accordance with the standards in appendix E of the Local Plan.

4.45 The development would have accessible apartments in the rear of the smaller block.

4.46 The proposed cycle provision has lowered as a consequence of reducing the height in part of the building. It is proposed initially there would be 25 spaces for the 106 students which could increase up to 40 with the provision of two tier storage. The storage would be covered and secure; it would also be out of sight from the public realm and in an area where access is restricted, which would deter theft.

4.47 In other student schemes potential provision has typically been 50% cycle provision. Despite providing covered and secure spaces at other student accommodation in the area, the applicants monitoring of development has been 50% provision far exceeds need. This is credible evidence and officers are content the provision proposed is reasonable for the proposed use.

4.48 The site has two car parking spaces. To offer accommodation without parking is an approach that has been accepted at the other student developments in this area. Officers are not aware of any evidence this has led to any illegal parking off site that has had an adverse impact on highway safety.

SUSTAINABILITY

4.49 Current local policy is that a building of the scale proposed achieves a rating of BREEAM Very Good at least. This would be secured through a planning condition.

4.50 The application is supplemented by a sustainable design report which outlines the approach for the proposed buildings. The approach is designed to ensure the building will achieve the required BREEAM standard. Mechanical ventilation will be used to limit energy demand and energy efficiency embedded in the building fabric and water demand. A condition will ensure compliance with policy and that the BREEAM target is achieved.

ARCHAEOLOGY

4.51 The site is within a nationally designated area of archaeological importance. DCLP policy HE10: Archaeology requires archaeological deposits of national importance to be preserved in situ. To fulfil this requirement developers are required to undertake a site investigation to assess archaeological value. Sites should be developed so valuable deposits are retained in situ; at least 95% of archaeological deposits should be preserved, or excavated.

4.52 The proposal would be compliant with DCLP policy (HE10) as no more than 5% on site archaeology would be destroyed. In addition to the desk based assessment carried out to date, there would be further site investigation (SI) prior to building works. The SI would determine any further mitigation required, such as a watching brief on groundworks or the need excavation. The approach and CYC agreement to the mitigation would be secured through a planning condition.

OPEN SPACE

4.53 The NPPF states access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Assessment of need for open space should be based upon robust and up-to-date assessments of supply and demand in the local area.

4.54 The local evidence base on open space and green infrastructure amec report dates from 2014. The report identifies a deficit of natural and amenity space in the central area, which includes the Guildhall Ward. The local approach to defining the amount of open space required as a consequence of development is detailed in the June 2014 draft supplementary planning document (SPD) Commuted Sum Payments for Open Space in New Developments.

4.55 Based upon the SPD (although using the figures which relate to dwellings and not specifically student housing), the development proposed would generate the need for some 954 sq m of amenity space. The document advises that it is on a case by case basis as to whether open space is sought on or off site.

4.56 The site is 1,600sq m in area and roughly 200 sq m is shown on the proposed plan as amenity space. It would not be possible to meet the full policy requirement for open space on site and viably re-develop the site.

4.57 An off-site contribution must comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010, which requires planning obligations to be necessary to make the development acceptable in planning terms. Regulation 123 prohibits a contribution if there have already been 5 or more separate obligations since April 2010 which provide funding or provision of that project or type of infrastructure.

4.58 As such an obligation towards off site provision cannot be required, as more than 5 obligations have already been secured towards open space in the locality since April 2010. The council are not able to identify any specific projects that would meet the national tests regarding planning obligations. For the same reasons, whilst there is also a shortfall of sports provision in the locality, an off site contribution would not comply with the Community Infrastructure Levy Regulations 2010.

4.59 Given the amount of on on-site space proposed, considering viability, and the inability to request an off site contribution to make up the shortfall (based on the figures within the June 2014 draft SPD,) the scheme could not be reasonably be refused on the grounds of lack of open space; as to do so would be in conflict with the pro-active approach embedded in the NPPF.

CONTAMINATION

4.60 The NPPF states that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment and after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

4.61 A site investigation has been undertaken which proposes remediation (a cover system above the made ground) to make the site fit for occupation. This would be secured through a planning condition and suitable wording has been provided by council's Public Protection officers.

5.0 CONCLUSION

5.1 The application site is underused and the proposed replacement student accommodation, which would achieve a BREAAAM rating of very good, would have a positive effect on the vitality of this part of the city centre. As such in principle the proposals are compliant with national and local policies on the vitality of city centres and housing.

5.2 There would be a low adverse impact on the setting of the grade I listed church. This is less than substantial harm which, even when attaching significant weight to that harm, as required by the 1990 act, would be clearly outweighed by the public benefits referenced in 5.1, and as re-development would otherwise improve the character and appearance of the conservation area.

5.3 The use of conditions can ensure the scheme accords with national and local planning policy in respect of amenity, risk from flooding and contamination, archaeology and the highway network. Approval is recommended.

COMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawings PLY 3055

Site plans - P11-01C,

Floor plans - P11-04e, P11-05c, P11-06c, P11-07c, P11-08c,

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Elevations and sections – P12-01c, P12-02c, P13-02c, P13-03c, P13-04c, P13-05c, P14-03b

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

3 Construction Environmental Management Plan

Prior to commencement of the development, an Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting during the site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents.

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

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

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

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

There should be a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved.

4 Land contamination

Site investigation

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

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

Remediation Scheme

Prior to commencement of development (apart from demolition), a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

5 Archaeology

Apart from demolition, no development will take place until an archaeological evaluation of the site has been carried out in accordance with a detailed methodology (which will detail a trial trench, analysis, publication and archive deposition) which shall first be submitted to and approved in writing by the Local Planning Authority.

A report on the results of the evaluation shall be submitted to the Local Planning Authority within six weeks of the completion of the works.

If, following the carrying out of the archaeological evaluation, the Local Planning Authority so requires, an archaeological excavation of the site will be carried out before construction of development hereby approved is commenced.

The excavation shall be carried out in accordance with a detailed methodology (to include trenches, community involvement, post-excavation analysis, publication and archive deposition), which shall first be submitted to and approved in writing by the Local Planning Authority. Reasonable access shall be afforded to any Local Planning Authority nominated person who shall be allowed to observe the excavations. A report on the excavation results shall be submitted to the Local Planning Authority within twelve months of the completion of the field investigation.

Reason: The site is located within a designated area of archaeological interest. The investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ.

6 Drainage

The development shall be carried out in accordance with the details shown on the submitted Ward and Cole Proposed Drainage Strategy Plan - drawing 10-4723 SK-500 (Revision A) dated 03/08/2016 and the Flood Risk Assessment and Drainage Strategy 10/4723 (Revision A) dated April 2016, unless otherwise agreed in writing with the Local Planning Authority

Reason: In the interest of satisfactory and sustainable drainage and to mitigate against flood risk.

7 Materials

Samples of the external materials to be used (including those for gates/railings and the bin store enclosure) shall be approved in writing by the Local Planning Authority prior to the commencement of construction of the buildings. The development shall be carried out using the approved materials (samples to be provided on site for inspection).

Sample panels of the brickwork to be used on the buildings shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of construction of the pertinent building. The panel(s) shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location.

8 Large scale details

Large scale details, including confirmation of external materials, of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction and the works shall be carried out in accordance with the approved details.

- a) Typical sections through the building where it fronts onto Navigation Road and Percy's Lane and where it curves around the corner.
- b) Entrance gates/railings
- c) Rainwater goods

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

9 Times of construction

All construction and demolition works and ancillary operations, including deliveries to and dispatch 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

Reason: To protect the amenity of local residents

10 Verification of Remedial Works

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

11 Reporting of Previously Unidentified Contamination

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

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

12 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 (with hard and soft measures following the principles shown on the approved

site/ground floor plan) which shall illustrate the number, species, height and position of trees and shrubs to be planted and detail works to the surrounding footpath and vehicle entrance.

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

Reason: In the interests of the character and appearance of the conservation area and so that the Local Planning Authority may be satisfied with the overall appearance and variety, suitability and disposition of species within the site.

13 Cycle / bin storage

The cycle (25 spaces) and bin storage facilities as shown on the approved plans shall be provided in accordance with the drawings prior to occupation.

Cycle parking facilities shall be covered and secure, provided in accordance with the approved details and retained for the lifetime of the development unless otherwise agreed by the Local Planning Authority.

Reason: To promote sustainable modes of transport and in the interests of visual amenity, in accordance with policies GP1, GP4a and T4 of the City of York Draft Local Plan and the National Planning Policy Framework.

14 BREEAM

The development shall be constructed to a BRE Environmental Assessment Method (BREEAM) standard of 'very good'. A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority within 3 months of occupation of the building. Should the development fail to achieve a BREEAM standard of 'very good' a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve a standard of 'very good'. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and paragraphs 2.1 to 2.4 of the Interim Planning Statement 'Sustainable Design and Construction' November 2007.

15 Plant / machinery

Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, that would exceed background noise levels beyond the application site, shall be submitted to the local planning authority for approval prior to installation. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall only be used on the site in accordance with the approved details and shall be appropriately maintained thereafter.

REASON: To safeguard the amenity of occupants of neighbouring premises

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the background noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

16 Cycle parking - future provision

The use of the staff and visitor cycle storage for the student accommodation shall be monitored and the trigger point for the installation of additional spaces, as shown on the approved plans, shall be approved in writing by the Local Planning Authority within 6 months of first occupation of the student accommodation. Future provision shall thereafter be installed in accordance with the approved details.

Reason: To promote sustainable modes of transport in accordance with policies GP4a and T4 of the City of York Draft Local Plan and the National Planning Policy Framework.

17 Flood risk

The development hereby permitted shall be carried out in accordance with the following flood risk mitigation measures –

Finished floor levels shall be set no lower than 10.94AOD

Future occupant shall sign up to the EA flood warning service (or equivalent)

Flood resilient construction –

- Non-return valves on foul & surface water drainage connections to prevent back flow.
- Engineering bricks and pressed facing bricks to be used on external walls below 10.94AOD.

Reason: To ensure the development is safe for its lifetime in accordance with section 10 of the NPPF.

18 Student accommodation only

The development hereby approved shall be occupied only for the purposes of student accommodation by either students engaged at all times in full-time or part-time further or higher education courses within the City of York administrative boundary or by delegates at all times attending courses or conferences within the City.

Reason: In order to control the future occupancy of the development in the event of it any part of it being sold or rented on the open market without securing adequate levels of affordable housing, in accordance with Policy H2a of the City of York Draft Local Plan.

7.0 INFORMATIVES:

STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: provided pre-application advice, requested revised plans to address concerns over design and through the use of planning conditions.

Foul and surface water drainage: Yorkshire Water

The developer's attention is drawn to Yorkshire Water comments, which were that they had no objection to the proposals provided:

- The proposed building stand-off shown from the public sewer centre-line i.e. of 5 metres from the sewer centre line (YW have accepted the encroachment from the building to the east).
- The proposed separate systems of drainage on site and off site.
- The proposed amount of domestic foul water to be discharged to the public foul sewer.
- The proposed amount of curtilage surface water to be discharged to the public surface water sewer (at a restricted rate of 15.6 (fifteen point six) litres/second).
- The proposed points of discharge of foul and surface water to the respective public sewers.

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