

COMMITTEE REPORT

Date: 13 September 2022 **Ward:** Guildhall
Team: East Area **Parish:** Guildhall Planning Panel

Reference: 22/00599/FULM
Application at: Bootham And Monk Ward Conservative Club 77 - 79 Clarence Street York YO31 7EL
For: Erection of two and three storey 34no. room student accommodation building following demolition of existing buildings at 75-79 Clarence Street (revised scheme)
By: Clarence Street York Limited
Application Type: Major Full Application
Target Date: 17 June 2022
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 The Bootham and Monk Ward Conservative Club fronts onto the north-west side of Clarence Street, approximately 60m to the south-west of its signalised junction with Wigginton Road and Haxby Road. The site is bound to the rear by Union Terrace. The site comprises No's 75 and 79 Clarence Street; single fronted mid-nineteenth century terraced houses, between is No.77 which is a circa 1960s infill. To the Union Terrace side of the site is a single storey building with pitched roof. Between the buildings, flat roofed extensions provide the principal ground floor space of the club. The buildings are now disused and boarded up.

1.2 The site is immediately north of the city centre, as defined on the 2018 Draft Local Plan proposals map. The site lies outside the Central Historic Core Conservation Area, the boundary of such terminates along Union Terrace to the west. The remaining houses on the west side of the Union Terrace are identified as buildings of merit within the Central Historic Core Conservation Area Appraisal. The properties along the section of Clarence Street where the application site sits are largely two with some three storey buildings. The site lies with the Central Area of Archaeological Importance and Flood Zone 1 (low probability).

Proposals

1.3 The application seeks to demolish all buildings and redevelop the site for purpose-built student accommodation. The part two, part three storey development would provide 34 one bed student rooms in the form of 6No. clusters of between 4 and 6 rooms and 8 studios. Ground floor accommodation would include a communal lounge and ancillary storage areas for plant, bikes, and bin stores. The principal access will be from Clarence Street with a secondary access off Union Terrace providing direct access to the cycle store and ground floor lounge. A green roof is proposed above the single storey area and above the 3 storey flat roofed part of the building which lies between the blocks fronting Union Terrace and Clarence Street.

1.4 Pre-application advice was sought in 2019 for student accommodation on this site, followed by an application (21/00781/FULM) which was subsequently withdrawn due to the number of concerns raised. This application, submitted earlier this year, has been significantly revised since submission in relation to such matters as height, roof forms, fenestration, siting, and articulation of entrances.

Supporting statement

1.5 The application is accompanied by a supporting letter from York St John University (YSJU) who confirm their commitment to taking a long-term lease upon completion of the proposed development. The design has been conceived and agreed specifically to meet the needs and requirements of YSJU and its students. The letter includes the following;

YSJU will be solely responsible for operating and managing the accommodation for the duration. YSJU is committed to improving the provision, quality and choice of residential accommodation for all our students within York, and this new development will make an important contribution to addressing the shortage in the supply of well-located, high quality purpose-built accommodation.

A number of aspects of this bespoke development which YSJU considers pertinent are;

- *The mix of room types and sizes, including kitchens and living rooms, and other communal areas, have been tailored to and accord with YSJU requirements to ensure a generous layout incorporating social space.*
- *Inclusion of accessible rooms.*
- *This new development will be highly energy efficient. Central heating and hot water will be provided by centrally controlled electric heating.*
- *Secure, internal cycle storage is included.*

2.0 POLICY CONTEXT

2.1 The National Planning Policy Framework ('NPPF') key sections 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

2.2 PUBLICATION DRAFT LOCAL PLAN (DLP 2018)

The Publication Draft City of York Local Plan 2018 was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. Phase 2 of the hearings concluded in May 2022. Phase 3 of the hearings took place in July 2022 and Phase 4 is currently scheduled for September 2022. 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);
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012.

2.3 Key relevant Publication Draft Local Plan 2018 Policies are as follows;

DP3	Sustainable Communities
D1	Place-making
D6	Archaeology
D4	Conservation Areas
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

Design, Conservation and Sustainable Development – Conservation Officer

Comments to revised plans

3.1 The loss of the two historic houses on either side of the existing club is regrettable due to their townscape value as characteristic of the historic streetscape. However as the site is outside of a conservation area control to retain them is very limited; the buildings do not merit consideration as non-designated heritage assets due to the

substantial degree of alteration. Officers don't consider their loss would be a justifiable reason for refusal.

3.2 The design of the replacement building has been amended to reflect design advice, its massing, scale, and articulation are now generally characteristic or respectful of the Clarence Street context. On the Union Terrace side the character of that side of the street is more mixed and generally smaller scale than the proposed block, reflecting the backland nature of that site, but there is no consistency of scale or alignment and the amended design of 2.5 storeys would not have an incongruous appearance in that context.

Design, Conservation and Sustainable Development - Archaeology

3.3 The information in the heritage statement suggests that the historic buildings on the site do not merit preservation or recording prior to demolition. As the site is within the Central Area of Archaeological Importance, a watching brief should be maintained during the grubbing up of foundations and during construction as a precaution to record any pockets of archaeology which may have survived the previous erection and demolition of buildings. The watching brief frequency and location can be re-assessed following monitoring during removal of foundations when the depth of 19th and 20th century disturbance has been established. An archaeological watching brief condition therefore is required.

Design, Conservation and Sustainable Development – Landscape Architect

Comments to revised plans

3.4 It is noted that a secondary entrance has been created off Union Terrace and the proposed building pulled back from the southwest boundary. It would be preferable to enlarge the narrow southern courtyard to create a more useable space, which would also ease the relationship with the trees next door, so the neighbouring developments would read better together, with the trees acting as a link. Nonetheless, it is a valuable additional space for the development, and is probably enough to accommodate the neighbouring Cherry (and Birch), though some crown reduction is still likely to be required. With permission from the tree owner (CYC) this might involve work to the entire crown in order to achieve a reasonably balanced shape.

3.5 Given the latest revisions to the scheme, officers are happy for an Arboricultural method statement to be submitted under a pre-commencement condition. Please also attach a condition for a fully detailed planting plan.

Design, Conservation and Sustainable Development - Ecologist

3.6 No objections. Recommend conditions regarding nesting birds and biodiversity enhancement / net gain, the latter including the provision of bat and bird boxes.

Public Protection

3.7 Noise – require implementation of the sound attenuation measures detailed in the noise assessment supplied (prior to occupation and permanently retained thereafter). If any plant is to be installed within the development, then details of all machinery, plant, and equipment to be installed, also required.

3.8 Construction Management Plan - As there are residential properties close by, recommend controls be put in place to minimise noise, vibration and dust during demolition and construction.

3.9 Land contamination – the submitted Phase 1 site appraisal, Phase 2 ground investigation and additional information on the low risk of gas from the site due to peat layers in the soils, are acceptable. Conditions are recommended.

Highway Network Management

3.10 Cycle Parking - The revised plans show two-tier cycle racks, with individual stands for parking 16 cycles, and four 'Sheffield'-type stands to park a further 8 cycles, providing cycle storage for 24 cycles overall. This is over two-thirds (71%) of the 100% requirement and will be of a suitable quality. The proposed cycle storage is considered acceptable in principle.

3.11 Transport Statement - Issue as to how taxi drop-offs / pick-ups and deliveries (food, parcels and take-away) will be accommodated needs to be addressed.

3.12 Conditions / Contributions - Conditions are required to secure the Travel Plan, cycle parking details and for off-site highway works to comprise the widening of the footpath on the east side of Union Terrace and provision of a vehicular crossing on the east side of Union Terrace at the main entrance to the site.

3.13 A contribution is requested for highway works - £6,000 to implement changes to the TRO to enable a disabled parking bay to be introduced in the resident parking bays on the west side of Union Terrace. As the development is relatively small, Officers agree with the statement within the Interim Travel Plan that the Travel Plan Coordinator could be fulfilled by a member of staff at the University. A student management plan, to deal with possible issues of students parking locally to the detriment of highway safety, is requested.

Flood Risk Management Team

3.14 No objections to the development in principle but conditions are recommended requiring separate systems for and details of the proposed means of foul and surface water.

Leisure / Open Space

3.15 An off-site contribution of £5,124 is required for off-site amenity open space which would be used towards landscape and biodiversity improvements in Clarence Gardens.

Waste Services

3.16 Bins to be presented where the site meets Union Terrace by site management for collection by our refuse collection vehicles. The route between the bin presentation point and the refuse collection vehicle should be flat, even and not have any kerbs. The waste presentation area needs to be capable of accommodating the bins beyond the collection day to allow for the eventuality that collections are delayed due to operational issues.

Carbon Reduction Team

3.17 The following measures are proposed to achieve a 28.3% reduction of carbon emissions: high performance thermal insulation, thermally efficient, double-glazed windows, thermal mass, low air tightness, attention to cold bridging junctions, efficient form, decentralised mechanical extract ventilation, low energy and LED lighting, sophisticated heating controls and PV panels. A BREEAM pre-assessment shows that the building is expected to achieve a score of 74.60% showing it has potential to achieve an 'Excellent' rating. Conditions recommended to secure carbon reductions and BREEAM.

Guildhall Planning Panel

3.18 An improvement on the previous application. The provision of communal kitchens seems like a step forward.

Conservation Areas Advisory Panel

3.19 The panel acknowledges the changes that have been made, but the proposals in this application are considered far from satisfactory:

the overall design still fails to make the positive contribution to the streetscape and the wider Conservation Area.

the walls at ground floor level on the Clarence Street elevation pose a significant obstruction to pedestrian flow to and from the nearby bus stop.

proportions and detailing of the Clarence Street elevation require further consideration, particularly the 'uncomfortable' relationship between second floor window heads and the eaves line.

the panel still has concerns regarding the space standards adopted for the bedroom units in this development.

the demolition of the existing dwelling at the southern end of the site still needs to be justified. The fabric could be retained and reused as student accommodation.

there is still no mention in the Heritage Statement of the potential of archaeological remains relating to the former Carmelite Friary or the possibility of Roman remains on this site.

Designing out Crime Officer

3.20 The most significant crime issues that could affect this development are burglary, cycle theft and criminal damage. The following recommendations are made;

An access control strategy based upon a single-key principle and progressive access control on the doors from communal areas to the accommodation corridors. These doors should also have a self-closing with a lock which engages automatically.

Ground floor and easily accessible windows should be to a good security standard. Opening restrictors to windows.

Communal mail delivery facilities should be in view and within a secure area at the primary building entrance point.

CCTV coverage.

Yorkshire Water

3.21 The drainage strategy is agreed to. Recommend conditions to protect the local aquatic environment and Yorkshire Water infrastructure in respect of systems for foul and surface water and no piped discharge of surface water prior to the completion of surface water drainage works.

4.0 REPRESENTATIONS

Other responses to publicity -

4.1 One representation received in support.

5.0 APPRAISAL

Key issues

5.1 The key issues in assessment of this scheme are -

- Principle of the proposed development

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- Heritage Assets / Archaeology
- Design and External Appearance
- Neighbours amenity
- Highway safety and sustainable travel
- Public protection
- Drainage

5.2 Key sections in the NPPF in considering whether the proposed development would be acceptable in principle are Section 5. Delivering a sufficient supply of homes, 8. Promoting healthy and safe communities and 11. Making effective use of land. The policies within the NPPF establish that in principle the proposed use is acceptable. NPPF paragraph 38 “decision-makers at every level should seek to approve applications for sustainable development where possible”. Paragraph 11d is engaged and establishes that in this case planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

5.3 NPPF Section 5 states that “to support the Government’s objective of significantly boosting the supply of homes (officer note - which includes student housing), it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”.

5.4 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 that 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).

5.5 There is deemed not to be a policy conflict due to the loss of the former use. Section 8 of the NPPF relates to healthy and safe communities and includes policy for the loss of facilities. In paragraph 93 it states that “to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local

services, to enhance the sustainability of communities and residential environments”. The emphasis is on the protection of facilities that cater for people’s day-to-day needs.

5.6 The 2018 Draft Local Plan Policy HW3 relates to protecting existing facilities. As per the NPPF the background text advises the policy relates to community facilities should be taken to mean buildings, facilities, and services that meet the day-to-day-needs of communities. This may include libraries, post offices, and community meeting places, such as youth groups, places of worship, and parish and village halls.

5.7 In assessment against NPPF paragraph 93 and local policy HW3, the former use of the buildings as a Conservative Club, are considered not to be a use providing facilities essential for the day to day needs of the community. Further to this, the Bootham and Monk Ward Conservative Club has been merged with the club in East Parade, Heworth and due to the location of the site, within an accessible distance of the city centre and nearby amenities, public buildings and commercial uses, there are alternative locations and facilities where a similar use could be accommodated, subject to demand.

5.8 Policy H7 Student Housing within the 2018 Draft Local Plan 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
- the development would not be detrimental to the amenity of nearby residents and the design and access arrangements would have a minimal impact on the local area.

5.9 The Committee report for the Mecca Bingo site (21/01605/FULM) in February 2022 cited that the amount of purpose-built student accommodation (PBSA), operated by the university and other operators, even when including permissions yet to be implemented, could accommodate around 40% of students (in full time education). The data evidenced need for PBSA. Considering NPPF policy on decision making (in paragraph 38) which requires Local planning authorities to approach decisions on proposed development in a positive and creative way and decision-makers at every level should seek to approve applications for sustainable development where possible, the application could not be resisted in principle on the basis of need.

5.10 The location is suitable for student accommodation, given the immediate proximity to the city centre and York St. John University. The site is in a sustainable location and a car free development is consequently appropriate in accordance with the sustainable transport aspirations of national planning policy and the spatial strategy within the 2018 Draft Local Plan which includes principles of preventing unacceptable levels of congestion, pollution and air quality and prioritising re-use of previously developed land.

5.11 The impact on nearby residents and the local area is appraised in the following sections regarding design and amenity.

HERITAGE ASSETS

Impact on the Central Historic Core Conservation Area

5.12 The site lies outside, but adjacent the boundary of the Central Historic Core Conservation Area, which runs along Union Terrace to the west. The remaining houses on the west side of the street are identified as buildings of merit within the Central Historic Core Conservation Area Appraisal. The Council has a statutory duty (under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) that special attention be paid to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

5.13 The character of the south-western side of Union Terrace is mixed, generally smaller in scale and having more of a mews character reflecting the backland location to the rear curtilages of the larger Clarence Street buildings. There is no consistency of scale or alignment in the buildings with the immediate context to the Union Terrace elevation of the proposed building being 2.5 storeys to the north and 2 storeys to the south. The amended design of the proposed block details a frontage a little higher than the building to the north but with the inclusion of semi-dormers giving it the appearance of a 2.5 storey building, it is not considered that it would appear incongruous in the streetscene. There is no identified harm to the Central Historic Core Conservation Area, which is adjacent the site.

Archaeology

5.14 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”. NPPF footnote 68 states non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

5.15 Policy D6 of the 2018 Draft Local Plan advises that proposals will be supported where harm to archaeological deposits is unavoidable, when detailed mitigation measures have been agreed with City of York Council that include, where appropriate, provision for deposit monitoring, investigation, recording, analysis, publication, archive deposition and community involvement.

5.16 The applications have provided an adequate desk-based assessment, as required by the NPPF, which suggests that the historic buildings on the site do not merit preservation or recording prior to demolition. However, a watching brief, secured by condition, will be maintained during the grubbing up of foundations and during construction as a precaution to record any pockets of archaeology which may have survived the previous erection and demolition of buildings. The watching brief frequency and location can be re-assessed following monitoring during removal of foundations when the depth of 19th and 20th century disturbance has been established.

DESIGN AND EXTERNAL APPEARANCE

5.17 NPPF policy on developing previously developed land allows for an approach which either maintains an area's prevailing character and setting, or of promoting regeneration and change. It places importance on securing well-designed, attractive and healthy places (paragraph 122). Chapter 12 of the NPPF gives advice on achieving well-designed places. At paragraph 127 it states that planning decisions should aim to ensure that, amongst other things, developments will function well and add to the overall quality of an area, be visually attractive through good architecture, layout and appropriate landscaping, be sympathetic to local character whilst not stifling innovation, establish a strong sense of place, and create safe and accessible environments.

5.18 At paragraph 130, the NPPF advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. These aims are reflected in Policy GP1 of the 2005 draft Local Plan and D1 and D2 of the 2018 Draft Plan. Policy D1 (Placemaking) advises that schemes will be supported where they improve poor existing urban and natural environments, enhance York's special qualities, and better reveal the significances of the historic environment.

Scale and massing

5.19 The scale, massing and design of the replacement building has been amended to reflect design advice with the revised scheme predominantly detailing blocks of 3 storeys. The Clarence Street frontage is part 2 and part 3 storey. The front elevation of the replacement building would be in line with those to the north of Clarence Street. The rear elevation would have a similar building line to Union Court, the building to the north.

5.20 Clarence Street is characterised by development of a mix of two and three storeys and therefore the treatment of the Clarence Street elevation which provides a genuine 2 storeys to the southern end block and 3 storeys to the rest, all with regular gable form, is considered respectful to its context.

5.21 The character of the south-western side of Union Terrace is mixed, generally smaller in scale and having more of a mews character reflecting the backland location to the rear curtilages of the larger Clarence Street buildings. There is no consistency of scale or alignment in the buildings with the immediate context to the Union Terrace elevation of the proposed building being 2.5 storeys to the north and 2 storeys to the south. The amended design of the proposed block details a frontage a little higher than the building to the north but with the inclusion of semi-dormers giving it the appearance of a 2.5 storey building, it is not considered that it would appear incongruous in the streetscene. There is no identified harm to the Central Historic Core Conservation Area, which is adjacent the site.

Layout and Design

5.22 The revised plans detail two entrances to the building, the principal communal entrance within the 3-storey block fronting Clarence Street and a secondary entrance from Union Terrace, which provides access to the accommodation via a small courtyard area and the bike store. An additional entrance in the Clarence Street elevation to provide access to one of the ground floor clusters is also detailed together with a landscaped 2 metre deep forecourt to the Clarence Street frontage, both of which help to articulate this elevation. A 1.4 metre strip with an access-controlled gate would be retained to the north-eastern boundary to provide access to the bin store and plant room from Union Terrace.

5.23 The revised scheme achieves a consistent façade treatment to the building in terms of brickwork and window forms to upper floors which reflect the prevailing clamp brick and vertical window forms of the 19th century terraces characteristic of the area. The revisions made to the number and design of the entrances in the amended scheme also ensures that the proposed development better respects the prevailing street character in terms of having an active orientation towards Clarence Street.

5.24 The layout have been amended insofar as the Union Terrace entrance has moved to the southwest corner with the building pulled back from the southwest boundary which has enabled an appropriate setting to be provided to the existing cherry tree on that corner (please see subsequent section).

5.25 Comments from the Conservation Areas Advisory Panel regarding the front boundary wall are noted, but this allows defendable space and a degree of privacy to ground floor rooms and landscaping which will animate the street. The pavement width along Clarence Street is maintained. The pavement width along Union Terrace nominally extended.

5.26 The proposed condition related to site management will cover secure by design measures. In particular, the presence of on-site security, access control and CCTV coverage of the cycle store areas.

Landscaping

5.27 There is an early-mature wild native cherry tree and silver birch within the large, raised planting bed adjacent to the site which makes a valuable contribution to the amenity of Union Terrace, and the property to which it relates, due to their size, and location and the absence of other significant trees within the street. The re-siting of the building away from the southwest boundary is sufficient to accommodate the cherry and birch trees, although some crown reduction is likely to be required.

5.28 There is also an ash tree visible from Clarence Street, however being multi stemmed from the ground, is not considered to be a particularly good specimen. Notwithstanding this, it should be possible to retain this tree alongside the proposed development since the existing two storey property is on the same footprint as the proposed. An arboricultural method statement will be required via a pre-commencement condition together with a condition for a fully detailed planting plan to cover the pockets of planting proposed within the front forecourt and the courtyard.

Proposed accommodation

5.29 The revised scheme details accommodation which would provide reasonable levels of amenity for future occupants. At ground floor, there are 2No. clusters of 4No.rooms. Each cluster has a communal space with kitchen facilities with an additional lounge area accessed off the courtyard to serve the whole block. The bedrooms range in size from 15.7 (GIA.sq.m) to 19.5 (GIA.sq.m) for the accessible unit. The communal areas have an internal floor space of 21.8, 28.3 and 36.4 sqm.

5.30 These room sizes are typical of those at first and second floor where on each of these floors there are 2No. clusters of rooms, each cluster having a communal space with kitchen facilities. A further 4No rooms on each of the first and second floors are defined as studios which have their own cooking facilities these have a floor area of 15.9sqm. The room sizes and layouts have been designed in conjunction with York St John University who have confirmed their commitment to taking a long- term lease of the development. Rooms are intended to be single occupancy.

5.31 The rooms are considered fit for purpose and with the number of communal spaces, which provide some 196 sq.m floorspace overall, would provide reasonable amenity. There is a lack of useable external space for residents on-site but this is not atypical in this part of the city, taking into account house types and the urban grain. Clarence Street gardens are in close proximity (under 100m away) and provide public amenity space. An off-site contribution of £5,124 is required for off-site amenity open space which would be used towards landscape and biodiversity improvements in Clarence Gardens.

SUSTAINABLE DESIGN / CONSTRUCTION

5.32 Local requirements for buildings in terms of addressing climate change are 2018 Draft Local Plan 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.

5.33 The applicant has submitted a Sustainability and Energy Statement (including BREEAM Pre-Assessment). The report confirms the developers' intentions to achieve a BREEAM "Excellent" rating. The document also details means by which the proposed development will achieve a 28.3% reduction of carbon emissions. This includes high performance thermal insulation, thermally efficient, double-glazed windows and PV panels. The PV panels will be sited on the flat roofed central section of the building. Conditions will require approval of details to evidence the scheme has complied with local policy.

NEIGHBOURS AMENITY

5.34 The NPPF states that developments should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

5.35 The north-eastern (side) elevation of the proposed 3 storey building would lie approximately 1.5 metres from its boundary with the residential properties to the north-east (1-7 Union Court and the flats at 81 Clarence Street), although a central 6.4 metre section would be single storey and would increase to 3 storeys approximately 4 metres from the boundary. 2No. windows at first and second floors are detailed in the elevation overlooking Union Court and 81 Clarence Street – these serve a corridor / lobby area and can be conditioned to be obscure glazed to ensure no overlooking to the external areas of these existing residential properties. There are also windows in the gable end of the frontage building of Union Court, but these are smaller, secondary openings and therefore it is not considered that building 1.5 metres from these windows would have an undue impact on the amenity of these neighbouring residents.

5.36 The increase in height from single storey (as existing) to three storeys on sections of this boundary would lead to some impact on amenity to adjacent residents to the north-west with there likely to be a sense of greater enclosure. However, given the relatively dense, urban context of the site, and as the courtyard area to the north is communal, it is considered that the loss of amenity would not be excessive and would not be sufficient reason to resist a development of this scale. The daylight / sunlight levels of habitable rooms in the dwellings to the north would not be adversely affected.

5.37 In terms of the impact on neighbouring properties to the south-west (61 to 73 Clarence Street), the revised plans have pulled the proposed building away from their

boundary. These properties are set back from both Clarence Street and Union Terrace with a forecourted parking area fronting Union Terrace and amenity areas facing Clarence Street. The location of these existing dwellings is such that it is not considered that the erection of a three-storey building in the central part of the application site would be over-dominant or over-bearing. These properties have experienced a certain level of overlooking of their front gardens from the existing Club and the proposed scheme is not considered to significantly exacerbate the existing situation.

BIODIVERSITY

5.38 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.

5.39 The site has been inspected by an Ecologist and no evidence of bat roosting were detected on-site and as such, the proposed demolition works present little risk of impacting upon bats or their roosts. The biodiversity gains recommended, as required under the NPPF, are bat and bird boxes. These benefits can be secured by condition.

HIGHWAY SAFETY AND SUSTAINABLE TRAVEL

5.40 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.

5.41 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

5.42 This is a car-free residential development, solely for students. The site is in a sustainable and accessible location with public transport readily available. The site is located within residents parking zone R44 with non-resident parking restricted to 10 mins which will need to be taken into account on ‘move-in’ and ‘move-out’ days and managed appropriately. An Interim Travel Plan has been submitted but a final version will be secured by condition.

5.43 Condition 24 will require the submission of a student management plan. Aside from wider issues relating to noise and anti- social behaviour, this condition will seek to manage taxi drop-offs / pick-ups and deliveries, which would take place from Union Terrace, to ensure there is no adverse impact on road safety.

5.44 With an accessible room included in the scheme, a disabled parking space will also be introduced in the resident parking bays on the west side of Union Terrace.

5.45 Cycle parking provision proposed is 71% with two-tier cycle racks, with individual stands for parking 16 cycles, and four 'Sheffield'-type stands to park a further 8 cycles, thus providing cycle storage for 24 cycles overall. Although this is less than the requirement of 1 cycle space per room (which are local standards for residential), it will be of a suitable quality (in terms of spacing) within a covered secure internal cycle store. The provision is acceptable; monitoring of cycle use at other student developments evidences that operationally this is sufficient.

Impact on the network

5.46 There are no objections to the scheme in terms of effect on the road network. Traffic generated from the proposed use will be associated with servicing and beginning and end of term arrangements. 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 modes of travel is encouraged.

Servicing / waste

5.47 Condition 24 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 applicants have confirmed a private company would undertake waste collection. There is one central communal store which residents would be required to use. Servicing access to the site for bin collections and emergency vehicles will be via Union Terrace

PUBLIC PROTECTION

5.48 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

5.49 The applicant has provided a Phase 1 site appraisal, a Phase 2 Ground Investigation report and additional information on the low risk of gas from the site due to peat layers in the soils. These assessments are deemed acceptable. Any permission for the site would be subject to standard conditions for a scheme of appropriate remediation works that would require implementation.

Noise

5.50 In terms of noise generation the proposed use raises no issues. A condition would require a student management plan, which would cover items such as noise and anti-social behaviour. As there are residential properties in close proximity, a condition requiring a Construction Management Plan for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development, is also recommended.

FLOOD RISK AND DRAINAGE

5.51 The site is outside of Flood Zones 2 and 3. The development is therefore appropriate in terms of flood risk and NPPF paragraph 159 which seeks to direct development away from areas at the highest risk (of flooding).

5.52 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.

5.53 Following the sustainable drainage hierarchy, connection into the combined sewers is proposed. Site investigation has determined that soakaways would not perform adequately and direct connection into a watercourse is not achievable. A condition requiring the submission of the details of the proposed means of foul and surface water drainage to ensure compliance with Policy ENV5, is recommended.

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 There would be no significant adverse effect, in terms of the loss of the current use of the site, that would outweigh the benefits of the proposed use. Historic houses

would be demolished but as they are outside of a conservation area and do not merit consideration as non-designated heritage assets. Their loss would not be a justifiable reason for refusal on heritage grounds. The scheme allows a more efficient use of the site and would meet current environmental standards. It is therefore consistent with the environmental objectives of the NPPF. The design of the replacement building has been amended to reflect design advice, its massing, scale, and articulation now considered to be generally respectful of both the Clarence Street and Union Terrace context. There is no identified harm to the Central Historic Core Conservation Area, which is adjacent the site.

6.3 The scheme has been designed to the extent that there would be no undue effect on neighbours' amenity and provides adequate amenities for its future occupants. Technical matters can be addressed, to achieve policy compliance, through conditions in respect of sustainable design and construction, biodiversity, drainage, archaeology, the highway network and ground conditions and pollution.

6.4 Approval is recommended subject to conditions and a Section 106 agreement for the following –

- Traffic Regulation Orders (£6,000) to implement changes to the TRO(s) in the vicinity of the proposed development to enable a disabled parking bay(s) to be introduced in the resident parking bays on the west side of Union Terrace and to otherwise exclude the site from the local resident's parking area.
- £5,134 to be used towards landscape and biodiversity improvements in Clarence Gardens.

7.0 RECOMMENDATION

Approve subject to Section 106 Agreement

7.1 Delegated authority be given to the Head of Planning and Development Services to APPROVE the application subject to the planning obligations and conditions set out below, and The Head of Planning and Development Services be given delegated authority to finalise the terms and details of the Section 106 obligations and conditions.

Section 106 Planning Obligation to secure:

- Traffic Regulation Orders (£6,000) to implement changes to the TRO(s) in the vicinity of the proposed development to enable a disabled parking bay(s) to be introduced in the resident parking bays on the west side of Union Terrace and to otherwise exclude the site from the local resident's parking area.

- Public Open Space - £5,134 to be used towards landscape and biodiversity improvements in Clarence Gardens.

PLANNING CONDITIONS

1 TIME2 Development start within three years

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

20073-S100 Rev A (Site Location Plan)
20073-P300 Rev A (Proposed Site Plan)
20073-P310 Rev D (Proposed Ground and First Floor Plan)
20073-P311 Rev B (Proposed Second Floor Plan)
20073-P320 Rev B (Proposed Elevations)
20073-P321 Rev B (Proposed Elevations)
20073-P330 Rev B (Proposed Street Scene Elevations)
20073-P340 (Proposed Section A-A)

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

3 Large scale details of the external doors and windows shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development and the works shall be carried out in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details in view of the sensitive location of the development.

4 Windows and doors shall be set in reveals of at least 60mm from the main wall plane.

Reason: To provide visual relief on the façade in the interests of good design and in accordance with NPPF paragraph 127.

5 Prior to the commencement of above ground development, large scale sectional drawings showing the patterned brick panels in relation to the facing bricks (to ensure these panels are recessed); and showing the build up and detail of the dormer window construction to the Union Terrace elevation shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: In the interests of good design and in accordance with NPPF paragraph 127.

6 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. The development shall be carried out using the approved materials.

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

Reason: So as to achieve a visually cohesive appearance.

7 A sample panel of the brickwork (to include facing brick and patterned brickwork) to be used on this building shall be erected on the site and shall illustrate the proposed coursing, bond, pointing style and mortar. The sample panel shall be approved in writing by the Local Planning Authority prior to the commencement of building works and 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.

Note: A clamp-style brick is anticipated to resemble the prevailing historical brick palette, use of a lime mix mortar including grit sand, and a traditional bond may be required (generally Flemish bond to principal elevations in context).

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 the sensitive location.

8 Within three months of the commencement of the construction of the development, a detailed soft and hard landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants. These schemes shall be implemented within a period of six months of the practical completion of the development. Any trees or plants which within a period of ten years from the substantial completion of the planting and 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 the Local Planning Authority agrees alternatives in writing.

Reason: The landscape schemes are integral to the amenity of the development and the immediate area.

9 Prior to the commencement of development (including demolition, excavations,
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and building operations), a scheme for the protection of existing trees adjacent to the application site (the tree protection plan), and the appropriate working methods (the arboricultural method statement - AMS), and a schedule of tree works where appropriate, and a scheme of arboricultural supervision, shall be submitted to and approved in writing by the Local Planning Authority in accordance with British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations. The scheme for the protection of the retained trees shall be carried out as approved. A copy of the document will be available for reference and inspection on site at all times.

Reason: To ensure every effort and reasonable duty of care is exercised during the development process to protect existing trees, which are considered to make a significant contribution to the public amenity and setting of the development.

10 A programme of post-determination archaeological mitigation, specifically an archaeological watching brief is required on this site. The archaeological scheme comprises 3 stages of work. Each stage shall be completed and approved by the Local Planning Authority before it can be approved.

A) No removal of foundations or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI. The WSI should conform to standards set by LPA and the Chartered Institute for Archaeologists.

B) The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 2 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

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

Reason: The site lies within an Area of Archaeological Importance and the development may affect important archaeological deposits which must be recorded prior to destruction.

11 A biodiversity enhancement plan/drawing shall be submitted to and be approved in writing by the local planning authority prior to the commencement of construction works. The content of the plan shall include, but not be limited to, two integrated

features providing roosting crevices for bats to be constructed within the fabric of the new building, and two boxes for nesting birds. The roosting features / boxes shall be installed / constructed prior to occupation of the development in accordance with the approved details and thereafter retained.

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

12 No demolition works shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the structure 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 should be submitted to the local planning authority.

Reason: To ensure that nesting 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.

13 All sound attenuation measures detailed in the submitted noise assessment (ENS noise assessment ref NIA/9616/21/9589/v2/77Clarence Street dated 17/3/22) shall be fully implemented prior to the occupation of the development. These measures shall be permanently retained thereafter.

Reason: To protect the amenity of people residing in the accommodation.

14 Details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, shall be submitted to the local planning authority for approval. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational prior to occupation of the development and shall be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

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

of the area.

15 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must include a site specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and include a package of mitigation measures commensurate with the risk identified in the assessment. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

In addition to the above the CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses public.protection@york.gov.uk and planning.enforcement@york.gov.uk

Reason: To protect the amenity of the locality

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

Monday to Friday 0800 to 1800 hours

Saturday 0900 to 1300 hours

Not at all on Sundays and Bank Holidays

Reason: To protect the amenity of nearby properties.

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

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

18 Prior to first occupation or use, 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.

19 In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and 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.

20 The bin store and cycle parking storage facilities, as shown on the approved ground floor plan (along with details submitted of the SFD double decker cycle stands), shall be provided prior to first occupation of the development hereby permitted. The facilities shall be provided for the lifetime of the development thereafter.

Reason: To promote the use of cycles as sustainable transport, thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours and good design in accordance with section 9 of the NPPF.

21 No gate shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

22 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

- widening of the footpath on the east side of Union Terrace as shown on the approved site plan.

Reason: In the interests of good design, to promote pedestrian movement, safe collection of refuse and free passage of highway users.

23 Prior to first occupation of the development hereby permitted a Full Travel Plan
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shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be developed and implemented in line with local and national guidelines and taking into account the interim travel plan (report no. 20998-002, Rev 1 dated 22.8.22). The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Within 9 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the Local Planning Authority. Results of yearly annual travel surveys carried out over period of 4 years from the first survey 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.

24 Prior to first occupation of the development, a student management plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall at all times be managed and occupied in full accordance with the approved student management plan. The plan shall include the following measures to:

- Single occupancy only for the studios/bedrooms.
- Maintenance of servicing and waste collection facilities & arrangements for managing waste collection (it is noted that a private waste collection service is proposed).
- Ongoing management and maintenance of communal areas and landscaping.
- Strategy for dealing with any complaints from the public.
- Measures to monitor and avoid excessive noise.
- That the student tenancy agreements include clauses relating to noise / anti-social behaviour.
- Arrangements for minimising disturbance during arrival/departure at beginning and end of term time. This shall include details of the site operator's responsibilities in terms of co-ordinating arrivals and departure times for residents and the associated policing of operations on-site & preventing indiscriminate parking locally.
- Arrangements for control taxi drop-offs / pick-ups and deliveries (food, parcels and take-away etc.); to ensure there is no adverse impact on road safety. Note the intention is for such activity to take place from Union Terrace.
- Prohibit student parking on or in the vicinity of the site (save for temporary parking arrangements in accordance with the move-in procedure).

Reason: In the interests of amenity and highway safety.

25 Prior to first occupation of the development hereby permitted, a scheme detailing site security measures shall be submitted to and approved by the Local Planning Authority. The development shall operate in accordance with the approved

details. The scheme shall include -

- Access control measures.
- Security measures for doors / windows (recommended opening restrictors fitted to ground floor windows) and cycle storage.
- CCTV coverage

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.

26 Prior to commencement of the 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.

27 The development hereby permitted shall achieve a BREEAM rating of at least excellent.

A Post Construction Assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate submitted to the Local Planning Authority within 12 months of first use (unless otherwise agreed). Should the development fail to achieve a 'Excellent' BREEAM rating a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a 'Excellent' rating. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.'

Reason: To fulfil the environmental objectives of the NPPF and support the transition to a low carbon future, and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018.

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

Reason: In the interest of satisfactory and sustainable drainage.

29 No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority. The information shall include site specific details of:

i) computer modelling calculations 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,

ii) the flow control device manhole, means by which the surface water discharge rate shall be restricted to a maximum rate of 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas during the 1 in 1 year event), and

iii) the means by which the surface water attenuation up to the 1 in 100 year event with a 30% climate change allowance shall be achieved.

There shall be no piped discharge of surface water from the development site prior to the completion of surface water drainage.

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.

30 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. The operator of the development 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, and shall make the register available for inspection by the local planning authority on demand at all reasonable times.

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 H7 of the 2018 Publication Draft Plan.

31 The development hereby permitted shall include the whole of the amenity space and facilities for occupants, in accordance with the approved floor plans, and retain them as such at all times.

Reason: In the interests of good design and amenity.

8.0 INFORMATIVES: Notes to Applicant

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: sought amended plans to address issues regarding design and through the use of planning conditions.

2. Bats: In the UK, due to the decline in bat numbers in the last century, all species of bat are protected by the Wildlife & Countryside Act (1981) as amended, Countryside and Rights of Way Act (2000) and the Conservation of Habitats and Species Regulations 2017 (as amended). Planning consent for a development does not provide a defence against prosecution under this act. Because of their protected status, it should be noted that if bats are discovered during the course of the work, all works must cease and Natural England must be informed immediately. It is an offence for anyone to disturb or handle a bat without the appropriate licences. This may cause some delay but should not prevent the work continuing, provided that due account is taken of their presence.

As noted in sections 7 to 12 (Survey Results) of the Bat Survey Report, the application site is used by a small number of foraging bats. With this in-mind, it is recommended that this is taken into account when planning external lighting. Advice on lighting design for light sensitive species is available from the Bat Conservation Trust (2018) Bats and artificial lighting in the UK guidance:
<https://cdn.bats.org.uk/pdf/Resources/ilp-guidance-note-8-bats-and-artificial-lighting-compressed.pdf?mtime=20181113114229&focal=none>

3. Nesting birds: The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Suitable habitat is likely to contain nesting birds between 1st March and 31st August inclusive. As such habitat is present on the application site and is to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

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4. INFORMATIVE:

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

Adoption of highway (Section 38) - development.adoption@york.gov.uk

A s38 agreement will be required if the developer wishes to offer for adoption the paved area adjacent to the existing footway on the east side of Union Terrace at the north corner of the development.

Agreements as to execution of works (Section 278) - development.adoption@york.gov.uk

A s278 Agreement will be required to undertake any works in the existing highway.

5. INFORMATIVE:

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

6. Yorkshire Water

On the Statutory Sewer Map, there is a 100m diameter public foul surface water sewer recorded to cross the site. It is essential that the presense of this infrastructure is taken into account in the design of the scheme.

It may not be acceptable to raise or lower ground levels over the sewer and we will not accept any inspection chambers on the sewer to be built over. In this instance, Yorkshire Water would look for this matter to be controlled (by Requirement H4 of the Building Regulations 2010).

7. The applicant is asked to note that the development/property (as proposed), is not considered eligible for inclusion within the Residents Parking Zone, and it will be removed from such under the Traffic Regulations 1984. Upon commencement of development on the site the applicant is requested to contact the Council's Network Management Section (tel 01904 551450), in order that the amendments to the Residents Parking Scheme can be implemented prior to the occupation of the development.

Contact details:

Case Officer: Rachel Tyas

Tel No: 01904 551610