

COMMITTEE REPORT

Date: 6 January 2022 **Ward:** Guildhall
Team: East Area **Parish:** Guildhall Planning Panel
Reference: 20/01200/FULM
Application at: Aubrey House Foss Islands Road York YO31 7UP
For: Erection of 5 storey student accommodation building with associated car parking following demolition of existing buildings.
By: Urbanite, S & J D Robertson Group Ltd And Portman Land Ltd
Application Type: Major Full Application
Target Date: 14 January 2022
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 Planning permission is sought for a 5 storey student accommodation block, the building would have 11 cluster flats providing 62 bed spaces and 19 studio flats, a communal room (42.6sqm) and roof terrace. Each cluster flat has a communal kitchen/dining/living space. The ground floor includes a bin store, a cycle store, and two disability parking spaces. The access would be from Foss Islands Road, access to the vehicle parking and cycle parking would be from Mansfield Street. The bedrooms in the cluster flats are 12sqm, the communal areas in the cluster flats range between 20.1 – 30.6sqm. The studio flats range between 16 and 24.2 sqm .

1.2 There are two buildings on site including a 19th century building fronting onto Foss Islands Road, which at the time of the site visit appeared to be in residential use. There is a modern building to the rear /north east of the site that has been used for community use.

1.3 The site is adjacent to the River Foss Site of Importance of Nature Conservation and within the River Foss and City Walls Green Infrastructure Corridor. The site is adjacent to the Area of Archaeological Importance. The site is within Flood Zone 3. The site is within the wider setting of the Grade II listed chimney adjacent to Morrisons built in a similar period to the existing brick building on the application site

1.4 To the north of the site is the building that was previously used by Carpetright, planning permission (20/00940/FULM) has been granted on this site for a 4 storey hotel. In addition also to the north of the application site is a 4 storey building currently under construction to contain 6 apartments (17/02991/FULM and 21/01079/FUL). Also to the north is a 3 storey gym. To the northeast is an electricity substation. To the west is the 3 storey Foss Place containing 24 flats. Directly to the

south is a two storey office building. To the west is Foss Islands Road and the River Foss and the 5 storey DEFRA buildings.

1.5 During the application process revised plans, information, and reports have been submitted. In addition the height of the building has been reduced. Three rounds of consultation have taken place.

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

1.7 Relevant Planning History:

04/02435/FUL - Change of use of ground floor from mixed residential and retail use to self-contained flat – Approved

14/02194/FUL - Change of use of building and associated yard from storage (use class B8) to youth and children's day centre (use class D1) – Approved

2.0 POLICY CONTEXT

2.1 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005:

SP3 Safeguarding the Historic Character and Setting of York

GP1 Design

GP3 Planning Against Crime

GP4a Sustainability

GP6 Contaminated Land

GP9 Landscaping

GP11 Accessibility

GP13 Planning Obligations

GP15a Development and Flood Risk

GP17 Security Shutters

NE7 Habitat Protection and Creation

NE8 Green Corridors

HE2 Development in Historic Locations

HE10 Archaeology

T4 Cycle Parking Standards

T13a Travel Plans and Contributions

ED10 Student Housing
L1c Provision of New Open Space in Development
C3 Change of Use of Community Facilities
MW7 Temporary Storage for Recyclable Material

2.2 The Publication Draft York Local Plan (2018):

SS3 York City Centre
H7 Student Housing
HW1 Protecting Existing Facilities
HW7 Healthy Places
D1 Placemaking
D2 Landscape and Setting
D4 Conservation Area
D5 Listed Buildings
D6 Archaeology
D10 York City Walls and St Marys Abbey Walls (York Walls)
D14 Security Shutters
GI1 Green Infrastructure
GI2 Biodiversity and Access to Nature
GI3 Green Infrastructure Network
GI6 New Open Space Provision
CC1 Renewable and Low Carbon Energy Generation and Storage
CC2 Sustainable design and Construction of New development
ENV2 Managing Environmental Quality
ENV3 Land Contamination
ENV4 Flood Risk
ENV5 Sustainable Drainage
WM1 Sustainable Waste Management
T1 Sustainable Access
DM1 Infrastructure and Developer Contributions

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT

3.1 No objections, Disabled parking bays are included within the footprint of the development and will double up as drop off spaces at term start (with space to house 1 more car at drop off times).

3.2 Would be undesirable to allow drop offs on the Foss Island Road elevation particularly at peak times. It is HNM view that most drivers would choose to exit Foss Islands Road on to Mansfield Street so as not to cause obstruction on Foss Islands Road. It is HNM opinion that should drop offs become an issue; mitigation in

the form of a loading ban could be applied to the Foss Islands Road carriageway in the vicinity of the site. This could be reviewed in conjunction with the review of parking restrictions already secured as part of this application for Mansfield Street.

3.3 The spacing in the proposed cycle parking store are too narrow and 2 tier racks are not acceptable. The Highways team have calculated that the required spaces (giving 81 in total line in with CYC parking standards and National guidance of 1 per bedroom) can be accommodated in the store to CYC standard.

3.4 Request following conditions: HW18 for minimum of 81 parking spaces; No occupation until cycle parking and vehicle parking is provided; removal of redundant crossings; method of works relating to highway; Student Arrivals Traffic Management Plan; and Travel Plan; a method of works condition (could be incorporates into CEMP), Travel Plan, and Student Arrival plan. S106 agreement contribution for travel plan assistance and alterations to the existing parking restrictions on Mansfield Street. Contributions for Travel Plan support calculated at £2,000 per year for the first 5 years: totalling £10,000 - Index linked. A review of parking/ loading restrictions on Mansfield street and Foss Islands Road in the vicinity of the site and associated Traffic Regulation Order totalling £6,000

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (CONSERVATION ARCHITECT)

3.5 Object. Disagree with the conclusions in the heritage statement. The C19th buildings at the front of the site contribute positively to the setting of the conservation area, and the setting of the City Walls, their loss will cause harm to the affected assets. Though separated from the assets by modern road infrastructure, their frontage is clearly visible from the conservation area and views from the City Walls. No views analysis has been submitted to allow the full impact of the proposals on the setting of nearby heritage assets. The C19th buildings contribute to the significance of the walls as a boundary, marking the edge of the earliest parts of the city, and evidence how the city expanded historically as a suburb. The historic character immediately beyond the historic walls in this part of the City has largely been lost, but this means the remaining buildings are now key illustrations of the historic development of this part of the City, and their demolition and will harm that ability to understand.

3.6 Accepting the site is removed from both the edge of the conservation area and immediate setting of the walls by a busy road, categories this harm at the lower end of less than substantial, and object to this application on that basis. Any harm will caused will require to be outweighed by sufficient public benefit.

3.7 The height of the proposed building has been reduced, with the tallest parts of the building now pushed to the back of the site, which is an improvement though it is still a large step change in scale from a 2 storey eaves height of the existing

adjacent building, to an equivalent 4 storey eaves, with the glazed top storey only set back notionally, which will result in an awkward relationship.

3.8 The daylighting study confirms there are rooms that will not achieve daylighting standards, and rooms along the southern elevation rely on daylighting from the adjacent site which is beyond the applicant's control (ie another development could be built in very close proximity to the boundary to the south, leaving many more rooms with insufficient daylight or amenity).

3.9 The rooms lacks any generosity in plan form/space, and though residents are now offered an external terrace on the roof, this is a very small space given the capacity of the building. Consider the proposals to be an over development of such a narrow and constrained site, and do not believe it offers a high standard of living for future occupiers.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (LANDSCAPE ARCHITECT)

3.10 The quality of the environment and streetscape along Foss Islands Road is variable. The northeast length of Foss Islands Road is of little merit to the quality of the street, with the exception of the domestic scale and detailing of Aubrey House and its forecourt, which is an isolated remnant of a former street which now sits incongruously amongst larger, somewhat bland commercial buildings.

3.11 Aubrey House, and the offices next door, and The Office Outlet are all set back from the pavement edge but the open, foreground strip is not put to good aesthetic use. More recent development at Foss Islands Retail Park has seen the introduction of significant semi-mature trees which complement the softer treed west bank of the River Foss; the two work in tandem to provide a more appealing environment along that stretch of Foss Islands Road.

3.12 As part of the A1036 inner ring road, Foss Islands Road is a busy street with high volumes of vehicles. The street is experienced by a high number of visual receptors, and is important in giving an impression of the character and quality of York. The quality of the environment also impacts on the comfort and experience of the user. Due to its walkable distance to the walled city, offices, and shops, Foss Islands Road is also well used by pedestrians. Similarly cyclists are accommodated on lanes either side of the road. The River Foss and its immediate environment is identified as the 'Foss corridor' (ref: 03) green infrastructure corridor of regional significance in the local plan evidence base. The York inner ring road – of which Foss Islands Road is a part – hugs the ramparts of the city walls, Kings Pool and the River Foss; the city wall is picked up again at Monkgate adjacent to the Layerthorpe junction, all of which were historically part of the city's defence, and now form part of 'City Walls' (ref: 11) district green infrastructure corridor.

3.13 The application site has the potential to contribute to the quality and function and character of two significant GI corridors. The opportunity for additional trees within the street scene should be grasped. The external area in front of the Foss Islands Road elevation would allow just enough space for some tree and shrub planting. The overhang poses a restriction/conflict on the sideways growth of the proposed tree. Another option may be to have a shorter broader tree spreading into the lower void as a contrast. The other tree could just about be accommodated within the pavement with the correct detailing.

3.14 The proposed green roof is welcome for its potential bio-diversity value and its capacity to contribute to slowing the flow of surface rain water.

3.15 Request conditions for landscaping scheme and details of tree planting

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ECOLOGY OFFICER)

3.16 The proposed tree planting along the south west elevation of the building, and the 'green' roof demonstrate biodiversity net gain, in accordance with NPPF: *to encourage the incorporation of biodiversity improvements in and around developments, especially where this can secure measurable net gains for biodiversity.*

3.17 If a viable 'green' roof cannot be provided, further biodiversity enhancement measures should be considered. The site is not considered to pose any additional ecological constraints. Provided and agree that the sedum planting will be appropriate where there is 300mm clearance between the PV panel and planting.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ARCHAEOLOGY)

3.18 The Aubrey House site sites just outside the Central Area of Archaeological Importance on the edge of the River Foss on the assumed edge of the medieval King's Fishpool.

3.19 Based on the information from the geo-archaeological evaluation at Aubrey House and data from the Carpetright site it is unlikely that the construction of the student block using piled foundation will negatively impact upon significant archaeological or geo-archaeological deposits. However, the proposed foundation solution for any new building on this plot should ensure it does not create a full impenetrable barrier to water moving between the site and the River Foss. No further archaeological investigation or conditions are requested/required.

LEAD LOCAL FLOOD AUTHORITY

3.20 No objections subject to following conditions: that the development fully complies with the FRA; the details of flood compensation measures; separate systems of drainage for foul and surface water; details of foul and surface water drainage; no piped discharge

EMERGENCY PLANNING UNIT

3.21 No objections with the proposed development. Understand that the names of the flood wardens cannot currently be specified. Would like reassurances that the flood wardens will be trained and that the Flood Evacuation Plan will be maintained and how students will be advised of the evacuation procedures. The flood evacuation point is not acceptable for a prolonged flooding event. Suggest the Management Company ensure they have Business Continuity plans and travel arrangements to relocate the residents to temporary student accommodation as they have a duty of care for their students.

PUBLIC PROTECTION

3.22 The applicant has submitted an ENS Noise Impact Assessment reference NIA/9119/20/9107/V2/Foss Island dated 24/6/20. This assessment is accepted and the proposed noise mitigation measures and plant noise criteria should be implemented. Request this is sought via condition

3.23 As there are commercial and residential properties close to the proposed site it is recommended that controls are put in place to minimise noise, vibration and dust during construction, request following conditions: Construction Environmental Management Plan; Control of hours of demolition and construction.

3.24 The applicant has submitted a Preliminary geo-environmental assessment. This assessment is accepted and the recommendations for a Phase 2 assessment are agreed. The applicant should consider vapour and gas monitoring or provide details of suitable vapour and gas protection measures. Request following conditions: Submission of investigation and risk assessment; remediation scheme and verification report; reporting of unexpected contamination

3.25 City of York Council's draft Low Emissions Supplementary Planning Guidance requires 2% of all car parking spaces to be provided with electric vehicle charge points. Spaces should be for the exclusive use of low emission vehicles. Given that the application includes parking and in view of the above and the Council's adopted Low Emission Strategy, which aims to facilitate the uptake of low emission vehicles in York request 1 electric vehicle recharging point sought via condition

3.26 Public Protection undertake monitoring of nitrogen dioxide on Foss Islands Road not far from the junction of Lawrence Street. Also monitor at the Foss Islands Road end of Navigation Road and on Jewbury. Results from these air quality

monitors have demonstrated that long term pollution levels have been within health based standards in this general area for > 5 years. The development is set back to some extent from Foss Islands and there are no habitable rooms (i.e. areas of relevant exposure) on the lower / upper ground floor levels facing Foss Islands.

PUBLIC REALM

3.27 Request contribution of £151 per bedroom. Would be spent at St Nicholas Fields

FORWARD PLANNING (comments on original scheme)

3.28 Given the advanced stage of the emerging Plan's preparation, the lack of significant objection to the emerging policies relevant to this application and the stated consistency with the Framework, in the context of NPPF para 48 advise that the policy requirements of the following emerging Plan policies can be afforded moderate weight in determining this planning application: HW1, H7, HW7, D1, D4, D6, D10, GI6, CC1, CC2, CC3, ENV1, ENV2, ENV4, ENV5, T1, C1, DM1.

3.29 The submitted Planning Report states that the former warehouse is to be vacated by its current user (St Michael le Belfrey Youth and Children's group) by September 2020, and that it is used only at limited times in any case. Further, it states that the building (a former warehouse) is unsuitable for reuse as a community facility and does not function to provide a service to its local community. The relevant application for change of use of the former warehouse states that the Youth Group was a successful and expanding provision, and request details from the Youth Group of their proposed relocation or, alternatively, that they no longer run this provision.

3.30 It is against the NPPF that this proposal should principally be assessed. Have no objection in principle to the provision of student housing in this location, subject to clarifying end user requirements re HW1. Advise that further detail is requested to meet the policy requirements of: HW1 Protecting existing facilities; D6 Archaeology; D1 Placemaking and D4 Conservation Areas, given the site's historic context; GI6 New Open Space Provision; and further specialist advice taken on issues of design, amenity, flood risk and transport/highways impacts.

3.31 Contributions for Affordable Housing are not normally negotiated on applications for student housing under the provisions of NPPF and policy H10 Affordable Housing. Were the application to be approved, and to manage any future change of use, request that a condition is added which restricts the site to student accommodation only.

ECONOMIC GROWTH TEAM

3.32 No comments received

NEIGHBOURHOOD ENFORCEMENT OFFICER

3.33 No comments received

WASTE SERVICES

3.34 Bin requirements for the site are: The bin store should be large enough to hold all the required bins, with enough space to manoeuvre them in and out freely. The bin store should be located as near to the road as possible with a flat even surface between the bin store and the vehicle collection point (not gravel, cobbles etc.). There should not be any kerbs between the bin store and the vehicle collection point. Vehicles undertaking collections should be able to stop for loading in a safe and legal position where they will not obstruct other traffic, pedestrians or access.

AFFORDABLE HOUSING

3.35 Request that a restriction is applied to this application so that it cannot be used for residential accommodation (or at least, not without an appropriate affordable housing contribution being provided)

EXTERNAL CONSULTATIONS

GUILDHALL PLANNING PANEL

3.36 Although the reduction in height is considered an improvement still consider the site is overdeveloped and has a lack of green space. The two trees proposed at the front is considered an improvement.

POLICE ARCHITECTURAL LIAISON OFFICER

3.37 It is noted that access to the undercroft car park space is to have a remote controlled roller shutter door, which is to be commended. Concerns regarding the lack of separation in the cycle storage area. Overly large communal cycle stores can lack capable guardianship. Anonymity due to a large number of persons using a store leads to unauthorised access not being challenged, the theft of cycles and fly tipping

3.38 It is noted that there is a comprehensive 'Student Management Plan' that takes into consideration the safety and security of the building and students. Consideration should be given to fitting any communal entrance doors with an electronic door release mechanism. An access control strategy based upon a single-key principle where a student will have a single access key to the main entrance, the entrance to a cluster and an individual bedroom is recommended. It is

recommended that external ground floor windows be at a height from the ground, and have opening restrictors, to prevent an offender from either climbing through an open window or reaching in to steal property from within. A comprehensive CCTV system is to be installed across the site.

ENVIRONMENT AGENCY

3.39 The proposed development will only meet the NPPF's requirements in relation to flood risk if the following planning condition is included: Carried out in compliance with the Flood Risk Assessment.

3.40 The planning practice guidance to the NPPF states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. Key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. Recommend LPA refers to 'Flood risk emergency plans for new development' and undertake appropriate consultation with emergency planners and the emergency services to determine whether the proposals are safe in accordance the NPPF and the PPG.

YORKSHIRE WATER

3.41 Request condition that the development is constructed in accordance with the Flood Risk Assessment (dated September 2021)

NATIONAL GRID

3.42 No comments received

NORTHERN POWERGRID

3.43 NP have submitted plans indicating the electricity infrastructure in the area. NP advise they should be treated as a guide only. Advise that the caution should be exercised when using mechanical plant. Advise of the HSE "Avoidance of Danger from Overhead Electricity Lines. Ground cover should not be altered either above cables or below overhead lines. No trees should be planted within 3 metres of existing underground cables and 10 meters of overhead lines

RIVER FOSS SOCIETY

3.44 No comments received

YORK CIVIC TRUST (Comments on previous revision not the current scheme)

3.45 Object, the principle of student housing is acceptable but consider that a better, more-sustainably designed scheme could be achieved, one that is centred on good design and placemaking by working with existing heritage and enhancing the built and natural environment.

3.46 Aubrey House is not listed, and not within conservation area. The site and vicinity holds heritage value, including as an Area of Archaeological Importance. No attempt to acknowledge such heritage in the proposed design or to work with the current heritage. The architecture of Aubrey House remains one of the last links to the C19 and early C20 uses of the site. Aubrey House was likely built as a forge with work yard accessed via Mansfield Street, and later used for storage and sale of poultry and pigeons. The Trust agrees with the CYC Conservation Architect that these late C19/early C20 terrace buildings, 'contribute positively to the setting of the conservation area and the setting of the City Walls'. The loss of these structures would be detrimental to the historic and aesthetic value of the area, for which there are scant remnants left.

3.47 Development along Layerthorpe and Foss Islands Road needs to be considered in terms of good placemaking and how it contributes to the public realm of the community. This area is at risk of becoming predominately budget hotels and densely-spaced student accommodation, with little landscaping, surrounded by busy roads and poor air quality. The area is dominated by retail outlets with large amounts of parking and has poor public transport access.

3.48 The Character Area statement for Layerthorpe describes the key building types as 'One to two-storey buildings made up of a mixture of retail units, supermarkets, office blocks, car showrooms and warehouses on linear streets and within industrial estates'. While there are portions of Layerthorpe containing 'multi-storey 21st-century residential development', this stretch of Foss Islands Road is primarily of the former, two-storey height - as is the case with the current Aubrey House. The applicant makes numerous associations of the height and profile of this building to be barely taller than the recently approved hotel development on the adjacent Carpetright site to the north; planning permission is not always implemented. Acknowledge the removal of one storey from the initial proposed design, however consider the proposal is still too tall for the locality.

3.49 The proposed building has no evident "Yorkness "or willingness to be inspired by local vernacular. The Trust is concerned by recent development of the Foss Islands' vicinity and would look to work with City of York Council to create a proactive, development brief to ensure good placemaking.

3.50 The proposed student development block is overdevelopment, providing

nothing to enhance the public realm on Foss Islands Road. The occupants experience would be one primarily devoid of a connection with nature and poor air quality and sound pollution.

3.51 The existing set back of Aubrey House should be retained to enable a positive contribute to the public realm and provide for its tenants. Aubrey House is the last tangible existence of the area's historic, suburban community - retention of this building with a more modest development to the rear, with pockets of trees and landscaping provision, and using design that responds to the vernacular of Aubrey House would be a recommended

NORTH YORKSHIRE FIRE AND RESCUE SERVICE

3.52 No objection/observation to the proposed development. Will make further comment in relation to the suitability of proposed fire safety measures at the time when the building control body submit a statutory Building Regulations consultation to the Fire Authority.

4.0 REPRESENTATIONS

4.1 Six representations of objection (to original and previous revised scheme)

- Overdevelopment of the site, the footprint is too large and the building is too tall and does not respond to the existing and emerging character of the area.
- Fails to accord with the discussions that developers and CYC had on the adjacent Carpetright/Hotel application.
- The development should be no higher than the parapet level of the adjoining hotel development and ideally it would be lower to achieve an appropriate (stepped) transition from Foss Island House (at 2 storeys) to the corner of Foss Islands Road and Layerthorpe where the proposed hotel reaches its maximum height. Any upper floor/s to the building, which are set back from the edge of the parapet should not exceed the AOD height of the equivalent floors in the adjoining hotel and should achieve the same setback from Foss Island Road i.e. they should be pulled back from the frontage. The building line should follow that of the proposed hotel scheme or at the very least, adopt the line that has been established by Aubrey House and Foss Island House
- The ground floor of the proposed student housing block being slightly recessed, the building would sit forward of this established line. At the height proposed, it is considered to have an overbearing impact at street level and has the potential to affect the amount of natural light entering the neighbouring office building to the south
- Context drawings should be submitted including the proposed hotel building and Foss Island House
- Mansfield Street elevation - does not drop below 6 storeys in height and is lacking any open space or visual break with the only car parking provided in an undercroft with flats above. The development is considered to achieve a poor ratio

of street width to building height of which there are few, if any, comparable examples elsewhere in the city. It will lead to a canyoning effect on what will become an increasingly well used street.

- Request following conditions: construction Environmental Management Plan; restrict use to student accommodation; a management company to be appointed
- Reduction in storey from 6 to 5. On the Foss Island Road elevation (south west), the parapet level appears to be higher than the proposed hotel despite being on lower ground. The setback of the 5th floor is also less substantial. It therefore fails to meet the design objective expressed by officers to step building heights down from the prominent corner of Foss Island Road and Layerthorpe and to achieve an appropriate transition to lower two storey buildings further to the south.
- Applicant advises that further setback from the proposed 1.7m would result in the loss of more bed spaces and this would risk the development becoming unviable. However, we are not aware that any viability appraisal has been carried out or offered in order to support this comment. impact on viability is not considered sufficient justification to allow development that would otherwise be unacceptable
- Object to the student accommodation use
- Proposal would obstruct views from Foss Place apartments resulting in loss of value
- Existing noise issues arising from the student accommodation – The Coal Shed on Mansfield Street. Concerned that proposal will exacerbate the noise pollution/disturbance. Consideration should be given to how the outside communal areas would be managed

5.0 APPRAISAL

- Flood Risk
- Loss of community facilities
- Impact to heritage assets
- Visual amenity and character
- Residential amenity
- Impact to neighbouring uses
- Highways
- Ecology
- Drainage

5.1 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The site is not considered to be within the general extent of the greenbelt.

PUBLICATION DRAFT YORK LOCAL PLAN (2018)

5.2 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') 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. In accordance with paragraph 48 of the NPPF as revised in February 2019, the relevant 2018 Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

DEVELOPMENT CONTROL LOCAL PLAN (2005)

5.3 The Development Control Local Plan Incorporating the Fourth Set of Changes was approved for development management purposes in April 2005 (DCLP). Whilst the DCLP 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 weight that can be afforded to them is very limited.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.4 The revised National Planning Policy Framework was published 2021 (NPPF) and its planning policies are a material consideration in the determination of planning applications. The presumption in favour of sustainable development set out at paragraph 11 of the NPPF does not apply when the application of policies relating to impacts on the heritage assets and flood risk indicates that permission should be refused.

FLOOD RISK

5.5 The site lies within Flood Zone 3 and has flooded on previous occasions.

5.6 Policy ENV4 of the 2018 Draft Plan is in accordance with Paragraph 166 of the NPPF which states that when determining applications the LPA should only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location;

- and development is appropriately flood resilient and resistant;
- it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- any residual risk can be safely managed;
- and safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

SEQUENTIAL TEST

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

5.8 The supporting information sets out that no other sites have been considered. The applicants argue there would be a functional link to the student accommodation at the end of Mansfield Street (The Coal Yard). There does not appear to be any shared facilities between the two, and the two buildings could be run as separate independent student accommodation. As such the 'functional link' between the two is not considered to be demonstrated or have any weight. However the application site is already developed and within a developed area that is undergoing regeneration. The proposal would not result in an increase in the vulnerability classification (as result of the existing residential part of the site already falls within 'More Vulnerable'). The site has historically been developed; the existing buildings cover the majority of the site. The proposal would provide additional student accommodation. The site is in a prominent city centre location, being viewed in its riverside setting, and along a main route through the city centre. The proposal is considered to pass the sequential test.

- EXCEPTION TEST

5.9 For the Exception Test to be passed: it must be demonstrated that a) the development provides wider sustainability benefits to the community that outweigh flood risk; and b) a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its

users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall (para 163 of the NPPF).

5.10 The development would make effective use of previously developed land in a central location, there is a need for student housing and there are benefits in terms of wider housing land supply. The proposed development is not considered to increase flood risk elsewhere. The proposed development has compensatory flood storage within a void and floodable storage areas on the ground floor. Flood risk is from the River Foss to the west. There would be no sleeping accommodation on the (lower) ground floor of the building. The Flood Risk Management Team and the Environment Agency are satisfied that the proposed floor levels are appropriate in this location.

5.11 Safe access and egress cannot be provided during a design flood however the site benefits from the presence of the Foss Barrier, this regulates flood levels adjacent to the site, and although the Barrier was overwhelmed in December 2015 the storms experienced on this occasion were significantly in excess of the standard of protection of the barrier and record flows were experienced on the River Foss. The likelihood of this occurring again is low given the recent works by the Environment Agency to improve the resilience of the Foss Barrier, recently completed barrier is able to manage the scenarios experienced in 2015 has built in further resilience to include the impact of climate change.

5.12 An effective evacuation plan is appropriate in this location due to the low residual flood risks, the presence of formal flood defence infrastructure and a mature flood warning service.

5.13 Whilst the site is clearly in Flood Zone 3 the residual risk is relatively low - the NPPF guidance recognises that an understanding of residual risk is important behind flood defence infrastructure and it is considered that the applicant has addressed this in their approach.

5.14 The Environment Agency does not have an objection to the application, subject to the mitigation set out in the FRA taking place, part of this mitigation includes a Flood Evacuation Plan being in place. The Emergency Planning Team consider the submitted Flood Evacuation plan is broadly acceptable, but further information/revisions are required. A revised Flood Evacuation Plan has been requested from the applicant and committee will be updated at the meeting. In view of the above and the receipt of an acceptable Flood Evacuation Plan it is considered that the proposed development passes the exception test. There is adequate evidence that the sequential and exception tests can be passed. The measures within the FRA and the Flood Evacuation Plan would be secured through a planning condition.

LOSS OF COMMUNITY FACILITY

5.15 Paragraph 93(c) of the NPPF sets out, among other things, that planning decisions should guard against the unnecessary loss of valued facilities, particularly where this would reduce the community's ability to meet its day to day needs. This stance is echoed by policy HW1 (Protecting Existing Facilities) of the emerging local plan. It states that development proposals that involve the loss of a community facility will not be supported unless: equivalent or greater facilities are provided on or off site; the facilities no longer serve a community function; or are no longer financially viable.

5.16 The building to the north east part of the site has been used by Storehouse Youth and Children's Work Centre (SYCWS). Officers have been advised that the SYCWS was part of the Saint Michael le Belfrey PCC. Officers understand that the SYCWS chose to vacate the building in September 2020. The youth centre that became SYCWS previously operated from the Central Methodist Church on St. Saviourgate. However, safeguarding issues resulted in a need for the youth centre to find new premises thus the move to the Mansfield Street location. The building was formally used as a builder's yard before SYCWS occupied the site. The property was on a short term lease. Saint Michael le Belfrey PCC advise that they attempted to develop the outreach from the Mansfield Street location however numbers only grew slightly and they consider this was due being set away from residential and city centre. The agent advises there was limited demand for a community facility of this nature, and this was reflected in its part-time opening hours (three nights per week - Monday, Tuesday and Friday 5:30pm – 7pm and one morning - Tuesday 11:30am – 1pm). The agent and the Saint Michael le Belfrey PCC advise that the building has no windows, a single sheet asbestos roof, uninsulated walls and damp. These problems were prohibitively expensive for the church to solve and the expense of remedying these deficiencies in the accommodation were not considered justified by the limited demand for the services available. The agent considers that the potential for future community use of the building is severely limited by these factors. The Saint Michael le Belfrey PCC advise that the decision was taken to leave the building when plans emerged to redevelop its main church building and incorporate its youth and children departments back into the city centre. They have now relocated to 52 Stonegate in the city centre, which is considered higher quality of accommodation for users of the services on offer and being back in the city centre enables the youth centre to better reach the local community. The proposal is considered to comply with part (ii) of Policy HW1: facilities of equivalent or greater capacity and quality are provided off-site, in a location that equivalently or better serves the local community's needs.

STUDENT ACCOMMODATION

5.17 Policy ED10 of the DCLP (2005) and Policy H7 (Student Housing) of the emerging 2018 Draft Plan sets out that proposal for new student accommodation should demonstrate: there is a proven need for student housing; and. It is in an

appropriate location for education institutions and accessible by sustainable transport modes; and the development would not be detrimental to the amenity of nearby residents and the design and access arrangements would have a minimal impact on the local area. Policy is in general supportive of Purpose Built Student Accommodation (PBSA) as a means of freeing up housing suitable for wider general housing needs. Policy H7 requires the University of York and York St John University to address the need for any additional student housing which arises as a result of their future expansion, taking into account the capacity of independent providers; this is an acknowledgement that privately built PBSA is an important part of the student housing market.

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

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

5.20 The Local Plans team advise that there has been ongoing consultation with the Universities during the preparation of the Plan in order to understand their growth needs, in terms of anticipated numbers of students and land take; these have fluctuated through various stages of plan preparation, which reflects the complex nature of quantifying the needs of Universities over the course of the plan period and beyond. Given the uncertainties in quantifying growth, the Council has sought, through the policies in the plan, to provide flexibility in delivering higher education and other related uses over the lifetime of the Plan. Policy H7, alongside policies ED1 – ED5, provides the conditions within which flexible growth can be accommodated by the City.

5.21 The applicants provide a summary of approved PBSA since 2015. Officers consider the record of recently approved and completed schemes is reasonably consistent with that provided by the applicant, albeit that we note the omission of St Joseph's Convent, Lawrence Street (+526 units, completed 2016/17). The Planning Statement does not provide analysis of current levels of provision/vacancy. Officers are not aware of concerns around Purpose Built Student Housing vacancies, and

would suggest that applicants operating in a competitive market are well placed to determine capacity in that market.

5.22 Evidence submitted in the Planning Statement updates CYC's 2015 Housing Requirements Update to show that, by developing this scheme, 47% of students in York would be housed in either University or privately managed PBSA. The Local Plans team advise that this analysis omits the approved schemes at Frederick Street and St Josephs Convent, and including these would take the proportion in PBSH to 51.5% of the overall student housing market. Other schemes which are either under consideration by the LPA or approved subject to legal agreements could, subject to permission being granted add about 500 more bed spaces.

IMPACT TO HERTIAGE ASSETS

5.23 The site is adjacent to the Area of Archaeological Importance, and whilst just outside of the Central Historic Conservation Area (Character areas 7 – Monkgate and 8 - Aldwark) it is considered to fall within the setting of the Conservation Area. The closest listed buildings are located over 130 metres to the west (the Grade 1 St Cuthbert's Church and Grade 1 St Anthony's Hall). The application site which is located approximately 90 metres to the south east of the city walls (a Scheduled Ancient Monument).

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

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

5.26 The 2018 Draft Plan policies D4, D6, D7 and Development Control Local Plan (2005) policies HE2, HE3, and HE10 reflect legislation and national planning guidance that development proposals should preserve or enhance the special character and appearance and contribution to the significance and setting of the heritage assets and respect important views.

5.27 Although close to the city wall, the application site is separated from it by a large and busy road junction. The legibility of historic boundaries of the Conservation Area are also obscured by a complex arrangement of traffic signals and a large expanse of hard standing. There are views from the city wall to the application site, but these are largely views into a commercial and shopping complex and the views from the application site towards the Conservation Area are dominated by the same large, busy road junction. The key views have been provided as photomontages and Officers are satisfied that the proposed development would not dominate the city walls or the views into York and as such it is considered there would be no harm caused to the significance of heritage assets namely the city walls, Conservation Area and nearby listed buildings by the construction of the proposed building.

5.28 Audbury House is not considered to be a non-designated heritage asset however it is considered to contribute to the setting of the nearby central historic core conservation area and its connection to the historic industrial use of the Foss Islands area. The Conservation Architect states that the historic character immediately beyond the historic walls in this part of the City has largely been lost, but this means the remaining buildings are now key illustrations of the historic development of this part of the City, and their demolition and will harm that ability to understand. For these reasons the CYC Conservation Architect considers that the loss of Audbury House would result in harm to the setting of the conservation area. The harm is considered to be less than substantial.

5.29 Paragraph 202 of the NPPF states 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. The resulting harm from the loss of Audbury House is considered to be less than substantial, and is outweighed in this case by the provision for student accommodation within the city and benefits in terms of the wider housing supply together with economic and social benefits from the regeneration of the site. It should be noted that the applicant could apply for prior notification to demolish the building and the LPA would be unable to refuse the application as it is neither listed or within a conservation area and does not fall within the criteria of Part 11 of the General Permitted Development Order (2015).

5.30 The Archaeology Officer has confirmed that the evaluation undertaken on the site indicates that there will be no impact to any significant archaeological features or deposits across the site.

VISUAL AMENITY AND CHARACTER

5.31 Chapter 12 of the NPPF gives advice on design, placing great importance to that design of the built environment. In particular, paragraph 130 of the NPPF states that planning decisions should ensure that development, inter alia, will add to the overall quality of the area, be visually attractive, sympathetic to local character and history and have a high standard of amenity for existing and future users. This advice is reflected in Draft Local Plan policies GP1 and GP9 of the 2005 Draft Local Plan and D1 and D2 of the 2018 Draft Plan and, therefore, these policies can be given weight.

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

5.33 The proposed building would be of a similar height to the recently approved 4 storey hotel on the neighbouring Carpetright site. At the time of writing the report the Carpetright building had been demolished, officers understand this relates to the implementation of the hotel planning permission. The proposed development is five storeys in height with a minor setback (0.5 metres) of the top storey, the height of the front/Foss Islands elevation is 13.4 metres. The height of the adjacent proposed hotel elevation is 12 metres with an additional storey set back (4.7 metres) given the elevation a height of 15.15 metres. The proposed front elevation would have an upper storey overhang, this would be set back from pavement. The proposed materials would be predominantly red brick with copper mesh feature cladding (to corner and on Mansfield Street elevation) there would be feature brick work panels in the front elevation. The height and massing of the proposal would be in keeping with the recent development in the area.

5.34 There are weaknesses in the scheme, notably the side and rear elevations which will appear particularly monotonous and bland due to the scale of the building and there being shear walls with no meaningful relief. In acknowledging the weaknesses of the side and rear elevations, Officers accept that whilst there will be some views from public streets, they would be viewed in context and partially screened by the neighbouring existing and proposed buildings. These secondary elevations will not be widely visible and it is considered that the primary/front elevation have been developed to a satisfactory design standard in accordance with the NPPF and 2018 Draft Plan policy D1.

5.35 Policy D2 (Landscape and Setting) of the 2018 Draft Plan states that proposals will be encouraged and supported where they include sustainable, practical and high quality soft and hard landscape details and planting proposals that are clearly evidence based and make a positive contribution to the character of streets, spaces and other landscapes. Some minor landscaping and two trees are proposed to the front/Foss Islands Road elevation. A utilities report has been submitted which demonstrate there is sufficient space. The details of the landscaping are sought via condition. A green roof is proposed, further details of the planting can be sought via condition to ensure the planting is compatible with the solar panels also on the roof.

RESIDENTIAL AMENITY

5.36 The NPPF seeks a good standard of amenity for all existing and future occupants, and that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are sympathetic to local character and history, including the surrounding built environment and landscape setting. Policy GP1 of the 2005 Development Control Draft Local Plan and policies D1 and ENV2 of the 2018 Draft Plan seek to ensure that development proposals do not unduly affect the amenity of nearby residents in terms of noise disturbance, overlooking, overshadowing or from overbearing structures.

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

5.38 The proposed development is set in a predominately commercial area, however recently residential development has been constructed in the area. The distance between the Foss Place apartments and the proposed building would be 17 metres at its closest point. The proposed development is not considered to result in undue overlooking or loss of privacy. Foss Place is to the south east of the proposed development together with the distance between the buildings it is not considered there would be an undue loss of light.

5.39 To the north east of the application site there is a 4 storey block of flats currently under construction. The development would have a roof terrace. The distance between the flats and the application building would be 9.5 metres (at closest point). The primary rooms of the proposed flats are dual aspect, the 3 no. proposed flats fronting onto Mansfield Street also have windows facing south west.

The proposal would result in some overshadowing to the flats however it is not considered to result in undue harm and would be typical of a built up urban area, any overshadowing is considered to be mitigated by the dual aspect of the flats. The distance between the closest windows on the proposed student accommodation (which are bedrooms) and the proposed flats (living room window) would be circa 11 metre. This distance is considered to be reasonable given the urban location and would not result in undue loss of privacy to the occupants of either building. The approved plans of the hotel on the Carpetright site indicate hotel rooms with windows facing onto Mansfield Street. The distance between these hotel windows and the windows of the student rooms would be a minimum of 10 metres. On balance there is considered to be a reasonable distance between buildings in a city centre location, and there are similar existing relationships between residential buildings in the surroundings.

5.40 The proposal student accommodation includes a roof terrace. The terrace is set away from the residential properties at Foss Place and the dwellings currently under construction subject of planning permissions 17/02991/FUL and 21/01079/FUL. The terrace would be screened from these residential properties by the lift tower and the fifth storey on the north eastern part of the building with is stepped up in height. The terrace area is set back from the building parapet by minimum 1.5 metres. It is not considered that the proposed outside terrace could result in disturbance to the neighbouring uses however details of how the area would be managed could be set out in the conditioned management plan.

5.41 The NPPF states that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. The proximity of the proposed building is not considered to unduly impact on the use of the nearby commercial and residential sites. The agent has confirmed that the proposed development would be managed, and a condition could be imposed that requires a management plan to be submitted to and approved by the Local Planning Authority. The plan could address issues such as: refuse collection; change over days, security measures, maintenance, student liaison and community involvement etc.

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

5.43 There are differences between student accommodation and general housing in that students live in student accommodation only for a short fixed period of time, common space is provided. It is also the case that student occupants will use internal spaces differently and, in some instances, more intensely for a wider range of purposes (i.e. bedrooms acting as multi-purpose spaces for study and relaxation), than would be expected in general housing and this needs to be taken into account when considering the overall standard of amenity provided. Each bedroom/studio is

single aspect. The rooms are considered to be of an adequate size. The cluster flats all have reasonably sized shared kitchen amenity space. A general communal area for all occupants has been provided on the fifth storey. In addition a roof terrace has been provided.

5.44 A sunlight and daylight assessment has been submitted in support of the application. The development and impact have been assessed using the criteria set out in the Building Research Establishment's (BRE) 'Site layout planning for daylight and sunlight – a guide to good practice'. The BRE guidance itself states that its guidelines are not mandatory, and should not be seen as an instrument of planning policy. The majority of rooms are passing the average daylight factor criteria. However nine studio apartments and the top floor general communal area failed when considered under the average daylighting factor for kitchens. However when considered against the average daylighting factor for Living Room, dining room, study 3 studio flats failed. When considered against the average daylighting factor for bedrooms they all passed. Full height windows are proposed to each bedroom/studio/communal area. The BRE guidance states that in a historic city centre, or in an area of modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the heights and proportions of existing buildings.

5.45 Public Protection have confirmed they do not have concerns regarding air quality. A noise assessment has been submitted which sets out the noise environment is dominated by road traffic. The Public Protection Officer has confirmed that they are content with the findings of the report and the requirement for a scheme of noise insulation works of enhanced glazing and ventilation. This can be sought via condition.

HIGHWAYS

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

5.47 The site is considered to be within a sustainable location close to York St Johns and close to public transport for other educational establishments the site is

close to local amenities. The surrounding streets are controlled by parking restrictions.

5.48 The site is considered to be in a sustainable location. Two vehicle disability parking spaces have been proposed. The surrounding streets have parking restrictions. Covered and secure cycle parking for 81 cycles can be provided within the cycle store. Access to the cycle store would be from Mansfield Street. The agent has confirmed that the access to vehicle /cycle access would be controlled and there would be no public access to this area.

5.49 The Highway Network Management team advise that whilst there may be a temptation to load/unload on Foss Islands Road when servicing this site; it is likely to be of less impact and frequency to safety/network; due to the location and the number of student units involved. The Highway Network Management team advise that most drivers would choose to exit Foss Islands Road on to Mansfield Street so as not to cause obstruction on Foss Islands Road. Should drop offs become an issue; mitigation in the form of a loading ban could be applied to the Foss Islands Road carriageway in the vicinity of the site. This could be reviewed in conjunction with the review of parking restrictions.

5.50 The proposals are considered to be acceptable in terms of principle of development and their impact on the surrounding highway network. It is considered necessary to condition the submission of a travel plan. The Highway Network Management team have requested that contribution of £10,000 towards the City of York Travel Plan support, together with a review of parking restrictions on Mansfield Street and Foss Islands Road and associated Traffic Regulation Order totalling £6,000. These obligations are consider to comply with Regulation 112 of the Community Infrastructure Levy Regulations 2010 (CIL).

BIODIVERSITY

5.51 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities to have regard, in the exercise of the functions, to the purpose of conserving biodiversity. Paragraph 174 of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by, inter alia, minimising impacts on and providing net gains for biodiversity. Draft Local Plan policies reflect this advice in relation to trees, protected species and habitats. The NPPF advises that if significant harm to biodiversity from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

5.52 the tree planting proposed along the south west elevation of the building together with the 'green' roof demonstrate biodiversity net gain, in accordance with Paragraph 180 of the NPPF: while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where

this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate. The trees, planting and green roof can be sought/retained by condition

SUSTAINABILITY

5.53 Policy CC1 'Renewable and Low Carbon Energy Generation and Storage' states that new buildings must achieve a reasonable reduction in carbon emissions of at least 28% unless it can be demonstrated that this is not viable. The submitted sustainability report sets out that a 28% saving in Co2 emissions can be achieved. With regards to Policy CC2 'Sustainable Design and Construction of New Development' the agent has agreed to the implementation of condition requiring the submission of these details relating Part L1A and water consumption prior to the start of construction. The submitted plans indicate PV panels on the roof of the building.

DRAINAGE

5.54 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. Local Plan Policy GP15a (Development and Flood Risk) and Policy ENV5 Sustainable Drainage) of the 2018 Draft Plan advise discharge from new developments should not exceed the capacity of receptors and water run-off should, in relation to existing runoff rates, be reduced. There would be no increase in impermeable areas, it is considered that the details of the means of the surface water drainage can be sought via condition.

SAFE ENVIRONMENTS

5.55 Section 17 of the Crime and Disorder Act 1998 requires all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and do all they reasonably can to prevent crime and disorder". Paragraphs 92 and 130 of the NPPF require developments should create safe places and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. The requirements for secure external doors and opening restrictors on first floor and CCTV can be achieved by condition.

OPEN SPACE CONTRIBUTION

5.56 Public Realm has confirmed that an open space contribution is required in this case. This can be secured through a Section 106 agreement. The contribution of £12,231 would be used to improve the amenity open space within the nearby St Nicholas Fields. This obligation is considered to comply with CIL Regulation 122

6.0 CONCLUSION

6.1 The application site is in a sustainable location. The site is within Flood Zone 3 would not increase flood risk elsewhere. The proposal meets the requirements of the NPPF sequential and exception tests (as set out above) and is acceptable when considered against national planning policy on flood risk, the sequential and exceptions tests are passed. The proposed development is not considered to result in harm to residential amenity or highway safety, nor would the proposal have an unacceptable impact on ecology on or adjacent to the site.

6.2 The loss of the Audbury house is considered to result in harm to the setting of the Central Historic Core Conservation Area. 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. Where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal. The proposal would provide student accommodation where there is need for university accommodation within the city, and would benefit the wider housing supply. On balance it is considered that the public benefits of the scheme outweighs the aforementioned specified harm.

7.0 RECOMMENDATION:

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

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

Open Space

£12,231 improve the amenity open space within the nearby St Nicholas Fields.

Travel Plan

£10,000 towards the City of York Travel Plan support

Traffic Regulation Order

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

- b. The conditions set out below

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

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

1 TIME2 Development start within three years

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

Drawing Number 19093-S100 Revision A 'Site Plan' received 07 July 2020;

Drawing Number 19093-P300 Revision E 'Site Plan Proposed' received 06 December 2021;

Drawing Number 19093-P301 Revision F 'Block Plan Proposed' received 06 December 2021;

Drawing Number 19093-P310 Revision K 'Lower Ground & Ground Floor Proposed' received 02 December 2021;

Drawing Number 19093-P311 Revision B 'First & Second Floor Proposed' received 03 December 2021;

Drawing Number 19093-312 Revision E 'Third & Fourth Floor Proposed' received 25 October 2021;

Drawing Number 19093-P420 Revision A 'North & East Elevations' received 02 December 2021;

Drawing Number 19093-P421 Revision B 'West & South Elevations' received 02 December 2021;

Drawing Number 19093-P422 'Street Scene Elevations Proposed' received 25 October 2021;

Drawing Number 19093-P370 'Proposed Green Roof Detail' received 07 June 2021;

Drawing Number 19093-P435 'Hit & Miss Brickwork' received 02 December 2021;

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

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. The development shall be carried out using the approved materials.

A 1 metre by 1 metre sample panel of the brickwork to be used on this building shall be erected on the site and shall illustrate the colour, coursing, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

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

4 Prior to development (excluding demolition), 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 must be 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:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o 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'.

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 Prior to development (excluding 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 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.

6 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.

7 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.

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

Reason: To protect the amenities of adjacent residents.

9 Prior to the occupation of the development 1 Electric Vehicle Recharging Point(s) shall be provided in a position and to a specification to be submitted to and approved in writing by the Local Planning Authority. The charging point(s) shall be located within the vehicle parking area. The electric vehicle recharging point shall be retained for the lifetime of the development. Within 3 months of the first occupation of the development, the owner will submit to the Council for approval in writing an Electric Vehicle Recharging Point Management Plan that will detail the maintenance, servicing and access arrangements for each Electric Vehicle

Recharging Point for a period of 10 years.

Reason: To promote and facilitate the uptake of electric vehicles on the site in line with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework (NPPF).

Notes

- o Electric Vehicle Charging Points should incorporate a suitably rated 32A 'IEC 62196' electrical socket to allow 'Mode 3' charging of an electric vehicle.
- o Each Electric Vehicle Charge Points should include sufficient cabling and groundwork to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point of the same specification, should demand require this in this future.
- o Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles. Parking bay marking and signage should reflect this.
- o All electrical circuits/installations shall comply with the electrical requirements in force at the time of installation

10 The sound attenuation measures detailed in the noise assessment [ENS Noise Impact Assessment reference NIA/9119/20/9107/V2/Foss Island dated 24/6/20] shall be fully implemented prior to the first occupation of the development and these measures shall be retained thereafter

Reason: To protect the amenity of people living in the new property from externally generated noise and in accordance with the National Planning Policy Framework.

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

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

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

12 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

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

- measures to prevent the egress of mud and other detritus onto the adjacent public highway;
- a dilapidation survey jointly undertaken with the local highway authority;
- the routing for construction traffic that will be promoted;
- the safe routing of pedestrians around the site;
- the extent and programming of any road /footway closures;
- a scheme for signing the promoted construction traffic routing;
- where contractors will park; and
- where materials will be stored within the site.

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

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

14 The development hereby approved shall accord with a Student Arrivals Traffic Management Plan commencing upon occupation of any part of the Development in line with measures outlined in Project no: 20746-003 CAR PARK MANAGEMENT PLAN Final issue dated October 2020. Prior to the occupation of the site, details shall be agreed in writing with the Local Planning Authority of arrangements to

manage student arrivals and departures on the adjacent public highway at term change-over times. The agreed Student Arrivals Traffic Management Plan shall be implemented upon occupation of any part of the development and shall be thereafter maintained to the satisfaction of the Local Planning authority for the life time of the development unless alternative arrangements are first agreed in writing with the Local Planning Authority.

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

15 No part of the development shall be occupied until a Full Travel Plan has been submitted and approved in writing by the LPA. The Travel Plan should be developed and implemented in line with local and national guidelines and the Interim Travel Plan Final Issue Project no: 20746-002 Dated October 2021. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

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

INFORMATIVE: The travel plan shall contain; information on how private car ownership will be prevented, measures to prevent occupants parking on the adjacent streets

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

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

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

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

17 The amenities for the occupants of the development (communal living areas, roof terrace, laundry) shall be provided in accordance with the approved floor plans

prior to first occupation of the development and shall be retained for the lifetime of the development.

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

18 Prior to first occupation of the development hereby permitted a management and occupation plan for the site shall be submitted to the Local Planning Authority for approval. The development shall operate in accordance with the approved management and occupation plan at all times. The plan shall detail the following -

- Single occupancy only for bedrooms in the cluster flats and studio rooms
- Management of the outside amenity space in the interests of avoiding noise disturbance.
- Waste management including arrangements for placing bins for collection.
- Arrangements for management of student arrivals and departures at the beginning and end of term. To ensure that private car travel does not have an adverse effect on the highway network.
- Information and advice to occupants about noise and consideration to neighbours. student liaison and community involvement.
- Property maintenance
- Security measures,
- Dealing with anti-social behaviour,

Reason: In the interests of amenity and highway safety.

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

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

20 Prior to occupation the following security measures shall be employed at the site:

- fitting the communal entrance door with an electronic door release mechanism. The door should also have a self-closing mechanism with a lock which engages automatically.
- An access control strategy based upon a single-key principle where a student will have a single access key to the main entrance, the entrance to a cluster and an individual bedroom
- External windows on the ground floor should be fitted with opening restrictors
- CCTV system is to be installed across the site

Reason: In accordance with sections 8, 9 and 12 of the NPPF; to promote

sustainable travel and to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

21 The development hereby permitted shall achieve 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. Prior to commencement of construction, details of the measures undertaken to secure compliance with this condition shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

22 No door shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

23 Within three months of commencement of development a detailed landscape scheme shall be submitted and approved in writing by the Local Planning Authority. This shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants including planting proposals for the green roof(s). 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 10 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: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the entire site.

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

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

25 The cycle parking storage and refuse bin storage shall be provided in accordance with the approved plans (Drawing Number 19093-P310 Revision - Lower Ground & Ground Floor Proposed) prior to first occupation. The facilities shall be retained for such use at all times.

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

26 The development shall be carried out in accordance with the submitted flood risk assessment (by Fortem dated 7th September 2021 Rev V7) and the following mitigation measures;

- i) Finished floor levels for habitable rooms shall be set no lower than 12.75 metres above Ordnance Datum (AOD), communal areas (excluding reception) are to be no lower than 11.48m AOD. Note, the plant room shall be set no lower than 11.02m AOD.
- ii) The ground floor of the building is to be designed and built so as to allow the free ingress and egress of flood flows, such that they are not displaced onto others.
- iii) the flood resilience measures detailed in the FRA in section 2.4 are to be incorporated into the development.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development

Reasons: To reduce the risk of flooding to the proposed development and future occupants. To prevent flooding elsewhere by ensuring that flood water is not displaced onto others. To reduce the impact of flooding to the proposed development and future occupants

27 Following demolition but prior to construction of the building details of the means of flood compensation measures shall be submitted to and approved by the Local Planning Authority. The development shall be constructed in accordance with these approved details.

The information shall include site specific details of:

- i) The proposed hit and miss brickwork and galvanised steel removable screens shown on drawing 1095-008A - Proposed Lower Ground Floor (Flood Water GA), and

ii) A detailed management and maintenance plan for the compensatory storage area.

Reason: to ensure the free access and egress of flood water and that the full volume remains available and it does not become blocked by silt at all times.

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

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) the flow control device manhole, means by which the surface water discharge rate shall be restricted to a maximum rate of 4.3 (four point three) litres per second,

ii) the attenuation tank, 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,

iii) a detailed foul and surface water drainage plan showing the existing and proposed foul and surface water drainage invert and cover levels,

iv) full drainage calculations to include the level information requested in item iii), and

v) the future management and maintenance of the proposed drainage scheme.

The development shall be constructed in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site.

30 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: So that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal.

31 The building hereby approved shall not be occupied until the areas as shown on the approved plan 19093-P310 Rev K (Lower Ground & Ground Floor Proposed), for parking and manoeuvring of vehicles have been constructed and laid out in accordance with these approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety

32 Prior to the first use of the student accommodation details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall detail the locations, heights, angle, design and lux of all external lighting. The development shall be carried out in accordance with the approved lighting scheme.

Any subsequent revisions or alterations to the lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved lighting scheme.

The external illumination to the roof top terrace shall be switched off when it is not in use.

Reason: So as to achieve a visually cohesive appearance. To ensure that the proposed development is not unduly prominent.

33 Prior to development (excluding demolition) the details of the openings/apertures to the compensatory flood storage area shall be submitted to and agreed in writing by the Local Planning Authority. The works shall then be completed in accordance with these approved details.

Reason: In the interest of visual amenity. To ensure that the apertures to the compensatory flood storage area are well integrated into the design. The information is sought prior to commencement of construction work to ensure that it is initiated at an appropriate point in the development procedure.

34 Prior to the first use of the building details of the roller shutter doors shall be submitted to and approved in writing by the Local Planning Authority. The roller shutter door shall be constructed in accordance with these approved details.

Reason: To achieve a visually cohesive appearance. To ensure that the door allows views into and through the site

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

details.

- (i) Balustrades / glazed screens to roof top terrace
- (ii) Details/section of raised planter/planting areas, to front/South west/Foss Islands Road elevation

The development shall be constructed in accordance with these approved details

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of clarity and the external appearance of the development, and in the interests of the character and appearance of the area. The information is sought prior to commencement to ensure that details are approved at an appropriate point in the development process.

36 The green roof shall be constructed prior to the first use of the student accommodation building.

Reason to ensure that the green roof is undertaken and to ensure a biodiversity net gain

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:

- Requested revised plans and information
- Use of conditions

2. 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.

3. Consent for highway works

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

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- Works in the highway (Section 171) - streetworks@york.gov.uk
- Vehicle crossing (Section 184) - streetworks@york.gov.uk
- Temporary highway closure (Road Traffic Regulation Act 1984, Section 14) highway.regulation@york.gov.uk

4. LEGAL AGREEMENT

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development

Contact details:

Case Officer: Victoria Bell

Tel No: 01904 551347