

## COMMITTEE REPORT

**Date:** 23<sup>rd</sup> January 2014      **Ward:** Heworth  
**Team:** Major and      **Parish:** Heworth Planning Panel  
Commercial Team

**Reference:** 13/03522/FULM  
**Application at:** Proposed Student Accommodation Hallfield Road York  
**For:** Erection of student accommodation in 2no. four storey buildings providing 326 bed spaces with associated car and cycle parking, access and landscaping following demolition of existing buildings  
**By:** Maple Grove Developments  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 5 February 2014  
**Recommendation:** Approve subject to Section 106 Agreement

### 1.0 PROPOSAL

1.1 The application is for 2 no. four storey blocks of student accommodation providing 326 bedrooms, together with a cycle block and 10 car parking spaces and associated landscaping. Block A would be sited parallel to the northern boundary within the triangular site, and would contain 108 student bed spaces; the reception would be in this building. Block B would be a U-shaped building and would contain 218 bed spaces. The accommodation would be 27 studio flats, while the other accommodation would be 3, 4, 5, 6, and 7 bed clusters. Block A would be of red brick, Block B would be of red brick on the external elevations, but the elevations facing into the courtyard area would be a lighter coloured brick. Block A and B would each have 2 no. sections of bronze coloured metal panels spanning the full height, on the elevations facing onto the enclosed courtyard/seating area. Each window opening would be recessed and have a metal panel to the side and below the window a glazed spandrel panel. In addition there would be feature windows to break up the elevations, with projecting bronze coloured metal surrounds. Block A would be 67 metres in length and a maximum 16.7 metres in depth. The flat roofed building would be 12.7 metres to the roof parapet, the elevation of Block B would vary between 12.7 and 13.8metres in height to take account of change in land levels. It is proposed to increase the land levels across the site up to a maximum of 2 metres.

1.2 The site is currently hardstanding and one and two storey brick buildings, the site is set down in height from Hallfield Road, with a landscaped area between the road and the site. The site is bounded by Hallfield Road to the east with residential properties to the east of the road. To the north and west are light industrial and retail uses.

1.3 The site is within Flood Zone 2 and 3a.

1.4 The proposed development does not comprise 'Schedule 1' development where an Environmental Impact Assessment is required. 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 2011. 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 and the proposed development would not result in significant environmental effects and therefore an Environmental Impact Assessment is not required.

1.5 The applicants undertook community involvement prior to the application being submitted. There was a mail drop to the nearby business and local residents detailing the application and alerting them to a web site providing details of the application. In addition there was a drop in session at Ridings House on 11 September 2013; 10 people attended. Seven responses were received. The feedback included the following points: concern over the height of the buildings and its relationship to the adjacent properties; potential to compromise views of the Minister from properties on Hallfield Road; impact on local services including local shops; impact on noise levels especially during night time; the car free scheme and the impact to on street car parking; fear of unsocial behaviour; suitability of site for student accommodation as opposed to residential development. Ward Members were invited to the exhibition.

1.6 Part of the site is owned by CYC.

## RELEVANT SITE HISTORY

1.7 12/02486/FUL - Change of use of land to car park - Approved

1.8 05/02275/FUL - Siting of a single storey portakabin and use of land for the purpose of storage, distribution and retail sales of L.P gas (retrospective) - Approved

## 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

Floodzone 2 GMS Constraints: Flood zone 2

Hazardous Premises GMS Constraints: Transco PLC COMPLETE

2.2 Policies:

Application Reference Number: 13/03522/FULM

Item No: 4a

CYSP6 Location strategy  
CYGP1 Design  
CYGP3 Planning against crime  
CYGP4A Sustainability  
CYGP6 Contaminated land  
CYGP9 Landscaping  
CGP15A Development and Flood Risk  
CYNE6 Species protected by law  
CYNE7 Habitat protection and creation  
CYT4 Cycle parking standards  
CYT7C Access to Public Transport  
CYT13A Travel Plans and Contributions  
CYE3B Existing and Proposed Employment Sites  
CYED10 Student Housing  
CYL1C Provision of New Open Space in Development

### **3.0 CONSULTATIONS**

#### INTERNAL CONSULTATIONS

#### HIGHWAY NETWORK MANAGEMENT - No objections

3.1 do not raise concerns in terms of principle of development nor impact on the surrounding highway network

3.2 The proposed access is to be stopped up and the kerb, shared ped/cycle route and landscaping made good. A new vehicular access is to be formed approximately 25m East of the existing access. The access will take the form of a dropped vehicular crossing and priority to pedestrians and cyclists using the adjacent shared route will be maintained.

3.3 The peak demand for car parking will be generated during the term time start/end periods as students arrive and leave. In order to assist with the management of car parking during these periods informal areas for temporary car parking is available within the site. A management plan is also to be implemented which will ensure that the units are occupied/vacated in a staggered approach. Such an approach has been previously agreed by the authority at other adjacent sites.

3.4 Surrounding streets are protected by various waiting restrictions, which will reduce the potential for indiscriminate parking.

3.5 Covered and secure cycle parking (163 spaces) has been provided within a central store on the site. It has been confirmed by the applicant that this facility will

be covered by a CCTV system for security. Officers have sought to secure cycle parking in smaller blocks integral to the building footprint. The applicant has stated

that this is not possible to achieve. Cycle parking provision is at 50% of the CYC Annex E maximum standards, which compares favourably with recently approved schemes at Lawrence Street, Navigation Road and Heslington East where 50% provision has been approved. This is considered to be a realistic level of provision however the supporting Travel Plan indicates that there is scope for further cycle parking to be provided within the site if demonstrated to be necessary in the future. 14 visitor/casual caller cycle spaces are also proposed in addition to this.

3.6 The site is located close to the city centre and has bus stops within a short distance of the site.

3.7 Landscaping plan or site plan should be revised. Where the existing site access is to be stopped up there is a large area behind the footway/cycleway. The area is shown as 'to be made good'; this area needs to be soft landscaped. If the area is just hardsurfaced or left as is, people will start to park cars on it. Planting in this area will improve the streetscene.

3.8 Request conditions HWAY10, 17, 18, 19, and 21, method of works statement, and travel plan

URBAN DESIGN - No comments

ECOLOGY OFFICER

3.9 Requires a bat survey carried out to assess whether any of the buildings offer any suitable bat roosting habitat, and to see if there is any evidence of use. Can be undertaken as a scoping survey

3.10 Response regarding submitted scoping assessment will be reported at committee

FLOOD RISK MANAGEMENT TEAM

3.11 The submitted FRA does not comply with the National Planning Policy Framework's technical guide. As such, it does not adequately assess the development's flood risks. The FRA fails to: Take the impacts of climate change into account; Consider the effect of a range of flooding events including extreme events on people and property; and clearly demonstrate that possible future flood flows will not be pushed onto others / that the proposed development will not increase or exacerbate flood risk to others. (Additional flood risk information recently submitted; awaiting formal response).

3.12 With regards to foul and surface water disposal the FRMT has no objections to the development in principle, request condition

## ENVIRONMENTAL PROTECTION UNIT - No objections

3.13 The noise assessment indicated that internal noise levels would be able to comply with the requirements of BS8233, request condition to ensure levels are achieved

3.14 Within the noise report no details are provided on the anticipated noise levels on plant as no such details are known as yet. Request details via condition.

3.15 Request condition for Construction Environmental Management Plan and hours of construction to protect the amenity of the nearby residents

3.16 The applicant has conducted a Phase 1 Desk Top Study and identified that the development site has previously been used for a water works depot and a rope manufacturer. Currently the site is used for activities including a construction company and a garage mechanics. There is also evidence of fuel pumps and underground storage tanks and oil tanks present on the site. These activities may have given rise to land contamination, so appropriate action must be taken to ensure that the site is safe and suitable for its proposed use. As the report suggests, soil sampling and gas monitoring should be undertaken. If contamination is found, please note that suitable remedial action will be required. Require further information via condition

## COMMUNITIES AND CULTURE

3.17 Open space payment should be based on the standard rate for each bedroom (£141). This is the standard approach, accepted by other developers as the way off site payments are calculated.

## PLANNING AND ENVIRONMENTAL MANAGEMENT

3.18 The need for student accommodation has been established by the applicant. The need for higher education establishments to provide student accommodation is identified in Development Control Local Plan (April 2005). This is carried through to the Local Plan Preferred Options (June 2013). Loss of employment land, sustainability, and design should be considered.

3.19 Should planning permission be forthcoming, consider that a condition be attached to ensure the development remains occupied in perpetuity by students only. Without such a condition, the situation may arise that non students occupy the

properties and as such, it would be necessary to negotiate the provision of affordable housing on the site.

## ECONOMIC DEVELOPMENT UNIT - Support application

3.20 Would be a boost to the area and contribute to the overall economic development of the city

3.21 Supports the Economic Strategy by increase housing stock and supports the economic needs and development of the local universities

3.22 Students are an important part of the private rented market and this puts pressure on the local housing stock where students directly compete with those on low incomes for housing.

3.23 EDU recognises the need to create and safeguard employment land but accept this site as proven difficult and unattractive to investors, also have regard to paragraph 22 of the NPPF

## EXTERNAL CONSULTATIONS/REPRESENTATIONS

### ENVIRONMENT AGENCY

3.24 States the submitted FRA does not comply with the National Planning Policy Framework's technical guide (paragraph 9). As such, it does not adequately assess the development's flood risks. The FRA fails to: take the impacts of climate change into account; Consider the effect of a range of flooding events including extreme events on people and property; Clearly demonstrate that possible future flood flows will not be pushed onto others / that the proposed development will not increase or exacerbate flood risk to others.

3.25 Have verbally agreed to the additional flood risk information submitted 8<sup>th</sup> January 2014, awaiting formal response

### POLICE ARCHITECTURAL LIAISON OFFICER

3.26 Not provided details of security fencing and gates, other boundaries appear to be formed by landscaping only, the development should be contained within its own secure grounds

3.27 Welcome the secure enclosed cycle store, cycle racks for securing bikes are inappropriate, by virtue of the design result in harm to cycles

3.28 Would like the developer to design the following into the development: perimeter fencing/gate specifications; access control; the security of windows and doors (internal/external); CCTV to cover and monitor external spaces, main pedestrian vehicle entrance, building, entrances, lifts and cycle store; 24hr warden cover on the site; exterior lighting; alarming of emergency exit doors; management

plan to cover security measures, anti-social behaviour, guest procedures, maintenance, fire safety; incorporation of small section on security into Design and Access Statement including liaison with the ALO; BREEAM/Secured by Design.

3.29 In respect of management, crime prevention and the amenity of local residents, an Operational Management Statement in support should be made a requirement and condition of any planning consent. This statement should clearly detail how management and supervision of both the accommodation and its occupants are to be addressed.

#### HEWORTH PLANNING PANEL - Object

3.30 States this is an area of light industry and employment, and this area could be still used for employment. Much employment land in the local area has been lost to housing: Hungate, Leetham's Mill, Rowntree Wharf, Gray's Newsagents, Reynards Bus Depot etc. Featureless blocks are proposed and will result in an eyesore, request that the applicants view the development Reynard & Gray Student sites to see what can be done to enhance the landscape.

#### 7 OTHER REPRESENTATIONS

3.31 The following points are made:-

- Proposed buildings too tall, should be reduced by a storey, would result in a loss of light to Windsor Court flats and the Hallfield Road flats and loss of view and outlook of the Minister and the surrounding area, resulting in an impact on value of property
- Would bring regeneration to the area
- Concerned regarding the impact to the peace, cleanliness, and crime rate of the area with the introduction of student accommodation. Fear of crime theft, littering, vandalism, drugs and drunken behaviour. Concerned regarding the impact to the existing surrounding community, how 326 students can be of benefit to a community filled with young families
- Student accommodation is not in keeping with the surrounding area, used for retail, light industry, and residential accommodation for families and young professionals. Prefer it to be developed to enhance employment opportunities
- for the city, but if it must be a residential development it should be in keeping with the existing residential accommodation. A better use of the land would be to build more affordable housing because that is required in the area, and more in keeping with the current regeneration of the area

- Site not convenient for University of York, which is the largest university in the city, no direct bus route and a 30 minute walk to the campus. The developers do not have the potential tenant base they expect
- The size of the planned buildings are too big for this area,
- Impact on outlook
- Currently a child friendly area, recent housing development nearby have created a family friendly environment if development build will have to move
- Concerned regarding the small number of car parking spaces and where additional car will be parked
- Have used Windsor Court (the tallest building) as a comparison rather than the other dwellings in the area
- Decrease in importance of local residents; If goes ahead then Hallfield Road will be overcrowded with students. Having more students in the area would mean less local residents wishing to live on Hallfield Road.
- Agents had advised the objector that student accommodation is no different than people living in flats, but they could not build housing on the site due to the close proximity of the industrial area around it
- Request enforceable steps to prevent late night noise as residents return to the proposed development, and no increase in littering
- Accept there is a requirement for purpose built student accommodation but this is not an appropriate application e.g. the accommodation on Navigation Road and the more recent site on Hull Road, these have been built in areas where any potential impact on nearby residential properties is at a minimum. The proposed site on Hallfield Road is the opposite.
- Over past 10 years the area has been slowly emerging from a light industrial area to a residential part of the city providing much needed private and affordable family accommodation. It would be imprudent to then stop that progression of residential building in the area and in effect go backwards by building accommodation for students. Would be creating an enormous space to inhabit a transitory population, rather than using this much needed and valued space near the centre of the city for more affordable and market rate housing which should be a higher priority for the Council.
- Massing concerns



- Aesthetically unpleasant
- The former gas works site that is very close by is a more appropriate site. Sites with easy access to both Universities but sites where there would be less impact on nearby residential properties and the lives of those inhabiting them.
- Expect the council to provide sufficient street markings and parking patrols to prevent the area becoming clogged with parked cars, especially in evenings and at weekends. The parking provided is insufficient for the 326 residents.

## **4.0 APPRAISAL**

### KEY ISSUES

- Development in FZ2 and FZ3
- The principle of development
- Increase in land levels
- Design and visual appearance
- Landscaping and amenity areas
- Neighbouring amenity
- Highways
- Drainage
- Sustainability
- Open space
- Ecology

### PLANNING POLICY

4.1 The National Planning Policy Framework (NPPF) indicates a strong presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social, and environmental. These roles should not be undertaken in isolation, because they are mutually dependent. The core principles within the NPPF states always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; the use of previously developed land is encouraged.

4.2 The City of York Development Control Local Plan was approved for development control purposes in April 2005. Its policies are material considerations although it is considered that their weight is limited except where in accordance with the NPPF.

### PRINCIPLE OF DEVELOPMENT

4.3 The site is within Flood Zones 2 and 3a, as such the development should pass the sequential test, to pass the sequential test it has to be demonstrated there are no reasonably available sites in lower flood risk areas where the development could be located. There are no other available and developable sites of this scale within the central part of the city, which is the preferred location in terms of being accessible to both universities and ready to develop immediately. As such the proposal adequately passes the sequential test.

4.4 In addition the site must pass the Exception Test as approximately half of the site is within Flood Zone 3. In accordance with the National Planning Policy Framework in order for the proposals to be acceptable it must be demonstrated the development will be safe for its lifetime and not increase flood risk elsewhere (paragraphs 102 & 103) and that the proposed development would be safe from flooding. The proposed ground floor levels are set above the level recommended by the Environment Agency: 11.54 AOD which is above the 1 in 100 year flood level. At the time of writing the report the agent had submitted additional information to demonstrate that the development takes into account the impacts of climate change, consider the effect of a range of flooding events including extreme events on people and property; and that possible future flood flows will not be pushed onto others / that the proposed development will not increase or exacerbate flood risk to others. The Environment Agency has verbally confirmed that they considered the additional information to be acceptable. As such the proposed development is considered to fulfil the Exception Test and comply with paragraph 102 of the NPPF.

4.5 The development consists of 2 buildings providing 326 units of student accommodation on 0.66 hectares of land. The site is currently hardstanding with single and two storey brick buildings. The aim of Local Plan Policy E3b is to retain employment sites in employment uses. The site is a brownfield site that has been previously used for industrial purposes; it is not allocated as a development site in the proposals maps of the Local Plan. However within the emerging Local Plan it is identified for out of centre retail. Part of the site has been used for the storage of cars and part is being used as a car wash, the rest of the site is currently unused. The agent has submitted information demonstrating that the council owned part of the site has been marketed on a short to medium term basis for storage; however there has been little interest. Few details have been submitted for the marketing of the rest of the site or supply of employment land elsewhere in the area. The site is currently in the ownership of three parties, and has been underused/vacant for a

considerable period. The NPPF makes clear that the long term protection of sites for employment use when there is no reasonable prospect of a sites being used for that purpose should be avoided.

4.6 Local Plan Policy ED10 relates to student housing. The same approach is repeated in Policy ACHM5 of the Local Plan Preferred Options (2003). The policy advises that proposals for off-campus residential accommodation will need to meet the following criteria -

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

4.7 There are around 20,000 students attending full time courses in York. By October 2013, there will be around 8,369 bed spaces in dedicated student accommodation (provided by the higher education establishments and the private sector). Whilst a certain percentage of students will at some point want to be in private accommodation, rather than managed residencies, there is clearly a demand in the market for the type of accommodation proposed. The developers are confident the proposals are viable and this view is not challenged. If in the future demand were to change, the building(s) could easily be converted or adapted to provide flats. A condition would require occupancy only by students engaged in full-time or part-time further or higher education in the city or course or conference delegates, and as such it is clear that an application would be needed for C3 housing, potentially triggering the need for affordable housing, open space and education contributions.

4.8 Both universities are easily accessible from the application site. Design, and car parking is discussed elsewhere as is the impact on surrounding occupants as a consequence of the proposed building.

4.9 The proposed development would bring into use a long-term vacant/underused site, with the potential for the regeneration of the surrounding area.

## DESIGN AND VISUAL APPEARANCE

4.10 NPPF advises that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. In terms of housing design and layout the NPPF requires development is safe, accessible, fit for purpose, responds to local character

and context and/or is of innovative design. Local Plan Policy GP1 refers to design, for all types of development. It states that development proposals will be expected to, respect or enhance the local environment. The proposals reasonably comply with these policy requirements.

4.11 The design of the accommodation is relatively simple in appearance and the elevations facing out of the site have few visual breaks. The elevations show each window would have feature bronze coloured metal cladding to the side and glazed spandrel panels underneath; the intention is that the windows will be recessed which

will add an element of depth and visual interest to the elevations. It is considered prudent to condition further details of the windows to ensure that the windows are sufficiently recessed to create the appearance that is proposed in the Design and Access Statement. Together with the feature windows with a projecting metal surround, and the smaller windows on the upper floor providing a different articulation, these design elements are considered to provide an appropriate level of visual interest to the exterior. There would be glimpsed views of the north elevation of Block A from Layerthorpe and Redness Street. Unlike the other elevations there is no variation in the depth, and so it is considered that soft landscaping in the form of a reasonable number of trees at a certain height would soften the appearance.

4.12 The design and appearance of the housing and apartments to the east of Hallfield Road reflect the period of their construction, as does the design of the proposed accommodation. The quality of the architecture to the west of Hallfield Road is utilitarian and the proposed design is considered to be a positive addition in its context. The majority of the buildings on this side of the Hallfield Road and on Redness Street are low level and the proposed building would be taller than these buildings. Whilst it would be prominent it is not considered to be unduly so. The west/side elevation of Block A narrows towards Redness Street. It would still be relatively prominent within the street; however by virtue of the context of the surrounding building it is not considered to result in visual harm to the character and appearance of this street. Any re-development of the surrounding area is likely to be of taller stature than existing, and whilst the proposed building would be visible in views over this side of the city walls it would not be prominent in the wider context, and would not result in harm to the setting of the Central Historic Core Conservation Area or the nearby listed Chimney adjacent to the Morrison's supermarket. The proposed building is of a lower height than the flatted accommodation to the north east. Despite the set back from the road, the proposed development will help to create a sense of enclosure to Hallfield Road by reflecting the scale of the existing flatted accommodation on Hallfield Road.

4.13 A scheme indicating soft and hard landscaping has been submitted. It is considered that there could be improvements, for example the old entrance to the site is shown to be blocked and made good, rather than showing soft landscaping which would be beneficial in this location and would also remove the potential for

cars to park here if it was hardstanding. Heavy standard trees would be expected to the Hallfield Road boundary/frontage, in addition to the specification of the type of trees to be planted in each location. It is considered that the landscaping scheme be conditioned.

4.14 There are references on some of the plans to security fencing and security gates to the boundary, but no details have been submitted regarding its appearance, and therefore it is considered prudent to condition further details.

4.15 The success of the development will be dependent on the choice of materials, the details of the windows and feature cladding, and a substantial landscaping scheme. As such it is considered prudent to condition these details.

## AMENITY OF SURROUNDING OCCUPANTS

4.16 The National Planning Policy Framework asks that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

4.17 Local Plan policy GP1 'Design' requires that proposals have no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures. Policy ED10: Student Housing advises applications for off-campus accommodation must not be detrimental to the amenity of nearby residents.

4.18 Officers consider that the amenity concerns about the development can be split in to two main areas; the first being the impact of the structures themselves and 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.

4.19 The separation distance between the Block A and the 5 storey Windsor Court is 27 metres. CABE: By Design guidance , recommends that appropriate separation distances for development in urban locations such as this are 4-storey 18 to 30 metres and 5-storey between 27 and 36 metres, depending on the location. In this case it is considered to be adequate to maintain privacy and outlook from the existing dwellings. The separation distances between Block B and the closest house on Hallfield Road (5 St Hilda's Terrace) would be 36 metres and this dwelling would have an oblique view of the proposed development as the rear elevation faces south west. The closest house facing the proposed development (47 Hallfield Road) would have a separation distance of 45.8 metres from Block B. These distances are considered to be sufficient to maintain privacy and outlook.

4.20 The proposed building would cause an element of overshadowing during the afternoon in the winter months and autumn evenings to the St Hilda's Terrace to the east. However the limited extent of overshadowing is not considered to result in undue harm to residential amenity of the occupants of these buildings to warrant refusal. By virtue of the distance to the neighbouring dwellings to the proposed development including the proposal is not considered to cause an undue loss of light to the nearby dwellings.

4.21 The proposed would result is a change of outlook for the dwellings to the east; however it is not considered to result in an undue loss of outlook, the distance between the dwelling and the proposed buildings is considered to be sufficient to remove concerns that the buildings would be overbearing and over-dominant. The

proposed development would result in a loss of a view of the Minister from these dwellings and from Hallfield Road. Any development of this site in all probability would result in the loss of a view to the nearby dwellings. However this view is across private land. The loss of a view over private land from private property is not a planning consideration that would carry sufficient weight against the other considerations set out. There would be loss of views of the Minister from Hallfield Road however it is not considered to be an important viewpoint of the Minister, as set out in Central Historic Core Conservation Area Appraisal.

4.22 No details have been submitted regarding the proposed plant machinery, as such it is considered prudent to condition further details to ensure there is no disturbance to the occupants of the nearby dwellings.

4.23 Many of the letters of objection raise concerns about the general behaviour pattern of students which in essence is considered to be one of excess and the impact of having such a large number of students in one location, and the impact to the balance of the existing community. The supporting information states that site would be managed on a 24 hour basis, and condition could be applied that requires a management plan to be submitted to and agreed by the Local Planning Authority and have set out the issues they anticipate to form part of the management of the site. These issues include car parking; change over days, security measures, maintenance, fire safety, and student liaison and community involvement. The introduction of 326 students in this location is not considered to be an undue concentration. The development of the site has the potential to bring regeneration to the surrounding area which would make a positive contribution towards the setting. The increase in population benefits local businesses.

## IMPACT TO OCCUPANTS OF THE PROPOSED DEVELOPMENT

4.24 A noise survey was submitted regarding the surrounding uses and EPU have confirmed that with the provision of double glazing, and acoustic vents to the rooms facing Hallfield Road, the north east, south west, and south facades (as set out in the noise report) would provide internal noise levels that would comply with the requirements and provide a reasonable level of amenity to the occupants.

## SUSTAINABILITY

4.25 Policy GP4a requires issues of sustainability to be considered within planning applications. The site is in reasonable distance to universities without resorting to private transport, and is in close proximity to shops and other amenities. The site is considered to be in a sustainable location with good pedestrian and cycle facilities in the local area. Local facilities and bus stops served by frequent public transport services are within recognised walking distances of the site. A residential Travel Plan Pack detailing sustainable travel information such as bus timetables will be provided to each occupier. The development would also benefit from covered and secure cycle parking.

4.26 In accordance with current local policy a development such as this would be required to provide at least 10% of its energy demand through on site low or zero carbon technologies and the accommodation should achieve at least a BREEAM rating of 'Very Good'. The applicant has discussed BREEAM in their supporting information however has not confirmed that the proposed buildings would obtain a BREEAM rating of 'Very Good', it is considered that this could be sought via condition. Details have been submitted based on reducing carbon emission by 10% rather than generation of 10% of energy demand requirements from on-site renewable technology, as such the details are not considered to meet the requirements of the Interim Planning Statement on Sustainable Design and Construction. However it is considered that these standards can be secured via planning conditions.

## HIGHWAYS

4.27 The National Planning Policy Framework advises that developments should:

- o Provide safe and suitable access to the site for all people and minimise conflicts between traffic and cyclists or pedestrians.
- o Maximise sustainable transport modes and minimise the need to travel.

4.28 Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

4.29 Covered and secure cycle parking (163 spaces) has been provided within a central store on the site. It has been confirmed by the applicant that this facility will be covered by a CCTV system for security. Officers have sought to secure cycle parking in smaller blocks integral to the building footprint. The applicant has stated that this is not possible to achieve. Cycle parking provision is at 50% of the CYC Annex E maximum standards, which compares favourably with recently approved schemes at Lawrence Street, Navigation Road and Heslington East where 50% provision has been approved. This is considered to be a realistic level of provision

however the supporting Travel Plan indicates that there is scope for further cycle parking to be provided within the site if demonstrated to be necessary in the future. In addition 14 visitor/casual caller cycle spaces are also proposed.

4.30 The site is currently served from a kerbed junction onto Hallfield Road. The proposed access is to be stopped up and the kerb, shared pedestrian/cycle route and landscaping made good. A new vehicular access is to be formed approximately 25m east of the existing access. The access will take the form of a dropped vehicular crossing and priority to pedestrians and cyclists using the adjacent shared route will be maintained.

4.31 Ten car spaces are proposed which it is stated will be used by site management staff and disabled residents. The peak demand for car parking will be generated during the term time start/end periods as students arrive and leave. In order to assist with the management of car parking during these periods informal areas for temporary car parking is available within the site. A management plan is also to be implemented which will ensure that the units are occupied/vacated in a staggered approach in order to further minimise and manage the number of cars entering the site. Such an approach has been previously agreed by the authority at other adjacent sites. Surrounding streets are protected by various waiting restrictions, which will reduce the potential for indiscriminate parking. The proposals do not raise concerns in terms of principle of development nor impact on the surrounding highway network.

## DRAINAGE

4.32 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 advises discharge from new development should not exceed the capacity of receptors and water run-off should, in relation to existing run-off rates, be reduced. The Flood Risk Management Team have confirmed that they considered the surface water drainage information submitted acceptable subject to a condition requiring further details.

## OPEN SPACE

4.33 Local Plan policy L1c requires developments to make provision for the open space needs of future occupiers. The type of open space required is dependent upon whether the existing open space in the locality is adequate, and whether it has the capacity to accommodate the proposed development.

4.34 Open space is divided into typologies; amenity open space, play space and sports provision. As the development is for university students, there is no need to contribute toward play space, as there would be no increased demand for such.

Officers are of the opinion that to require contributions towards sports provision would not meet the tests of the NPPF, which requires any contributions to be:

- o necessary to make the development acceptable in planning terms;
- o directly related to the development; and
- o fairly and reasonably related in scale and kind to the development.

4.35 This is on the basis that generally the universities will provide sports facilities for students and the LPA would need to demonstrate that a facility could be either upgraded or provided in the locality. A contribution towards amenity space £45,966 (£141 per student room) has been requested, which is in accordance with the latest Open Space contribution requirements, as established in the Supplementary



Planning Guidance on such and national guidance set out in paragraph 73 of the NPPF. The monies would be spent in the Heworth and the Guildhall ward by virtue of the proximity of the site to the ward boundary. The agent has confirmed that they will pay the open space contribution this can be sought via a S106 agreement.

## LAND CONTAMINATION

4.36 The site by virtue of its previous uses has a number of contamination issues. The applicant has submitted a phase 1 report of the site and the Environmental Protection Unit is satisfied with these initial details. They have requested that additional information regarding the decontamination of the site be sought via conditions.

## ECOLOGY

4.37 The NPPF sets out that the Planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; minimising impacts on biodiversity and providing net gains in biodiversity where possible. A scoping survey for bat activity has been requested, the report was submitted as the report was being written, an update will be provided at the committee meeting.

4.38 Officers suggested a green or a brown roof should be considered given the roof design, however the applicant responded that the proposed landscaping scheme provides an increase in biodiversity and will aid connectivity between Tang Hall Beck and the River Foss. With the landscaping provision proposed the lack of green or brown roof does not present a basis for refusal of the scheme.

## 5.0 CONCLUSION

5.1 The proposed development will regenerate the area and add to the vitality and viability of this part of the city centre. The loss of employment land will not conflict with national planning policy and there is no evidence that the proposed use will have an undue impact considering crime and disorder. The development will be sustainable and will have no undue impact on the amenity of occupants of the neighbouring dwellings.

5.2 Officers recommend approval of the scheme subject to the completion and signing of a Section 106 agreement or Unilateral Obligation covering an open space financial contribution .

**6.0 RECOMMENDATION:** Approve subject to Section 106 Agreement

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

Drawing Number 2012-199/101 Revision J received 09 January 2014  
Drawing Number 2012-199/201 Revision H received 23 December 2013  
Drawing Number 2012-199/202 received 05 November 2013  
Drawing Number 2012-199/204 Revision H received 23 December 2013  
Drawing Number 2012-199/205 Revision H received 23 December 2013  
Drawing Number 2012-199/206 received 05 November 2013  
Drawing Number 2012-199/210 Revision A received 09 January 2014  
Drawing Number 2012-199/211 Revision A received 05 November 2013  
Drawing Number 2012-199/802 Revision E received 09 January 2014  
Drawing Number 2012-199/804 Revision A received 05 November 2013  
Drawing Number 2012-199\_B01/210 Revision A received 23 December 2013  
Drawing Number 2012-199\_B01/211 Revision A received 09 January 2014  
Drawing Number 2012-199\_B02/210 Revision A received 23 December 2013  
Drawing Number 2012-199\_B02/211 Revision A received 23 December 2013  
Drawing Number 2012-199\_B02/212 Revision A received 09 January 2014;

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

2 TIME2 Development start within three years -

3 VISQ8 Samples of exterior materials to be app -

4 The development hereby approved shall only be let to or hired by and occupied by either students engaged in full-time or part-time further or higher education within the City of York administrative boundary or delegates attending courses or conferences within the City.

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

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

shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local Plan and the City of York Council Interim Planning Statement 'Sustainable Design and Construction'.

6 No building work shall take place on the student accommodation until details have been submitted and approved in writing by the Local Planning Authority to demonstrate that the development will provide 10% of its predicted energy requirements from on-site renewable sources. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the local planning authority. The approved schemes shall be implemented before first occupation of the buildings.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction

7 An occupational management plan for the student accommodation shall be submitted and approved in writing by the Local Planning Authority prior to occupation (of the student accommodation). The development shall be occupied in accordance with the approved document at all times.

The occupational management plan shall include details of site operation/management, car parking, change over days, security measures, anti-social behaviour, maintenance, fire safety, and student liaison and community involvement. The plan shall detail how the operators of the student accommodation would be contactable should the need arise.

Reason: In the interests of the amenity of surrounding occupants.

8 Construction work shall not begin until a scheme for protecting the proposed development from external noise has been submitted and approved in writing by the local planning authority; all works which form part of the scheme shall be completed before the development is occupied.

REASON: To protect the amenities of adjacent residents

INFORMATIVE: To achieve compliance with this condition details should be submitted to demonstrate that the internal and external noise levels at the properties comply with the requirements of the World Health Organisation Guidelines on Community Noise and BS8233 as follows with adequate ventilation provided:-

- 1) Day time internal noise level in living rooms of 35 dB(A) Leq 16 hour (07:00 to  
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23:00)

2) Night time internal noise level in bedrooms of 30 dB(A) Leq 8 hour (23:00 to 07:00)

3) Night time internal maximum noise level in bedrooms of 45 dB(A) Lmax

9 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible outside of the site boundary when in use, shall be submitted to the local planning authority for approval. These details shall include maximum sound levels (L<sub>Amax</sub>(f)) and average sound levels (L<sub>Aeq</sub>), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. 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 rating level of any building service noise associated with plant or equipment at the site should not exceed 5dB(A) below the background noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 1997, this being the design criteria adopted by EPU, including any acoustic correction for noises which contain a distinguishable, discrete, continuous note (whine, hiss, screech, hum, etc.); noise which contain distinct impulses (bangs, clicks, clatters, or thumps); or noise which is irregular enough to attract attention.

REASON: To protect the amenities of adjacent residents

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

REASON: To protect the amenity of local residents

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

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00
Not at all on Sundays and Bank Holidays.	

REASON: To protect the amenity of local residents

12 Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) shall be undertaken to assess

the nature and extent of any land contamination, the report shall be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment shall 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.

13 Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall 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.

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, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite

receptors.

14 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Details to include:

- (i) Peak surface water run-off from the proposed development must be restricted to a maximum 34.5 lit/sec.
- (ii) Site specific details of the flow control device manhole limiting the surface water to the 34.5 lit/sec.
- (iii) Storage volume calculations, using computer modelling must be provided, and must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. The full range of modelling should be provided.
- (iv) Site specific details of the storage facility to accommodate the 1:30 year storm and details of how and where the volume above the 1:30 year storm and up to the 1:100 year storm will be stored.
- (v) The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and that provision has been made to maintain it.

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

16 The proposed land levels on site shall be in accordance with the proposed heights shown in Drawing Number 2012-199/802 Revision E received 09 January 2014.

Reason: To ensure the increase in land levels does not result in an overly prominent development.

17 Details of all means of enclosure including gates to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

Reason: In the interests of the visual amenities of the area.

18 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.

- Vertical and horizontal cross sections of the windows and the feature windows (notation J on the elevation drawings), should include the header and cill, metal cladding panel, glazed spandrel panel;

Reason: So that the Local Planning Authority may be satisfied with these details and to ensure that the windows are recessed as expressed in the Design and Access Statement, but not clearly demonstrated in the submitted plans and elevations.

19 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site. To ensure the planting is sufficient to provide a visual break on the Hallfield Road elevations. To ensure the Hallfield Road access to be blocked up as part of this application is soft landscaped to the benefit of the streetscene and the visual amenity of the development hereby approved.

20 HWAY10 Vehicular areas surfaced, details reqd -

21 The development shall not occupied until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating

the kerb, footway/cycleway, landscaping to match adjacent levels.

Reason: In the interests of good management of the highway and road safety.

22 Prior to the development commencing details of the cycle parking areas, including means of enclosure, type of cycle rack, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

23 HWAY19 Car and cycle parking laid out -

24 HWAY21 Internal turning areas to be provided -

25 The site shall not be occupied until a Full Travel Plan has been submitted and approved in writing by the Local Planning Authority. The travel plan should be developed and implemented in line with local and national guidelines. 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 Local Planning Authority. Results of yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure the development complies with advice contained in NPPF and in Policy T13a of the City of York Development Control Local Plan, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users.

26 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of construction works shall be submitted to and approved in writing by the Local Planning Authority. The statement should include at least the following information;

- the routing for construction traffic that will be promoted
- a scheme for signing the promoted construction traffic routing
- where contractors will park
- where materials will be stored within the site
- measures employed to ensure no mud/detritus is dragged out over the adjacent



highway.

The development shall thereafter be constructed fully in accordance with the agreed statement.

Reason - In the interests of highway safety and amenity of local residents

## **7.0 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 (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Requested additional information
- Requested revisions to plans and elevations
- Application of conditions and Section 106

#### **2. INFORMATIVE:**

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

#### **3. INFORMATIVE:**

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

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Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

#### 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

#### 5. INFORMATIVE:

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

#### **Contact details:**

**Author:** Victoria Bell Development Management Officer

**Tel No:** 01904 551347