

## COMMITTEE REPORT

**Date:** 5 May 2022                      **Ward:** Guildhall  
**Team:** East Area                      **Parish:** Guildhall Planning Panel

**Reference:** 22/00367/FULM  
**Application at:** Alton Cars York Ltd 3 James Street York YO10 3WW  
**For:** Demolition of existing buildings and redevelopment of the site for purpose-built student accommodation with up to 303no. bedrooms, associated communal facilities, car parking and landscaping (resubmission)  
**By:** Mr Gavin Douglas  
**Application Type:** Major Full Application  
**Target Date:** 23 May 2022  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 This is a resubmission of application 21/02164/FULM for student accommodation (PBSA) refused by Planning Committee on 3.2.2022.

1.2 The revised scheme proposes 231 study bedrooms (in clusters of up to 8 with shared living/dining areas) and 72 individual studio rooms. The building contains communal areas at ground floor - up to 277 sq m and over 1,100 sq m of soft landscaped areas, including a public park on the south-east corner of the site. The proposed building ranges in height between 3 and 5 storey.

1.3 The reasons for refusal of application 21/02164/FULM are set out below.

- The proposals due to the amount of development proposed, and its scale, height and layout, would be over-development of the site which would have an undue adverse impact on the amenity of neighbouring residents.
- The proposed development, by virtue of its amount, scale and footprint would overdevelop the site. The consequent building would be over-bearing and over-dominant, and unduly imposing on its setting. It would provide an inadequate amount of public realm and soft landscaping to enable it to assimilate into its setting.
- The proposed development would provide an inadequate level of amenity for its future residents due to the inadequate amount of floorspace within the proposed student bedrooms and the inadequacy of the proposed layouts.

1.4 To address the reasons for refusal, the resubmitted scheme contains the following amendments. These are appraised in section 5 under the headings of design, impact on neighbours amenity and highway safety and sustainable travel

#### Public Open space and landscaping

- South facing public open space introduced - over 200 sq m of public open space in the south east corner of the site, prominent along James Street.
- The scheme provides over 1,100 sq m of soft landscaping overall.

#### Cycle lane

- A strip of land along James Street is offered up to become adopted highway. This will enable a 3.5m wide shared path for pedestrians and cyclists. This would be combined with modifications to kerb radii with a more generous footpath and new segregated raised priority crossings at the Brinkworth Terrace and Elvington Terrace junctions. The works would calm traffic speeds and provide enhanced facilities for pedestrians and cyclists. Details are annotated on the site plan, have been discussed with highways officers prior to submission and would be subject to highways approval.

#### Accommodation schedule

- Number of student rooms reduced from 319 to 303. The number of accessible rooms is unchanged and 5.8% of overall provision (5% being a Building Regulations requirement).
- All studio rooms are over 20 sq m in area, which is either comparable or larger than other approved PBSA schemes. The study rooms within cores (clusters with up to 8 bedrooms) include communal living/dining rooms which average 36 sq m. The rooms exceed significantly, minimum bedroom standards for Houses in Multiple Occupation (HMO) accommodation (local licensing standards). All rooms have access to the on-site open space and 277 sq m of internal communal areas.

#### Building scale

- The amendments reduce the footprint of the building, removing development from the south east corner.

## **2.0 POLICY CONTEXT**

2.1 The National Planning Policy Framework ('NPPF') key sections are as follows –

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

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

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

2.3 Key relevant 2018 eLP policies are as follows -

DP3 Sustainable Communities

D1 Place-making

D6 Archaeology

EC2 Loss of employment land

CC1 Renewable and Low Carbon Energy Generation and Storage

ENV1 Air Quality

ENV5 Sustainable Drainage

H7 Student Housing

HW1 Protecting Existing Facilities

T1 Sustainable Access

### **3.0 CONSULTATIONS**

#### Archaeology

3.1 Planning conditions are required to secure an archaeological investigation (written scheme of investigation previously approved) and approval of the foundation design. The latter to preserve 95% of the archaeological deposits on the site (in accordance with policy D6 of the 2018 eLP).

3.2 The area contains a significant archaeological resource within 1-2m of the modern ground surface. No investigation has taken place within the proposed site boundary. It is anticipated that the southern half of the site has the most archaeological potential – in particular areas which haven't been previously disturbed. The construction of the extant building and the 19th century terraced housing, which existed on the site until the late 20th century, is likely to have had a negative impact on any archaeological resource. However, there are some areas within the site which may have escaped the most damaging impact of these developments.

#### Ecology

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

#### Public Protection

3.4 Noise – require implementation of the sound attenuation measures detailed in the noise assessment supplied (prior to occupation and permanently retained thereafter).

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

3.6 Land contamination – the submitted risk assessment recommends site investigation to determine a remediation strategy. This is acceptable and conditions are recommended.

3.7 Electric Vehicles - ask for one of the car parking spaces to be exclusively for the use of electric vehicles. A further space should have “passive” provision.

#### Highway Network Management

3.8 No response. At pre-application stage officers made the following points - Vehicles should be able to access/egress the service area in a forward gear. Adequate cycle parking must be provided.

#### Waste Services

3.9 The bin store in the application is significantly too small. City of York Council will not collect waste from the site if our waste management requirements are not satisfactorily achieved; it will be the responsibility of site management to arrange an alternative waste collection service. The bin store is also a long distance from the residential areas. Bin storage areas should be easily accessible for the dwellings that they serve, a travel distance of no further than 30m is recommended.

#### Guildhall Planning Panel

3.10 The addition of the small park in the south east corner of the site is welcome. However, the building is too high and too close to the western boundary and dominates the flats to the west. Still think this is an overdevelopment of the site.

#### Designing out Crime Officer

3.11 No objection. The Design and Access Statement submitted with the application shows clearly that the applicant has considered crime prevention.

## Yorkshire Water

3.12 If water discharge to public sewer is proposed, the information must include evidence that other means of (sustainable) surface water drainage have been properly considered and why they have been discounted. The means of discharging to the public sewer network at a maximum rate of 33 (thirty-three) litres per second are required. Details to be agreed (by condition) by the Local Planning Authority in consultation with the statutory sewerage undertaker.

## **4.0 REPRESENTATIONS**

### York Civic Trust

4.1 Several aspects of this proposal are welcomed and offer better design quality than other recent student accommodation schemes proposed in York. Welcome the inclusion of the 'pocket park' to the southern end of the site and the associated public realm improvements. However, the Trust is unable to support the application in its current form due to shortcomings in the design, choice of materials, and internal layout of the scheme (as set out below).

#### Massing and design

4.2 The massing and design profile of the proposed building sit well in the context of the surrounding area.

4.3 Recommended setting the bay above the main entrance back, so it were less prominent and disruptive of the remainder of the building line. (Officer note – the amended scheme implements this recommendation).

4.4 The proposed building does maximise the use of the site. While the area of proposed planting along the James Street elevation has been enlarged, it is still unlikely to be sufficient to mitigate this. Reducing the depth of both the central entrance bay, the gable ends on the James Street elevation, and the protruding bays on the Elvington Terrace elevation would help create an additional sense of space between the site boundary and the building while maintaining the regular rhythm of the elevations. The dormers on the central bay of the James Street elevation are heavy and overstated.

#### Materials

4.5 Questions whether the roofing material would be better suited as uniformly pantiles, rather than split between pantiles and slate as proposed. Brick is a similarly positive choice and the variance in colour adds additional design interest.

#### Layout

4.6 The provision of indicative room layouts is welcomed and provides a greater understanding of how rooms will be configured to ensure all appropriate amenities are in place. The provision of internal measurements is a clarification which is also welcomed. A revised scheme might aim to avoid the use of parallel corridors so as to provide simpler access. More access points to the cycle store recommended, so it does not become congested at peak times.

#### Conservation Areas Advisory Panel

4.7 The panel advises their comment on the previous application were as follows – “The panel had no objection to this scheme and noted that it was of a higher standard in terms of space and student facilities than many recent similar schemes. The elevations were well modulated with an easily identified main entrance. It was not felt to be detrimental to the appearance of the Conservation Area”. However, the application was refused. This new application is virtually the same except for a small reduction in the building footprint at the southeast corner and an adjustment to the western elevation. The Panel therefore saw no reason to recommend approval of the scheme. The Panel recommend mandatory minimum space standards need to be set either locally by the City of York Council or nationally to ensure the wellbeing of the students.

#### Other responses to publicity

4.8 No other representations have been made.

### **5.0 APPRAISAL**

#### Key issues

5.1 The key issues in assessment of this scheme are -

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

#### Principle of the proposed development

#### Loss of the employment use

5.2 2018 eLP policy EC2 advises that loss of employment land is appropriate where

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

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

5.4 The loss of employment land primarily must be assessed against NPPF policy. NPPF Paragraph 122 requires that planning decisions “reflect changes in the demand for land”. Paragraph 123 states Local Planning Authorities “should take a positive approach to applications for alternative uses of land which is developed and not allocated for a specific purpose in plans, where this would help to meet identified development needs... In particular they should support proposals to use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres”.

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

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

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

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

### Proposed use

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

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

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

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

- there is a proven need for student housing; and
- it is in an appropriate location for education institutions and accessible by sustainable transport modes; and
- development would not be detrimental to the amenity of nearby residents and the design and access arrangements would have a minimal impact on the local area.



5.10 The scheme does not conflict with 2018 eLP policy H7. The assessment against the first two points are below. The impact on amenity and highways are dealt with the sections below on Neighbours Amenity and Highway Safety and Sustainable Travel

- Despite the number of recent applications, there remains demonstrable need for student housing. The amount of purpose built student accommodation (PBSA), operated by the university and other operators, including permissions yet to be implemented, would accommodate under 50% of students (in full time education).
- The site is in an appropriate location for student accommodation. Nearby around Navigation Road, Walmgate, Lawrence Street and James Street are multiple large-scale PBSA developments which provide essentially car free developments due to their accessibility.

### Impact on the Central Historic Core Conservation Area

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

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

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

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

5.14 In views from the City Walls and the inner ring road there would be glimpsed views of the proposed building beyond the Waitrose service yard and the neighbouring 15 Foss Islands Road (the latter has been subject an application for redevelopment - 21/01854/FULM - which was withdrawn). There would be no effect on the prominence of the church spire on the skyline.

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

### Design

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

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

5.17 In respect on design, the grounds for refusal of the previous scheme referred to over-development and a lack of green space. To this effect it was deemed the development would not add to the overall quality of the area.

### Layout

5.18 The layout now proposes development of less of the site and a public open space has been added on the south east side of the site. The open space is some 200 sq m in area, can accommodate tree planting and provides useable space. This feature coupled with the proposed highway improvements, making the setting more pedestrian friendly, constitutes a significant improvement over the existing setting.

### Materials

5.19 The outward facing elevations will comprise of two brick types; orange and brown multi types and the roofs typically red clay tile. The taller section, which

identifies the entrance, varies in its appearance, using slate roof tiles. The building has varying eaves and ridge heights and facade treatments, creating a rhythm and vertical emphasis to the facades, reflective of the streetscene along Lawrence Street. The objection by the Civic Trust to the use of metal cladding has been noted and this section of the building is, in the revised scheme recessive not pronounced. The metal cladding is very limited and not objected to. More traditional materials are prevalent on the proposed building and metal cladding is found on various other schemes nearby.

## Scale

5.20 The proposed building is between 3 and 5 storey high. The perceived scale would be moderated by the varied massing and the presence of the apartment blocks to the west. The building heights and impact on the housing to the west of the site is unchanged since the previous scheme. The west elevation is some 3.8m from the boundary, to allow landscaping to lessen the impact. The previous refusal referred to over-development. The committee in determining the previous application made no reference to the building being too tall in any particular location. The Civic Trust and Conservation Areas Advisory Panel (the latter in commenting on the previous application) both consider the building height acceptable. The scale of the building has been further reduced since, due to the reduction in footprint and omission of the 3-storey projecting metal clad oriel bay above the James Street entrance.

5.21 At the south end of the site the building height steps down to 3-storey; the elevation fronting James Street is generally 3-storey. Toward the centre of the site (where the entrance is positioned) there is an increase in height and the building steps up to 4-storey on the north wing, along Elvington Terrace. The apartments to the west are 4-storey also. On the west side of the site, opposite the neighbouring housing, the proposed building would be taller than its neighbour, as there is accommodation at 5<sup>th</sup> floor level. This is within the roof and setback typically 2m or 3m from the main facade. As such the building would be perceived as of similar scale to the dwellings to the west and not excessive.

## Proposed accommodation

5.22 The accommodation proposed would provide reasonable levels of amenity for future occupants. There are a mix of studio rooms (72) and clusters (231). There are up to 8 rooms per cluster, sharing a communal kitchen / living area. Communal areas are typically around 36 sq m per cluster. As a comparison, the bedrooms exceed the local HMO licensing requirements that bedrooms must be over 6.5 sq m. The clusters (in area) would comply with the national space standards recommendations for homes with a comparable number of bedrooms/residents. The applicants have provided typical room layouts, including rooms within the roof (where studio rooms are between 23-27sq m), which illustrate rooms are fit for

purpose and would provide reasonable amenity. The accommodation is larger or comparable in area to multiple other PBSA schemes approved by the authority. These include recent schemes at Frederick House (Fulford Road), Aubrey House (Foss Islands), Mecca (Fishergate) and Student accommodation at Mansfield Street.

5.23 The scheme includes two landscaped courtyards and a public park by the corner of James Street and Brinkworth Terrace. There is over 1,100sq m outside amenity space in the scheme. Internally at ground floor level are communal areas, which can be used by all residents. The communal areas provide some 277 sq.m floorspace overall and provide amenities such as common room/games room; cinema; gym; study; laundry. These facilities are provided at ground floor level close to the building entrance and adjacent the James Street frontage.

#### Sustainable design / construction

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

5.25 The developer is aware of the proposed changes to the Building Regulations in 2022. They are therefore proposing the use of air source heat pumps, and the scheme would exceed current local requirements. A condition will require approval of details to evidence the scheme has complied with local policy.

#### Neighbours amenity

5.26 The only design change affecting neighbours compared to the previous application is beneficial, where less development is proposed in the south east corner and soft landscaping has been added. The proposed building is of comparable height to the apartments to the west. It would be some 3.8m from the boundary, set in landscaping. The existing and proposed developments' outward facing elevations would be orientated perpendicular to each other; the proposed development would not be over-dominant or over-bearing and there would be no undue impact on neighbour's amenity.

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

5.28 The west elevation proposed would overlook the communal grounds used either for car parking or as amenity space at Dunlin / Heron House. The communal spaces are overlooked by multiple properties and this situation is fundamentally

unchanged as a consequence of the proposed development. This arrangement is not objected to.

### Biodiversity

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

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

### Highway safety and sustainable travel

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

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

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

### Sustainable travel

5.33 By virtue of the site’s location and the type of use proposed the majority of associated journeys would be by sustainable modes of travel. The site provides 3 car parking spaces; 2 are accessible. Previously the site was dominated by parked cars, including on the landscape strips and footpaths around the site. The scheme proposes enhanced facilities for pedestrians and cyclists, by widening the footpath and providing a cycle route segregated from the road.

5.34 Cycle parking provision proposed is approx. 50% with space identified in the courtyard for extra spaces (up to 72%) subject to demand. A plan showing the spaces set out demonstrates the layout is fit for purpose and providing nine oversized spaces. Monitoring of cycle use and promotion of such would be ongoing,

via the required travel plan. The provision is in a secure location and convenient to access. Further to this there is visitor parking adjacent James Street (near the main entrance) and within the courtyard. The provision is acceptable; monitoring of cycle use at other student developments evidences that operationally this is sufficient (the applicant was responsible for the Gray's Wharf PBSA at Percy's Lane. At that site monitoring evidences no more than 10% of students own cycles).

#### Access – servicing / waste

5.35 Condition 23 requires site management in respect of waste collection; to ensure waste is placed out for collection at the appropriate time, stored internally at all other times. The applicants have confirmed a private company would undertake waste collection (more regular collections are required than the Council service due to the size of the bin stores). There is one central communal store which residents would be required to use. In respect of travel distances to the store, the developer has advised the on-site management will be able to assist residents if required.

#### Impact on the network

5.36 There are no objections to the scheme in terms of effect on the road network. The proposed use will generate significantly less traffic than the current use, reducing the car parking provision from approximately 100 down to 3. Traffic generated from the proposed use will be associated with servicing and beginning and end of term arrangements. As is typical of purpose built student accommodation, within or at the edge of the city centre, the scheme only provides car parking for accessible use, or associated with servicing. Students are advised in advance of arrival schemes are car free and through the travel plan alternative modes of travel is encouraged.

#### Public protection

5.37 Section 15 of the NPPF, regarding the natural environment advises that planning decisions should contribute to the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution. Paragraph 186 states opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.

#### Contamination

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

#### Noise and Air quality

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

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

### Archaeology

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

5.47 On-site Archaeology, who undertook evaluation at the former WMC site to the south, have devised an approach to evaluation to enable assessment of the impact of the proposed development on the archaeological deposits. Measures would be explored to achieve physical or in-situ preservation of any significant remains. Where destruction is unavoidable, a scheme of archaeological mitigation will be undertaken in order to achieve preservation ‘by record’.

### Flood Risk & Drainage

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

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

## **6.0 CONCLUSION**

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

6.2 Officers are content the amendments made to the application address the reasons for refusal of the previous application identified by the planning committee. The concerns of overdevelopment of the site, lack of public realm enhancements and wider benefits are addressed; by the reduced amount of development, increased amount of public amenity space proposed and the junction improvements, combined with wider footpaths, which would make the area more attractive and pedestrian friendly. It has been evidenced the development would provide adequate levels of amenity for its future occupants (taking into account room/cluster sizes and provision of amenities).

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

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

## **7.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

Site plan GA



ACY401V305-400-1101-2101 P05

Site plan - planting areas

ACY401V305-400-1101-4401 P06

Cycle store

ACY401V305-402-0000-2101 P02

Proposed floor plans

ACY401V305-501-1101- drawings 2101 P05, 2102 P04, 2103 P04, 2104 P04, 2105 P04, 2106 P04  
2401 P04

Proposed elevations

ACY401V305-501-3100- drawings 2101 P04, 2102 P04, 2103 P02

ACY401V305-501-3101- drawings 2201 P04, 2202 P02, 2203 P02, 2204 P02

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

### 3 Times of construction

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

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

Reason: To protect the amenities of adjacent residents.

### 4 Construction management

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

- Dilapidation survey  
A dilapidation survey of the highways adjoining the site which shall be jointly undertaken with the Council's highways department and the results of which shall be agreed in writing with the Local Planning Authority.
- Management of vehicular movements associated with construction and

- contractor parking; to include scheduling of deliveries / construction vehicles.
- Wheel washing facilities and measures to prevent mud and detritus getting on to the public highway.
- Measures to control the emission of noise, vibration, dust and dirt during construction. To include a site specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and a package of mitigation measures commensurate with the risk identified in the assessment and measures to control noise during any piling of foundations. In particular details will be required with regards to demolition and method of piling for the proposed building.
- Means of preventing light pollution during construction, including the angling of lighting and times of operation.
- Point of contact on site for enquiries.
- Complaints procedure.  
The procedure should detail how a contact number will be advertised to the public, and procedure once a complaint had been received. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses [public.protection@york.gov.uk](mailto:public.protection@york.gov.uk) and [planning.enforcement@york.gov.uk](mailto:planning.enforcement@york.gov.uk)

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

## 5 Drainage

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

Details shall include -

- Consideration given to the use of soakaways. Discharge to the public sewer shall only be permitted if it can be evidenced soakaways are unsuitable (through an appropriate assessment carried out under BRE Digest 365).
- The means by which the surface water discharge rate shall be restricted to a maximum rate of 33.3 litres per second.
- Storage volume calculations, using computer modelling, which must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 30% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.
- Existing and proposed ground levels.
- Future management and maintenance of the proposed drainage scheme.

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

## 6 Archaeology

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

A) Following demolition an archaeological evaluation and post investigation assessment shall be completed in accordance with the programme set out in the approved Written Scheme of Investigation (On-Site Archaeology July 2021). Provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

B) A copy of a report on the evaluation and an assessment of the impact of the proposed development on any of the archaeological remains identified in the evaluation shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 6 weeks of completion or such other period as may be agreed in writing with the Local Planning Authority.

C) Where archaeological features and deposits are identified proposals for the preservation in-situ, or for the investigation, recording and recovery of archaeological remains and the publishing of findings shall be submitted as an amendment to the original WSI. These details shall be submitted to the local planning authority and approved prior to the commencement of construction. (There shall be presumption in favour of preservation in-situ wherever feasible).

D) A copy of a report on the archaeological works detailed in Part C shall be deposited with City of York Historic Environment Record within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: In accordance with Section 16 of NPPF. The site lies within an Area of Archaeological Importance. An investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ.

## 7 Archaeology foundation design

A foundation design and statement of working methods, which preserve at least

95% of the archaeological deposits, is required for this site.

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

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

8 LC1 Land contamination - Site investigation

9 LC2 Land contamination - remediation scheme

10 LC3 Land contamination - remedial works

11 Nesting Birds

No vegetation clearance shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of suitable habitat for active birds' nests immediately before the works and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the local planning authority in advance of any vegetation clearance.

Reason: To ensure that breeding birds are protected from harm during construction. All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended.

12 Sustainable design and construction

Prior to the commencement of development above ground level details of the proposed building design, to reduce carbon emissions, shall be submitted to the local planning authority and approved in writing. The development shall be carried out in accordance with the approved details.

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

thereafter.

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

### 13 Materials

Prior to the commencement of development above ground level manufacturer's details of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Materials shall be made available for review on-site, at the discretion of the Local Planning Authority. The development shall be carried out using the approved materials.

Sample panels of the brickwork to be used shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork/ stonework and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works within that phase. These panels shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

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

### 14 Large scale details

Prior to the commencement of development above ground level details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

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

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

### 15 Noise

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

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

## 16 Highways works

Prior to first occupation / use of the development hereby permitted redundant dropped kerbs shall be replaced by footpaths to match adjacent levels and the highway improvement works (junctions re-modelled and widening of footpath as shown on site plan GA drawing 400-1101-2101 P 05) shall be implemented in accordance with the aforementioned site plan drawing.

Reason: In the interests of visual amenity and to encourage sustainable modes of travel in accordance with sections 9 and 12 of the NPPF.

## 17 Provision of hard landscaping / access / servicing

The development shall not be occupied until the areas of hard landscaping, servicing areas and access points have been provided in accordance with the approved site plan drawing 400-1101-2101 P05.

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

## 18 Landscaping

The development shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which die, are removed or become seriously damaged or diseased, within five years of completion of the development, shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

## 19 Secure by Design measures

The development shall not be occupied until details of the following measures have been submitted to and approved in writing by the local planning authority. The site shall operate in accordance with the approved measures at all times.

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

Reason: In accordance with NPPF paragraph 130f to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

## 20 Biodiversity

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

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

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

## 21 Electric vehicle charging facilities

The development shall not be occupied until a minimum of 1 Electric Vehicle Recharging Point has been provided on site which is accessible from the car parking spaces on-site. The charging point shall incorporate a suitably rated 32A 'IEC 62196' electrical socket to allow 'Mode 3' charging of an electric vehicle. In addition, a minimum of 1 additional parking bay shall be identified for the future installation of additional Electric Vehicle Charging Point. This additional bay shall be provided with all necessary ducting, cabling and groundwork to facilitate the addition of Electric Vehicle Charge Points in the future, if required (passive provision). The Electric Vehicle facilities shall be retained thereafter and reasonably maintained at all times and be available for the charging of electric vehicles.

Reason: To promote and facilitate the uptake of electric vehicles on the site in line with the Council's Low Emission Strategy (LES) and NPPF paragraph 112.

## 22 Cycle and bins provided and retained

The development shall not be occupied until the cycle and bin storage has been provided in accordance with the approved ground floor plan drawing 501-1101-2101 P05 and cycle storage drawing 402-0000-2101 P 02. The facilities shall be retained for such use at all times.

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

## 23 Site management

The development shall not be occupied until a management and occupation plan for the site has been submitted to and approved in writing by the Local Planning Authority. The development shall operate in accordance with the approved management and occupation plan at all times. The plan shall detail the following -

- Single occupancy only for the studios/bedrooms.
- Maintenance of servicing and waste collection facilities / arrangements for managing waste collection (it is noted that a private waste collection service is required because the bin stores are of inadequate size based on Council standards).
- Provision of staff on-site.
- Management of the outside amenity space in the interests of avoiding noise disturbance.
- Ongoing management and maintenance of landscaping and open space
- Strategy for dealing with any complaints from the public.
- Measures to ensure on-site staff will monitor excessive noise and raise issues with residents.
- That the student tenancy agreements include clauses relating to anti-social behaviour.
- Management of car parking within and adjacent to the site.
- Arrangements for minimising disturbance during arrival/departure at beginning and end of term time. This shall include details of the site operators responsibilities in terms of co-ordinating arrivals and departure times for residents and the associated policing operations on-site / preventing indiscriminate parking locally.

Reason: In the interests of amenity and highway safety.

## 24 Travel Plan

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

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



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

## 25 Communal uses

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

Reason: In the interests of good design and amenity.

## 26 Student Accommodation only

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

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

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

## **8.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. BATS

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

#### 2. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

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

**Contact details:**

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