

COMMITTEE REPORT

Date: 21 January 2016 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 15/02440/FULM
Application at: St Lawrence Working Mens' Club 29-33 Lawrence Street York YO10 3BP
For: Change of use of 29-31 Lawrence Street and 37 Lawrence Street to student residential accommodation with associated demolitions and alterations and part two/part three storey block to rear (with accommodation in roof) (use class C2)
By: Mr Chris Hale
Application Type: Major Full Application (13 weeks)
Target Date: 26 January 2016
Recommendation: Approve

1.0 PROPOSAL

1.1 The application relates to the former WMC at 29 and 31 Lawrence Street and its curtilage which extends back to Brinkworth Terrace, the Tam O'Shanter Public House at 37 and the land behind the pub and the takeaway at 35.

1.2 Also within the block between Leake Street and James Street are the replacement WMC at 27, which has flats above, a takeaway between the former WMC and the pub, an end terraced house at 39 and a two storey commercial, warehouse type building behind. To the north James Street has an industrial character and there is a late C20 block of part 3, part 4 storey apartments to the north-west of the site.

1.3 The former WMC is a late C18 house with early and mid-C19 wings. It has aesthetic and historical value and is listed at Grade II. It has historical value for its association with Samuel Tuke, the noted local Quaker and mental health reformer, who bought the property in 1822. Between around 1870 and the end of the C19 the house was used as a Private Lunatic Asylum. The building became the WMC around 1900. There was significant alteration in the C20 including the concert room added at the rear, removal of the main staircase and alterations to the plan form at first floor level to create the billiard room. The Tam O'Shanter dates from the C18 and is designated as a building of merit in the Central Historic Core Conservation Area Appraisal (character area 17).

1.4 The application is to have student accommodation on site. The development would have 114 student rooms. The intent is that access is via the covered way between the takeaway and the pub. The access would be supervised and gated. There would be demolition at the former WMC to restore it to its previous domestic form; leaving the C18 house and its side wings which were added in the C19. There would be a new L-shaped wing behind, which would be 3-storey, with a 4th floor in the roof. The new wing would step down in height and connect into the Tam O'Shanter building. Vehicle entrance would remain at the side of the former WMC, this would be for servicing and for 2 disabled parking spaces only.

1.5 There are also works proposed to the highway in front of the building; to widen the footpath, in particular at the junction with Leake Street and reconfigure the parking spaces which are currently of inadequate width.

1.6 The applicants undertook a public consultation exercise. All public feedback was positive. A statement of community involvement detailing the consultation has been submitted with the application.

2.0 POLICY CONTEXT

2.1 Draft Development Plan Allocation:
Areas of Archaeological Interest City Centre Area 0006
Conservation Area Central Historic Core CONF
Listed Buildings Grade 2; 29-31 Lawrence Street York 0039

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

Whilst the 2005 York Draft Local Plan does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF. The relevant draft policies applicable to this application include:-

CYED10	Student Housing
CYGP1	Design
CYGP3	Planning against crime
CYGP4A	Sustainability
CYHE2	Development in historic locations
CYHE3	Conservation Areas
CYHE4	Listed Buildings
CYHE10	Archaeology
CYT4	Cycle parking standards

2.3 Draft York Local Plan (2014) Publication Draft

At this stage, policies in the 2014 Publication Draft Local Plan are considered to carry very little weight in the decision making process (in accordance with paragraph 216 of the NPPF). However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application. Relevant draft policies include;

SD1	Sustainable Development
H1	Scale of Housing Growth
ACHM1	Balancing the Housing Market
ACHM5	Student Housing
DH1	Design & Historic Development
DHE2	Heritage Assets
DHE5	Streets & Spaces
DHE6	Conservation Areas
DHE7	Listed Buildings

2.4 NPPF key relevant policies:-

Section 6 Delivering a wide choice of high quality homes

Section 12 Conserving and enhancing the historic environment

3.0 CONSULTATIONS

PLANNING AND ENVIRONMENTAL MANAGEMENT

Archaeology

3.1 The archaeological evaluation undertaken by the applicants to date confirmed the presence of archaeological deposits and features on the site. Natural deposits were shown to lie at a depth of approximately 2m below the modern ground surface. These features were dated to the medieval period, but also contained pottery of Roman and Anglo-Scandinavian date, suggesting that earlier features are likely to be present on-site.

3.2 The confirmation of archaeological deposits on site requires a condition to agree the foundation design and ensure adequate protection of archaeology. A watching brief is recommended on groundworks. It is also recommended that a level 3 archaeological building recording to take place prior to demolition/alterations.

Conservation Architect

3.3 Comments are reported in the companion Listed Building Consent application.

PUBLIC PROTECTION

Noise

3.4 The existing environment includes a number of different noise sources including traffic noise, on Lawrence Street and James Street, industrial noises from the nearby vehicle repair business and ATS tyres, and noise from the extraction fans associated with the Chinese takeaway located in the middle of the site. In addition there is the potential for noise associated with night time activities and students returning to their properties as they walk along Lawrence Street. The submitted noise assessment has indicated that the requirements of BS8233 and the World Health Organisation guidelines can be achieved subject to the provision of suitable glazing as specified within the report.

Construction Management

3.5 A Construction Environmental Management Plan (CEMP) is recommended, for minimising the creation of noise, vibration and dust and protecting residential amenity. It is recommended also construction is only during normal working hours (and not on Sundays).

Air Quality and Emissions

3.6 The site falls within the boundary of the Air Quality Management Area (AQMA). Monitoring of air quality directly outside the proposed development, to the Lawrence Street facade, has indicated that levels of nitrogen dioxide have been below the health based objective in recent years. The rooms fronting Lawrence Street in the Tam O'Shanter building are proposed to have a supply and extract ventilation system, incorporating heat recovery. This will ensure that such rooms can be adequately ventilated, without relying on opening windows, should air quality in this area deteriorate in the future. Officers welcome this precaution.

Contaminated Land

3.7 A Phase 1 Desk Study Report and a Geo-environmental Report were submitted with this planning application. Soil sampling was undertaken and elevated levels of lead, polycyclic aromatic hydrocarbons (PAHs) and asbestos were detected at the site. Elevated levels of ground gas were also found to be present.

3.8 Remedial work is required to prevent future residents from coming into contact with this contamination. The reports advise that landscaped areas will be remediated either by source removal or by the installation of a clean capping layer. It is also proposed to install gas protection measures into buildings. The contaminated land reports are acceptable, but we will require further details of the proposed remedial works in due course. This can be dealt with via a planning condition.

HIGHWAY NETWORK MANAGEMENT

3.9 Officer comment was as follows -

- The current footway is tight and in line with developments across the road, it should be increased to facilitate the extra activity proposed at this site. Widening the footway would also allow cars to park parallel to the kerb which would prevent encroachment on to the footway of parked cars and safer than the existing arrangement.
- Officers have asked for 50% cycle parking provision.
- Whether the bin storage would be adequate has been queried.

HISTORIC ENGLAND

3.10 The scheme is supported in principle. It accords with planning policy in that the proposed repair of the listed building will restore the aesthetic value of this important but derelict landmark building (which is identified as being at risk) within the conservation area, so that it may once again make a strongly positive aesthetic contribution and enhance the setting of the conservation area and the scheduled monument of St Lawrence's Church and associated burial ground.

3.11 Officers suggested an amendment to the proposed entrance portico. The proposed columns appear spindly and the frieze below the cornice may be too narrow. It was suggested that the portico is re-designed so that the proportions, detailing and materials reflect as accurately as possible its likely original form using existing fabric evidence, surviving photographic evidence and if necessary by a study of other similar examples from this period. The original pilasters and the arched entrance doorway should be retained if possible, along with the door itself, which appears to be original. The front boundary railings should be subject to approval by the Local Planning Authority.

3.12 HE welcomes the reinstatement of many of the internal walls inside this historic building in their approximate or known positions. They would wish any early features (i.e. mid-19th century and earlier features) to be retained within the building wherever practical, preferably in their current positions.

3.13 HE does not object in principle to the proposed new-build to the rear. The visualisations submitted show that it would be sufficiently subservient to the listed

building to ensure the continued pre-eminence of Nos. 29 and 31 on the site. Providing this building is well detailed and the materials are well chosen it should provide a tidier and more attractive context to the property than the present one.

YORK CIVIC TRUST

3.14 Supports the scheme in principle. Note that student accommodation in the house will be designed around the original room layout, and will retain as many original features as can be salvaged.

3.15 Refer to the design of the portico entrance to the original front door and the rebuilding of the back elevation where modern additions are to be removed. It is important that research is carried out on these areas and the replacement elements (portico, doors, and windows) are reinstatements of the mid C19 design.

3.16 With regard to concerns of the amount of students in the area and their transient nature, the trust acknowledge that this is offset to a degree by reduced demand for HMO properties.

PUBLICITY

The deadline for comment was 11 December 2015. Three letters commenting were received. Comments were as follows -

Parochial Church Council of St Lawrence.

- The churchyard, hall and church are opposite 29-31 and 37 Lawrence Street. We welcome proposals for the development of the premises in principal. However have concern that the proposal is for more student accommodation with absentee landlords. The negative effect being that students are a transient population, which is not conducive to community cohesion and is leaving permanent residents in isolation.

Two other public comments

- Welcome the applications because, in the current financial climate, consider that conversion and development of student housing provides the only financially viable means of re-developing the site. This is further evidenced as other sites nearby, that were vacant for significant levels of time, did not come forward for other forms of development.
- Welcome the construction of more purpose-built student accommodation to meet the demand generated by university expansion and as an alternative to the continuing loss of family housing.
- Note that there is no need for car parking (apart from disabled parking) for student developments such as this, when they are within walking distances of the

universities and are also on bus routes. However the tenancy agreement for students should prevent them car parking in the surrounding area.

- Concerns about the extent of cycle parking and of car parking for disabled students.
- Regret that the works to the listed building do not include the rebuilding of the two bay windows at the rear which were an original feature.
- Note that the rooms include both bathrooms and kitchens and are therefore self-contained and capable in the longer-term of being used as general flatted accommodation by the general public.

4.0 APPRAISAL

4.1 KEY ISSUES:-

- Principle of the proposed use
- Impact on heritage assets
- Residential Amenity
- Highway Network Management
- Sustainable design and construction
- Land Contamination
- Drainage
- Planning Gain

PRINCIPLE OF THE PROPOSED USE

4.1 The NPPF requires Local Planning Authorities to support existing business sectors, taking account of whether they are expanding and, where possible, identify and plan for new or emerging sectors likely to locate in their area. It states that –

- Planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide 5 years worth of housing against their housing requirements with an additional buffer of at least 5%.
- Housing applications should be considered in the context of the presumption in favour of sustainable development.
- Planning authorities should identify and bring back into residential use empty housing and buildings

4.2 2005 Draft Local Plan policy ED10 relates to student housing. ED10 advises that proposals for off-campus residential accommodation will need to meet the following criteria -

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

4.3 Section 8 of the NPPF advises that planning authorities should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs

4.4 A 2015 report by ARUP undertaken for the council explains that both universities have plans to grow in student numbers. There were 23,100 students in 2013/14 and it is expected the number will rise to 32,700 by 2029/30. 50% of students are currently in private rented accommodation (typically HMOs). The council has acknowledged HMOs can have an adverse effect on communities and has adopted an Article 4 direction relating to HMO's in the urban area; a change of use from family housing to a HMO requires planning permission.

4.5 The application accords with the thrust of planning policy. There is a demonstrable demand for the managed student housing proposed and the NPPF establishes a presumption in favour of sustainable housing development, especially in areas which do not have an adequate housing supply. The site is well positioned in terms of its proximity to York University and the city centre and it is on a main public transport route. In addition the application site is predominantly vacant and underused and the scheme would restore a listed building which is desperately in need of a sustainable new use having been vacant for around 9 years and being in a state of disrepair.

4.6 The change of use of the public house does not conflict with policy; there is no loss of community facility given that there are 3 other similar public houses at this end of Lawrence Street.

IMPACT ON HERITAGE ASSETS

4.7 The Central Historic Core Conservation Area extends along Lawrence St to include the former WMC and the public house. The land at the rear of the site is outside the conservation area. The former WMC building is listed at grade II. The public house is designated as a building of merit in the conservation area appraisal. The site is within the designated City Centre Areas of Archaeological Importance. The West Tower of the Old Church of St Lawrence and its grounds are on the opposite side of Lawrence Street. The tower is grade I listed and a Scheduled Monument.

Legislative and policy context

Statutory duty – Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

4.8 Section 66 of this Act requires the Local Planning Authority when determining planning applications for development that affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4.9 Case law has made clear that when deciding whether harm to a listed building or its setting is outweighed by the advantages of a proposed development, the decision-maker must give particular weight to the desirability of avoiding such harm. There is a “strong presumption” against the grant of planning permission in such cases. The exercise is still one of planning judgment but it must be informed by that need to give special weight to the desirability of preserving the building.

4.10 Section 72 of this Act requires the Local Planning Authority when determining planning applications for development within a conservation area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Case law has made clear that when deciding whether harm to a Conservation Area is outweighed by the advantages of a proposed development, the decision-maker must give particular weight to desirability of avoiding such harm. There is a “strong presumption” against the grant of planning permission in such cases. The exercise is still one of planning judgment but it must be informed by that need to give special weight to preserving the Conservation Area.

4.11 The statutory duty under Sections 66 and 72 means that even where harm is less than substantial, such harm must still be afforded considerable importance and weight, i.e. the fact of harm to the listed building or the Conservation Area is still to be given more weight than if it were simply a factor to be taken account along with all other material considerations.

4.12 The legislative requirements of Sections 66 and 72 are in addition to the government policy contained in Section 12 of the NPPF. The NPPF classes listed buildings and Conservation Areas as “designated heritage assets”. The NPPF’s advice on heritage assets includes following:

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

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

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

Impact on the listed building

4.13 The building has been vacant for around 9 years and is in poor condition. A Historic Buildings Assessment has been undertaken which informs the proposals. The HBA notes that much of the work undertaken in the C20, when the building became a WMC, is of low significance and detracts from the architectural and historic interest of the building. In particular harm was caused by the considerable loss of plan form, including the removal of the main staircase, and the removal of the rear wall to accommodate the concert room extension at the rear.

4.14 The application proposes demolition of buildings at the rear which detract. The appearance of the main building and its plan form would be restored; to its domestic form. The front portico would be re-instated.

4.15 Historic features (cornices) in the original house need to be covered over to achieve the required fire protection. They would not be damaged and only remain at first floor level – in the billiard room and one of the back rooms. The harm in this respect is low. It is justified, being necessary to satisfy building regulations, and by the considerable gains of securing a viable use for the building.

4.16 There would be a low impact on the significance of the listed building, by covering cornices and the need for a new floor. With reference the consultation comment about the bay windows at the rear; these how long been removed and were not part of the original building. The scheme is not compromised by avoiding re-instatement. The impact on the building is far outweighed by the public benefits of the scheme overall, even with considerable weight given to the less than substantial harm. The public benefits being that the building will be put to a viable use, consistent with its overall conservation, after being vacant for years and in poor condition. The setting will be enhanced.

Impact on the setting of the listed building and the conservation area

4.17 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 and appearance of the area.

4.18 The former WMC setting is currently harmed by the state of its curtilage. The site now has an industrial back-drop to the north. An L-shaped extension is proposed around the listed building which would connect into the rear of the public house. The views analysis provided shows that massing proposed is considered and the extension would not appear over-dominant. The materials and building form are traditional and would provide a more domestic and calmer setting to the existing buildings than the present industrial appearance.

4.19 The street scene along Brinkworth Terrace would be improved by the active frontage the proposed building would bring and re-instatement of the footpath.

4.20 The scheme will enhance the setting of the listed building and the character and appearance of the conservation area.

Archaeology

4.21 Draft Local Plan 2005 policy HE10 Archaeology states that planning applications for development that involves disturbance of existing ground levels on sites within York City Centre Area of Archaeological Importance will be granted provided the extent and importance of any archaeological remains are evaluated and that the applicant can demonstrate that less than 5% of any archaeological deposits will be disturbed or destroyed.

4.22 To achieve compliance with policy HE10 a condition is proposed to agree the foundation design, so adequate archaeology is retained in-situ or excavated. A planning condition is also proposed for a watching brief, to record and evaluate archaeology on site.

4.23 Adequate recording of the building has already been supplied by the applicants. In addition to the original package of reports photos of each room have now been supplied which are available on public access.

RESIDENTIAL AMENITY

4.24 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. Draft Local Plan policy GP1: Design requires that development proposals ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

4.25 There would not be a material impact on the levels of amenity of neighbouring buildings.

- The WMC club has now relocated into No.27 to the west of the site. There are flats on the upper floors. The building is orientated to look away from the application site. The new block would be to the north-east of the site. The proposed development would not be over-bearing, it would not cause overlook and there would be no material loss of light.
- The outlook from rear elevation at upper floor level from 35 would remain over hard-standing within the site. The new block would be approx 22m away; adequate separation to preserve amenity. The building has a single storey rear extension and does not have any associated external space. The proposal includes provision of an enclosure at the rear for storage space.
- No. 39 is a two storey house at the end of the terrace. Outlook from the rear is limited by the commercial building to the north. The proposed block would be to the north-west of 39 and concealed by the aforementioned existing building. There would be no material impact on amenity.

Future occupants

Noise / Odour

4.26 The application is supported by a noise assessment which confirms that adding secondary glazing to the front elevations of the existing buildings would provide suitable noise levels for domestic use. Secondary glazing can be achieved without harm to the appearance of the existing buildings and can be required by a planning condition. Within the new block standard double glazing would provide adequate noise levels.

4.27 With regard to odour from the takeaway, there are already receptors nearby; residents of the Tam O'Shanter and the two other dwellings between Leake Street and James Street. Also the former WMC building has been lived in historically. Public Protection has no evidence of odour causing an adverse effect, in that there have been no complaints from existing residents, despite evidence that the equipment to deal with odour is poorly maintained. It would not be reasonable to require the applicants to contribute towards any mitigation regarding odour from the takeaway and nor is there evidence that odour would have an effect on the amenity levels of the proposed residents.

Air quality

4.28 Properties along this part of Lawrence Street are within the Air Quality Management Area. Recent monitoring shows nitrogen dioxide levels within the health based objective in recent years. However given the proximity of the existing public house building to the road, it is welcome that mechanical ventilation will be provided to the rooms proposed on the upper floor. Given that air quality levels could vary over time it would be reasonable to require the works as a condition, in the interests of the health of future occupants.

Security

4.29 There would be restricted gated access into the site. The entrance would be past the covered way between Nos.35 and 37. The site would have a management company and an on-site management office. The Police Architectural Liaison Officer has been consulted on the site layout and has not raised any objections.

HIGHWAY NETWORK MANAGEMENT

4.30 The National Planning Policy Framework advises that developments should:

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

Safe and suitable access / minimising conflict

4.31 The highway design currently between James Street and Leake Street as existing has the following problems -

- The footpath outside the site is currently variable in width and is around 1.5m wide at its narrowest point. National design guidance (Manual for Streets) recommends footpaths are at least 2m wide.
- Cars currently park at an oblique angle to the road. In places due to the width of the parking bays this can lead to cars overhanging either the footpath or the cycle path.
- The lack of a kerb-line on the corner of Leake Street allows cars to dominate and cut the corner.

4.32 There will be increased footfall as a consequence of the development. The applicants are proposing to increase the width of the footpath, so it is at least 2m wide, reconfigure the car parking to avoid conflict between users of the highway and build out the footpath at the junction with Leake Street, which would make it safer and more efficient for pedestrians and cyclists. The changes improve highway safety and could be secured through a planning condition. The applicants have confirmed

there would be adequate space for waste storage. Collections will be by a private company and frequent; at least 2 per week. There would be adequate provision for servicing vehicles to enter and exit the site in a forward gear.

Sustainable Travel

4.33 The site is within walking distance of York University and the city centre and is on a main bus route. As such the need to travel is minimised. The University's travel plan confirms that around 50% of student journeys are by foot, and others are mostly by cycle or public transport. There is covered and secure cycle parking proposed within a building. The intent is to provide 54 spaces, with space identified which could, subject to demand, provide 10 further spaces, thus over 50% provision. 50% is the extent of cycle parking provision which was agreed at other recently completed student development. The applicants have provided multiple student accommodation developments in this part of the city; at Navigation Road and Carmelite Street (Hungate). Experience from previous schemes is that around 10% of occupants bring cycles. The cycle provision is acceptable quality and the amount is deemed appropriate. A planning condition can require installation and a mechanism to provide additional spaces subject to demand.

4.34 The NPPF states that if setting local parking standards, planning authorities should take into account:

- the accessibility of the development;
- the type, mix and use of development;
- the availability of and opportunities for public transport;
- local car ownership levels; and
- an overall need to reduce the use of high-emission vehicles.

4.35 Car parking standards in the local plan are maxima. Only 2 accessible car parking spaces are proposed. Given the sustainable location, and as there are car club facilities nearby, there is no conflict with policy in not providing car parking in this location.

4.36 Due to the low level of car parking proposed it is not necessary to require electric charging points.

SUSTAINABLE DESIGN AND CONSTRUCTION

4.37 Proposals are compliant with the Draft Supplementary Planning Document on sustainable design and construction. The application is supported by a Sustainability Statement which sets out the measures to be employed within the buildings to achieve a BREEAM rating of 'very good'; this is applicable to the new wing.

4.38 The new block will achieve a BREEAM rating of very good. This accords with policy and will be secured by a planning condition. A BREEAM certification is not being required for the listed building, due to the conflict between adequately upgrading the building fabric and maintaining the integrity of the listed building. There will however be improvements on the buildings energy efficiency due to the required works to the floor and by installation of secondary glazing.

LAND CONTAMINATION

4.39 The NPPF states Planning should ensure that sites are suitable for their proposed use taking account of ground conditions and pollution arising from previous uses and any proposals for mitigation.

4.40 The reports supporting the application propose options for suitable remediation. In accordance with policy a planning condition is proposed to ensure that suitable remediation is undertaken.

DRAINAGE

4.41 The NPPF requires that development should be directed into areas where flood risk is low. Developments should be safe from flooding and not increase flood risk elsewhere. Draft Local Plan policy GP15 seeks to reduce flood risk elsewhere by ensuring developments do not lead to increased surface water run-off.

4.42 The site is within flood zone 1 and therefore is a location where planning policy seeks to locate development in respects of flood risk.

4.43 Apart from the grassed area in front of the former WMC the site is all hard-standing. Soft landscaping is proposed to be added within the courtyard which would help reduce surface water run-off. In addition underground storage with a controlled outlet is proposed and surface water run off from the site would not increase as a result of development. The proposals could be secured via a planning condition. Yorkshire Water has agreed to the proposals from the developer for foul drainage.

PLANNING GAIN

4.44 The application is for managed accommodation, which is not in the same use class as dwellings. Planning permission would be required to allow the development to be used for market housing. A planning condition can be used to re-affirm this and an informative used to explain that planning gain, such as affordable housing/contributions towards education, could be secured were there to be an application to revert to non-student housing.

4.45 The National Planning Policy Framework states access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Local requirements for open space are established in Local Plan policy L1c and the SPG note -Open Space Advice Note: Commuted Sum Payments in New Developments. The latter establishes the amount of open space which is required in new developments.

4.45 Any planning gain sought towards open space must meet numerous statutory tests. The regulations also impose a limit on the number of pooled contributions that may be funded by 106 obligations. There is no specific scheme that would be necessary to make the development proposed acceptable in planning terms and consequently no contribution is sought.

5.0 CONCLUSION

5.1 The development proposed is in demonstrable need and the application site is a suitable location for such development, being a previously developed site in a sustainable location. Whilst the proposal would give rise to a less than substantial level of harm to the significance of the listed building it is considered that such harm is more than outweighed by the clear public benefit of bringing the building back into a use which is consistent with its viability and conservation, and improvement to its setting, even when considerable weight and importance is attached to that harm. The setting of the conservation area will be enhanced and there will be some improvements to highway safety. Planning conditions can be used to ensure there would be no adverse effect in terms of residential amenity, flood risk and the impact on heritage assets. Overall the scheme is policy compliant and is welcomed by officers.

6.0 RECOMMENDATION: Approve

1 The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

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

Proposed plans

SLW-3049 P1-02.05 Demolition Plans - Level 0

SLW-3049 P1-03.03 Demolition Plans - Level 1

Application Reference Number: 15/02440/FULM

Item No: 4f

SLW-3049 P1-04.03 Demolition Plans - Level 2
SLW-3049 PE-02.03 Proposed Elevations - Main House and Tam O'Shanter
SLW-3049 PE-03.03 Proposed Elevations - New Wing
SLW-3049 PE-04.04 Proposed Elevations - New Wing
SLW-3049 PE-05.03 Proposed Elevations - New Wing
SLW-3049 PP-02.03 Proposed Plans - Block Plan
SLW-3049 PP-03.04 Proposed Plans - Site Plan
SLW-3049 PP-05.05 Proposed Plans - Level 0
SLW-3049 PP-06.04 Proposed Plans - Level 1
SLW-3049 PP-07.04 Proposed Plans - Level 2
SLW-3049 PP-08.04 Proposed Plans - Level 3
SLW-3049 PP-09.04 Proposed Plans - Roof Plan
SLW-3049 PS-02.03 Proposed Sections - New Wing
AECOM drawing 60445690-P-001 revision C – Lawrence Street Highways
Improvements

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

3 Construction Management

Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. 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.

INFORMATIVE:

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

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

mitigation measures employed (if any).

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

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

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

4 Remediation Scheme

Prior to commencement of construction 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 of 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 must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development shall be carried out in accordance with the approved scheme.

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

5 Archaeology – requirement for watching brief

No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an

approved archaeological unit) in accordance with a specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be recorded during the construction programme.

6 Archaeology – foundation design

No development shall take place until the applicant has submitted a foundation design and statement of working methods, which preserve 95% of the archaeological deposits on the site, to, and secured the approved in writing of, the Local Planning Authority.

Reason: The site lies within an Area of Archaeological Importance and the development must be designed to preserve 95% of the archaeological deposits within the footprint of the building(s).

7 Drainage

Site drainage for the site shall be developed in accordance with the Ward and Cole statement reference 10/4696 revision E (including the installation of underground storage for surface water with controlled outlet) unless otherwise approved in writing by the Local Planning Authority.

Reason: To reduce flood risk in accordance with paragraph 99 of the National Planning Policy Framework and Local Plan policy GP15: Flood Risk.

8 Materials

The materials to be used shall be as annotated on the approved plans. Notwithstanding the approved plans a sample panel of the brickwork to be used on the new block shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: In the interests of the setting or heritage assets.

9 Large scale details

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

- a) Typical cross section of the new buildings external elevation at 1:10 or 1:20 scale
- b) Eaves (new building)
- c) Lift over run (new building)
- d) External cycle stores

Reason: In the interests of the setting or heritage assets and visual amenity.

10 Reporting of Previously Unidentified Contamination

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

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

11 Verification of Remedial Works

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.

12 Highway works

The development hereby permitted shall not come into use until such time as the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out or alternative arrangements entered into to secure the same have been approved in writing by the local planning authority:.

Improvements to Lawrence St as shown on Aecom drawing P 001 C
Installation of footpath along Brinkworth Terrace as indicatively shown on drawing PP-03.04

Reason: In the interests of the safe and free passage of highway users.

13 Times of construction

All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site, which would exceed existing background noise levels beyond the site boundary 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

14 Cycle and bin store

The area shown as cycle (store for 48 cycles and 6 visitor spaces by the entrance) and bin storage on the approved ground floor plan shall be provided prior to first use of the development hereby permitted and retained for such use at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate space for storage and to encourage cycle use in accordance with Local Plan policies GP1 and T4 and section 3 of the National Planning Policy Framework.

15 Travel plan and future cycle parking provision

Within 6 months of occupation of the student accommodation a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The travel plan shall be developed and implemented in line with Department of Transport guidelines and be updated annually. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

The Travel Plan shall provide details of how cycle parking will be monitored and establish the trigger points for installation of additional provision, how sustainable travel will be promoted and detail the type of information that will be supplied in a welcome pack to students highlighting sustainable travel and preventing vehicles being brought to the city by students.

Reason: To promote sustainable travel in accordance with section 3 of the NPPF and Local Plan policy T4.

16 Mechanical ventilation to no.37

Unless otherwise agreed in writing by the Local Planning Authority, upon the date of first occupation and thereafter all habitable rooms (bedrooms and living areas) at ground and first floor level to elevations overlooking Lawrence Street on no.37 shall be ventilated through continuous mechanical supply and extract (with heat recovery) to the rear of the building, away from Lawrence Street.

Reason: In the interests of the amenity of future occupants due to poor air quality in the locality.

17 Noise insulation

The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels of 30 dB LAeq (8 hour) and 45dB LAmax inside each bedroom at night (between 23:00 - 07:00 hrs). These noise levels shall be observed with all windows in the particular bedroom shut and other means of acoustic ventilation provided.

Reason: To protect the amenity of residents.

INFORMATIVE: The minimum specification for adequate glazing is detailed in section 5 of the PDA Noise Impact Assessment Issue 02 dated 6 Oct 2015.

18 BREEAM

The development hereby approved (new block only) shall be constructed to a BREEAM standard of 'very good'. A formal Post Construction assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate shall be submitted to the Local Planning Authority within 12 months of first occupation (unless otherwise agreed). Should the development fail to achieve a 'very good' BREEAM rating a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a 'very good' rating. The 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 Interim Planning Statement 'Sustainable Design and Construction'

19 Landscaping

The landscaping scheme, as shown on the approved site plan, 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, in the interests of visual amenity and the setting of heritage assets.

20 Use class of development

Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking or re-enacting that Order with or without modification), the development hereby approved shall be used only as student accommodation and for no other purpose. It shall only be let to or hired by and occupied by either students engaged in full time further or higher education within the City of York administrative boundary or who are delegates attending part time courses or conferences within the city, and shall not be used for any other purpose.

Reason: For the avoidance of doubt and 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 planning gain (such as open space and education provision and affordable housing) in accordance with Policy H2a of the City of York Draft Local Plan.

7.0 INFORMATIVES:

STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: sought revised plans to make the scheme acceptable in terms of design and highway safety and through the use of planning conditions.

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