

COMMITTEE REPORT

Committee: Main Committee **Ward:** Fishergate
Date: 24 June 2010 **Parish:** Hull Road Planning Panel

Reference: 10/00583/OUTM
Application at: Dairy 6 - 18 Hull Road York YO10 3JG
For: Outline application of erection of student accommodation comprising of 332 student bed-spaces in 7 blocks and separate 1no flat with associated landscaping and access after demolition of existing dairy
By: Uniliving Ltd
Application Type: Major Outline Application (13 weeks)
Target Date: 14 July 2010
Recommendation: Refuse

1.0 PROPOSAL

1.1 This proposal is for the erection of student accommodation blocks on the site of the now derelict former Hull Road Dairy. This is on the south side of Hull Road close to its junction with Melrosegate and Green Dykes Lane. The scheme consists of 7 blocks of student accommodation giving a total of 332 student bed spaces. A separate warden flat is also proposed. The application is in outline form with access, appearance, layout and scale included for determination here. Only landscaping is not included for consideration at this time.

1.2 The application site is 'T' shaped and is currently occupied by the former dairy buildings and their associated hard-standing areas and boundary walls. Blocks A and B stand to front of the site adjacent to Hull Road. Behind these and separated by a central courtyard are blocks C and D. Block A is 4 - 4.5 storeys high, block B between 3.5 - 5.5 storeys, block C is 4 - 5.5 storeys high and block D 3.5- 4 storeys. These storeys include rooms in the roof-space. Access is via Hull Road between blocks A and B and behind to a central courtyard with disabled parking for 8 cars. Behind blocks C and D the site narrows significantly into a strip of land which is between the houses / flats of Devon Place and Nicholas Gardens. Within this area stands blocks E-G. These offer accommodation over 2/2.5 storeys. Blocks E-G will provide 45 study bedrooms between them with 247 bedrooms in blocks A-C. These are arranged as groups of 4/5/6 bedrooms with each group having an accompanying kitchen and amenity area. Block D will be occupied by 40 self contained studios. The development will provide accommodation for 2nd, 3rd and 4th year undergraduates. One flat is provided to be occupied by a permanent on-site warden. This is over the bin store on the eastern boundary of the site.

1.3 The site is bordered to the south, east and west by residential houses, mainly consisting of 2 storey town houses or flats. The flats are mainly on Nicholas Gardens and consist of 1flat on each floor. To the north runs Hull Road with further residential development across the road including the 4 storey Jupiter House flatted development. The existing dairy buildings on site are generally between 1 and 2 storeys in height. The land level across the site rises approx. 3.5 metres from north to south (north being Hull Road) so the front portion of the site is lower than the rear.

However, it is a relatively steady increase across the site and levels are largely uniform between the site and adjacent residential houses. The main difference being between Block C and the adjacent buildings on Nicholas Gardens where the site is approx. 1.5 metres lower.

1.4 In terms of site history, the only relevant application to this scheme is a previous outline application for a residential scheme which was withdrawn prior to a determination in Nov.07. The site is allocated for housing in the draft local plan.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYT4
Cycle parking standards

CYH1
Housing Allocations

CYED10
Student Housing

CYGP1
Design

CYGP4A
Sustainability

CYHE10
Archaeology

CYGP6
Contaminated land

CYL1C
Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL.

Highway Network Management.

3.1 No objections in principle but officers have raised issues with regard to :

- a) cycle parking provision,
- b) the entrance details off Hull Road,
- c) the provision of a new refuge outside the site on Lawrence Street to assist pedestrians and cyclists associated with the development,
- d) the relocation of the existing bus stop (arising from the refuge issue),
- e) the provision of a shelter at the outbound bus stop across the road near Olympian Court.

Officers are in continued negotiation with the applicant on these issues and updates will be provided at the meeting.

Design, Conservation and Sustainable Development.

3.2 Object on the grounds of an overdevelopment of the site and the impact of the design, height and appearance of the proposed scheme on the wider environment.

3.3 The existing buildings on the site certainly have no merit and have a negative impact on the street scene in this area in common with the Garage forecourts further east and west, where the street frontage is broken down. The importance of this site in design terms is that redevelopment is appropriate to the local context, but also more importantly that it contributes to the Hull Road / Lawrence St. street scene as a component of the journey sequence to and from the City. The development will also need to create an attractive environment for the benefit of the proposed 300 plus resident student community. In this respect the level of outdoor amenity space is inadequate.

3.4 The opportunity to create a strong street frontage with direct access to the blocks fronting Hull Road is therefore welcomed. The Design and Access statement correctly identifies that the predominant character of the area is 2 / 2.5 storey residential immediately adjacent to the site. However the development proposal proposes significantly greater heights.

3.5 The 5 and a half storey frontage of this proposal to Lawrence St / Hull Road appears out of scale with the street at this location and particularly with the adjoining and modestly scaled 2 storey houses. It is considered that both the overall height and the way the development is stepped up towards the centre of the street frontage of the site to be inappropriate in this context. The articulation of the elevations with bay windows is a positive, but the overall composition and the 'recessive' glazed links need further consideration.

3.6 Although officers would consider this as a commercial development CABE's Building for Life Standards are arguably applicable and appropriate in suggesting that 'schemes should integrate with surrounding development' and as such we would expect to apply these principles in consideration of this scheme.

3.7 The overall block plan with the creation of an internal courtyard has a clear design logic. However the courtyard is not designed to respect the principle articulated in the Design and Access statement of creating an internal environment dominated by pedestrian use - this relies on restricting access rather than necessarily creating genuine amenity space. The potential overshadowing by blocks C & D may preclude the most beneficial use of this space which makes consideration of the space to the south of these blocks even more important. This should be a properly landscaped

amenity space rather than dominated by external cycle parking - which itself will not be acceptable under our cycle policies. The relationship between blocks C & D and the adjoining residential properties at the proposed 4 and a half storey height are also a concern.

3.8 Overall the proposal suggests an overdevelopment of the site . The massing of the buildings is overbearing both in relation to the internal courtyard and the street. There is insufficient quality amenity space and although detailed specialist comments will be needed from others, it is clear that the cycle parking proposals do not meet the council's requirements being not sufficiently integrated within the overall design.

3.9 The scheme does not achieve the necessary quality standards demanded by PPS1 paragraphs 34 & 35 in its current form, either in relation to creating a sense of place or in relation to the context of Hull Road / Lawrence St in York.

Sustainability.

3.10 No objection in principle but further information requested. As a new commercial development of over 500m², a number of minimum requirements, set out in the Council's Interim Planning Statement (IPS) on Sustainable Design and Construction, must to be adhered to before planning permission is granted. A number of the minimum criteria have not been fully addressed in the submitted Sustainability Statement document. For the Council to be confident that the proposed development complies with the requirements of the IPS and thus be happy for planning permission to be granted, further information is required to be submitted on the following. A commitment to achieving a BREEAM rating of 'very good', the Institute of Civil Engineers Demolition protocol in order to maximise the reuse and recycling of existing materials, adherence to the Considerate constructors scheme, minimising waste and pollution from the site and 10% of the developments energy demand be provided from renewable sources. Subject to receiving these commitments, recommend conditions to control this.

Archaeology.

3.11 Object. The application site lies within the Area of Archaeological Importance. The applicant has submitted a desk-based assessment with the application. The DBA is comprehensive. It identifies that the site has the potential to preserve significant archaeological features and deposits including burials. It recommends that there should be an archaeological field evaluation of the site.

3.12 After discussions between the applicant and Council officers, the applicant commissioned an archaeological evaluation of the site. The applicant has not yet submitted a report on the evaluation.

3.13 The City Archaeologist visited the site on 29th April. The evaluation has demonstrated that the site contains the well-preserved remains of a 19th century tannery. Elsewhere in the country, the excavation of tanneries has been identified as a research priority. Questions about construction, lay-outs, development over time, technological innovation (particularly with regard to power sources and water usage) are of great importance and relevance to this site. It is likely that there will be excellent preservation of most of the elements of the 19th century tannery across the application site which will allow these research questions to be addressed. A lot of these structures and deposits lie underneath the modern dairy buildings.

3.14 These remains are significant. However, that significance does not merit preservation in-situ provided appropriate mitigation measures are agreed with the applicant. At the time of writing, the applicant has not submitted a report on the evaluation and nor has the applicant agreed that this mitigation strategy will be implemented. In the absence of the report and agreement on the mitigation strategy, it is recommended that this application should be refused in line with PPS5: Planning for the Historic Environment and Policy HE10 of the Deposit Draft Local Plan (4th set of Changes).

City Development.

3.15 No objections. The principle of student housing on this site is established through Policy ED10 and the submission by the applicant of a Needs Assessment which successfully demonstrates a need for student housing within the city. Subject to design, accessibility and amenity considerations there is no policy objection.

Should planning permission be forthcoming it is considered, as has been best practice with other applications for student housing, that a suitably worded condition be attached to ensure the development remains occupied in perpetuity by students only. Without such a condition the situation may arise that non students occupy the properties and as such, it would be necessary to negotiate the provision of affordable housing on the site.

Structures and Drainage.

3.16 No objections. A detailed drainage report was submitted with the application. This was considered acceptable subject to foul and surface water drainage works being carried out in accordance with the submitted details.

Environmental Protection Unit.

3.17 No objections in principle but concerned over several issues. Conditions recommended. These concerns include the following:

3.18 Contamination.

Sources of contamination on the site from its past uses as a tannery, confectionary works, engineering works and dairy. Recommend a condition regarding the identification of contamination and the remediation that may be necessary.

3.19 Piling and Construction issues.

Recommend a condition requiring a Construction Environmental Management Plan (CEMP) should include details of all operations that are likely to be excessively noisy, such as: during demolition, crushing of on site materials, piling, excavation, laying of concrete slabs, cutting old steel and the operation of generators. The plans should include how they propose to reduce the impact of such noise.

3.20 Ground water abstraction.

There is written evidence of a borehole on the site which has not yet been physically located. This would need to be de-commissioned and testing of the ground water carried out. This should also be considered by the Environment Agency.

3.21 Noise.

A noise report was submitted with regard to noise levels inside living areas and bedrooms within the development. Noise levels within the blocks fronting Hull Road fall within Noise Category C of PPG24 for which planning permission would normally be refused. It is possible to mitigate these effects however and conditions are recommended for this purpose.

3.22 Lighting.

As it is likely within a development of this size that there will be high level lighting installed, officers have concerns that this could prevent or disturb the sleep of nearby residents and occupiers of the proposed blocks. Therefore a condition is recommended to control the levels and spillage of light so as to ensure the amenity of local residents.

Lifelong Learning and Leisure.

3.23 Assuming there is no on-site open space commuted sums should be paid to the Council for

- a) amenity open space - which would be used to improve a local site such as Hull Road Park or St Nicholas Fields, this however could be off set by on site amenity space
- b) Play space - Not required as student flats
- c) sports pitches - which would be used to improve a facility within the East Zone of the Sport and Active Leisure Strategy.

The contribution to off site provision is to be based on the latest York formula through a Section 106 Agreement.

Negotiation with the applicant is on-going on this issue.

EXTERNAL.

Hull Road Planning Panel.

3.24 Object. Raise concerns over the proposed parking provision. Not convinced that the proposed measures i.e. in/out management strategy and local car schemes will be sufficient as stated in the supporting documents to prevent an increase of vehicles. Consider that whilst the development is close to the university, a considerable percentage of occupiers are likely to bring cars with them for social use. With no provision on site, vehicles will be parked on the adjacent highway and neighbouring streets resulting in parking issues and problems for other residents in the surrounding areas.

Yorkshire Water.

3.25 No objections subject to conditions relating to no building within 3 metres of either side of a public sewer crossing the site and the details of the proposed systems of foul and surface drainage.

North Yorkshire Police.

3.26 No objections. The developer has taken into consideration crime prevention advice and national guidance in PPS1, Safer Places the planning system and Crime prevention. Consider that the proposed development will provide students with a safe, non-threatening and secure environment. There are good levels of natural

surveillance throughout the scheme and it will have clearly defined boundaries. The entrance gates will be electronically controlled and this is also welcomed.

3.27 There is some cycle crime in the area, especially at the Olympian Court development opposite and whilst the design of the cycle stores has not yet been provided, this would need to be good quality, secure and totally enclosed under 'lock and key'.

Environment Agency.

3.28 Comments awaited.

Neighbours and Third Parties.

3.29 17 letters have been received in objection to the proposal for the following reasons.

- i) the development is too large and will block out light to neighbouring properties.
- ii) area is already full of students. More will increasingly upset the balance between locals and students and lead to the closure of shops and businesses. Locals must not be the forgotten citizens in a student enclave.
- iii) The site is next to the Melrosegate junction and this will increase congestion and traffic fumes from stationary traffic in the area. The transport assessment is incorrect, the Grimston Bar Park and Ride service does not stop outside the site.
- iv) Development is excessive and the density very high. This will have a negative impact on the surrounding residential area through noise and disturbance. A development such as this should be nearer to the new campus.
- v) The proposed elevations will dwarf the surrounding properties, especially those adjacent to St. Nicholas Gardens.
- vi) Student accommodation will not be appropriate in close proximity to houses considering that most of the residents of Nicholas Gardens are retired, professional or post graduates seeking quiet accommodation. Will affect the value of nearby properties.
- vii) Concerned about lack of parking being provided within the development. Means that students will park in other spaces and roadways on Hull Road causing obstruction and inconvenience. Current transport infrastructure cannot cope with the traffic round the Green Dykes Lane / University Hill area and this development will make this worse.
- viii) Noise and disturbance late at night from students coming in late from evenings out in large groups.
- ix) The height of the blocks will reduce the appeal and originality of the architecture and planning of the area.
- x) Most of the nearby houses are 2 storey and the proposed blocks are 3,4 and 5 storey. They will tower above boundary walls with neighbouring houses resulting in a loss of privacy and light. It should be lowered to blend in better with the surroundings. Presently they will loom large over houses on Devon Place, seriously damaging neighbour amenity.
- xi) Overlooking of the gardens of houses on St Nicholas Gardens.
- xii) Will not free up general market housing.
- xiii) Concerned about asbestos on the site.
- xiv) 9 Devon Place will lose all sunlight in the afternoon and evening.
- xvi) Object to a bin store being located by the garden wall of 9 Devon Place.
- xvii) 1 full time employee to deal with 332 students is insufficient.

xviii) Development will be contrary to the Secretary of State decision on the Heslington East complex, in particular with regard to the student / general housing requirements of the city.

xix) The figures of the percentage of students already living in the area are incorrect, there are many more.

xx) The site is allocated for housing for families not for student accommodation. Proposal is therefore contrary to the Council's own assessment of housing needs.

xxi) Concerned about the current boundary between the development and St. Nicholas Gardens. Demolition of the buildings will harm the structural integrity of this wall. Boundary walls should be provided to a minimum of 2.5 metres.

xxii) Submitted application is different to that shown to locals by the developers prior to the application going in.

3.30 1 letter of support has been received.

i) The existing site and buildings are an eyesore.

ii) The location of the site close to the university campus is ideal.

iii) Development complies with Policy ED10 of the local plan.

iv) Would help to reduce the number of family houses been converted and extended into HMO's in the area which has affected its character.

v) Purpose built accommodation is very successful and popular in university cities.

vi) A detailed management plan has been provided to help eliminate issues such as parking, nuisance and noise etc.

4.0 APPRAISAL

4.1 KEY ISSUES.

- principle of the development.
- affordable housing/occupancy.
- impact on character and appearance of the area.
- impact on residential amenity.
- living conditions of future occupants.
- open space provision.
- parking and highway issues.
- other issues.

Relevant Planning Policies.

4.2 The application has been considered against national guidance contained in PPS1 (Delivering Sustainable Development), PPS 3 (Housing) and PPS 5 (Planning for the historic environment). Relevant policies in the draft local plan include the following:

Policy ED10 (Student Housing). Planning applications for off campus residential accommodation on windfall sites should meet a series of criteria. Applicants must demonstrate an identified need for the development and give consideration to accessibility to educational establishments by means other than the car, scale and location and the amenity of nearby residents. Car parking must also be satisfactorily managed.

Policy H1 (Housing Allocations). This allocates sites for future housing developments within the City of York Council administrative area. This site is allocated as a housing site under this policy.

Policy GP1. (Design) This is a general policy where proposals will be expected to respect or enhance the local environment and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area. They should also avoid the loss of open spaces, respect / enhance existing urban spaces and public views, provide individual or communal amenity space, provide appropriate waste recycling and litter collection arrangements and ensure that residents are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

Policy GP4A. (Sustainability) This policy says that all development should have regard to the principles of sustainable development as outlined in the criteria listed in this policy. Reference should also be made to the Council's IPS on Sustainable Design and Construction which requires developments such as this achieve a BREEAM rating of 'very good' (the development is classed as a commercial development as opposed to residential) and 10% of the expected energy demand from an on-site renewable source.

Policy HE10. (Archaeology) Planning applications for development that involves disturbance of existing ground levels require a field evaluation to assess the extent and importance of any remains found. It must be demonstrated that less than 5% of any archaeological deposits will be disturbed or destroyed.

Policy GP6. (Contaminated Land). Applications for development on land which may have been contaminated by a previous use should be accompanied by a desk study of the potential for contamination. Should this preliminary assessment indicate a potential for contamination, a more detailed site investigation should be submitted prior to the determination of the applicant.

Policy L1c (Open space provision). Developments for all housing sites or commercial proposals will be required to make provision for the open space needs of future occupiers.

Principle of the development.

4.3 The application site is allocated in the local plan for housing under policy H1. The site has more recently been considered suitable for housing development within the emerging Strategic Housing Land Availability Assessment due to its location, accessibility and conformity with strategic policies.

4.4 Given that the applicant proposes residential development, albeit student housing, there would not be a policy objection with regard to the principle of student development on this site subject to the criteria contained in Policy ED10.

4.5 The applicant has submitted a needs assessment as required by Policy ED10 which successfully demonstrates a demand for student housing. The City Development team are currently in the process of exploring the issue of student housing. Whilst this work is in its early stages, the initial findings are broadly similar to

the conclusions drawn by the applicant in their needs assessment here. By providing student accommodation in an actively managed environment and in a central, sustainable location, the proposal could reduce the pressure on private housing in established residential areas (such as Badger Hill), where significant numbers of dwellings have been purchased by landlords and rented to students, reducing the supply of first time buyer/family houses in these areas.

4.6 As such, the principle of student housing is established. However, it is still necessary to consider the other criteria of Policy ED10 in exploring whether the application site is suitable for student housing.

Affordable housing/occupancy.

4.7 The accommodation proposed would be capable of being occupied by non students as single households. Unless controlled, this could enable the development to be used in the future for open market housing without planning control. Such occupation on a site / proposal of this size would normally require the provision of affordable housing and as such, some future control over this will need to be exercised. Student accommodation in York forms an important element of the private rented market and competes directly with those on low incomes. As this application is for 100% student housing, provided 100% of the occupancy is controlled by condition, it is not considered that there is a requirement for affordable housing in connection with this particular application.

4.8 In order to control this, an occupancy condition would ensure that a fresh application would be required in order for the accommodation to be let or sold on an open market basis, at which time the issue of an affordable housing contribution could be fully addressed. Therefore in the event of consent being granted, such a condition is recommended. The applicant, at paragraph 1.20 of the submitted Planning Statement, indicates that they would be prepared to enter into a Section 106 Agreement to control mechanisms associated with the accommodation through an Operational Management Plan so further control over occupation would also be exercised through this mechanism. Without such control being attached it would be necessary to consider the scheme for affordable housing given that there may be the opportunity for non students to occupy the properties in the future.

Impact on character and appearance of the area.

4.9 The site lies to the east of the City on Hull Road. The site is 'T' shaped with a long street frontage to Hull Road and a long thin strip extending southwards between adjacent residential properties. Although beyond the Central Historic Core Conservation Area, Hull Road / Lawrence Street is an historic route into the City following the line of the old Roman Road. The route into the City is typical of the approach roads to York demonstrating an architectural chronology from C20th post-war development through interwar to Edwardian / Victorian and Georgian before delivering you at Walmgate Bar the gate to the medieval City. In places this experience is compromised by recent development but there remains many good examples of Georgian and Victorian terraces notably in the immediate vicinity of the application site, in particular the imposing cream brick late Victorian terrace at 145 - 151 Lawrence Street.

4.10 The detailed comments of the Design, Conservation and Sustainable Development officer are at para. 3.2 and members are referred to these. One of the biggest concern is the design and size of the blocks (A and B) to the front of the site adjacent to Hull Road. This frontage is approx. 78 metres in length and development is proposed in two blocks across this length save for a gap of 9 metres where the entrance to the site is shown. Part of Block D behind would be visible through this gap. The development provided along this frontage ranges from between 3.5 to 5.5 storeys in a design which is stepped up towards the centre of the site. In height terms this equates to between 13 metres at its lowest point to 19 metres at its highest. The eaves height is also high at 9m and 14.8m respectively. Both blocks have full side gable ends and would stand between 2-4 metres back from the footpath. This is forward of the front line of the existing dairy buildings, which in scale are also much lower than what is proposed here. The adjoining buildings immediately adjacent to either side of the site on Hull Road are more modestly scaled 2 storey houses with a height of approx. 9 metres with hipped roofs. Furthermore the proposed buildings will also stand forward of the house immediately to the east of the development, no.22 Hull Road.

4.11 Behind Blocks A and B, a repeat line of residential blocks (C and D) are proposed which largely mirror the arrangement across the site frontage. Block C has a length of 35 metres with a height of 16 metres (12 metres to eaves) and Block D has a length of 31 metres x 13.5 metres high (9 metres to eaves). The distance between block A and D is 9.2 metres at its shortest point and between blocks B and C, 11 metres. Blocks E,F and G stand in the narrower southern portion of the site and these are more modest at 2.5 storeys with a height of 9.5 metres.

4.12 Officers consider that the design, height and appearance of the development as a whole is inappropriate in this location and will harm the character of the street scene and the wider context within which the development stands. Blocks A-D are all significantly higher than the predominantly 2 storey buildings around the site and will consequently look incongruous and dominant within this more traditional pattern and scale of development. Blocks A and B are the highest and most visible of the blocks given that they front straight onto Hull Road but Blocks C and D will also be visible, both from Hull Road when looking past blocks A and B but also from surrounding residential streets such as Devon Place and Nicholas Gardens.

4.13 As well as the existing height characteristics of the Hull Road area, the type of development is also quite traditional in that it is mainly family housing. Given the type and extent of the development proposed and the height required in order to achieve the number of units, the proposed blocks would resemble apartment blocks and are of extremely high density. Consequently this adds to the incongruous, overly dominant appearance of the development within its locality. There are some positive elements to the design but these are largely lost because the scheme as a whole becomes far too dominant within what is a relatively simple street scene and it consequently becomes difficult to see past the height and overpowering nature of the proposal. Block E,F and G in the narrower rear part of the site are smaller and less strident and consequently are more in keeping with their surroundings. Although there are other issues with these units, in design and size terms these are, on the whole, acceptable.

4.14 As stated, the predominant character of the area is 2 storey houses, in particular on this south side of Hull Road. It is acknowledged that there is an existing 4.5 storey development across the road from this site (Jupiter House) but this still remains lower

than what is proposed here. Jupiter House also stands between 3-6 metres back from the footpath giving it a more open feel and it occupies a frontage area very much less than that proposed here. Furthermore it is read in a different context given the similar Olympian Court development that runs behind Jupiter House and away from the Hull Road frontage.

4.15 PPS1 (Delivering Sustainable development) promotes the importance of good design. Para. 34 says that 'Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted'. It is officer's opinion that this proposal is inappropriate in its context and harms the quality and appearance of the area. It is also an overdevelopment of the site. It is therefore considered contrary to guidance in PPS1 and policies ED10 (parts 3 and 4) and GP1 of the local plan.

Impact on residential amenity.

4.16 Many of the objectors voice concerns over a loss of amenity through noise and disturbance as a result of the development. Objections are also raised about the overlooking of private gardens and the overpowering and over-dominant nature of the development close to boundaries.

4.17 With regard to noise and disturbance, a number of objectors are concerned that the development will introduce a large number of students with different lifestyle patterns to their own into the area. However, Central Government advice in Planning Policy Statement 3: "Housing" actively encourages the creation of mixed communities and achieve a mix of housing types and a mix of different households in any area. It states that it is important to help create mixed and inclusive communities which offer a choice of housing and lifestyle. It does not accept that different types of housing and tenures make bad neighbours. It states that local planning authorities should encourage the development of mixed and balanced communities and they should ensure that new housing developments help to secure a better social mix by avoiding the creation of large areas of housing with similar characteristics. As for this proposal, the development would be actively managed on site with a permanent on-site management presence proposed and this should reduce the risk of problems arising as a result of noise or anti-social behaviour. Offering this site for student accommodation would not, in officers opinion, be a reason to refuse the application on amenity grounds.

4.18 As for the issues of overlooking and over-dominance, officers consider the proposal to be extremely harmful to the living conditions of adjacent neighbours on Devon Place and Nicholas Gardens in particular. The excessive height and large footprint of the development results in a very extensive development close to existing domestic boundaries. This results in a development which would appear extremely dominant and overpowering to these neighbours, to the severe detriment of their amenity. Blocks C and D in particular will appear very dominant from the neighbouring houses in Devon Place and Nicholas Gardens. For example block D is shown at 13.5 metres high (including 9 metres to eaves) at a distance of only 7-8 metres to the nearest residential boundary and 12 metres to the nearest house (8 Devon Place). At its nearest point, block C will stand only 7.8 metres from the boundary with no's 40 / 42 (flats) Nicholas Gardens. This is at a height of approx. 16.2 metres (12 metres to eaves). Bedroom windows will look out from all storeys across these and other

neighbouring gardens beyond. The end gable of block C, with a height of 16 metres will be 1 metre of the boundary with no's 37/39 Nicholas Gardens. Even accounting for the fall in land level at this point of between 1 and 2 metres, this represents a very poor, highly dominating relationship between the proposed blocks and these properties.

4.19 Officers consider that such a height and proximity to boundaries, together with the solid, unremitting mass of the development in blocks C and D means that they will overpower and completely dominate the outlook from the rear of these nearest neighbouring houses. In overlooking terms, whilst the nearest windows in block D have been articulated away from the nearest houses on Devon Place, other windows further along this block will still offer an unacceptable level of overlooking over these gardens. Blocks E, F and G are less strident in scale at 9.5 metres to the ridge and this is more in accordance with the character of the area. However, this rear portion of the site is narrow and these blocks will stand only 2m from the boundaries with neighbouring gardens. These blocks have a solid end gable and so notwithstanding the lower height of 9.5 m, these buildings will still appear dominant from neighbouring houses. For example, the rear of no.6 Devon Place is oriented directly towards the side of block F with a separation distance of only 11 metres. The relationship with no.7 Devon Place is similar with proposed Block E. It is considered that the visual dominance of a 9.5 metre high blank gable close to, and across these rear boundaries harms the outlook and amenity of these neighbours to an acceptable degree. The distance of these blocks to the houses / flats on Nicholas Gardens is 14m and is more acceptable, although a greater distance would be preferable. One of the former dairy buildings touches this boundary and whilst this is a much lower building, the impact of Blocks E-G is not considered materially more harmful than the existing arrangement.

4.20 Officers are of the opinion therefore that the development will significantly harm the amenity of adjacent neighbours on Devon Place and Nicholas Gardens through harm to their privacy and outlook to a degree which is considered unacceptable. This is contrary to national guidance in PPS1 and PPS3 and local plan policies ED10 (part 3) and GP1.

The living conditions of future occupants.

4.21 The application site is relatively modest in size and offers a slightly problematic space to develop given the very narrow rear portion of the site which is only 21 metres across. Blocks E-G stand in this area. At their shortest points the gaps between the blocks internally is 11.4m between blocks B and C and 9.2 metres between blocks A-D. Between blocks E and F the distance is between 7.6 and 12 metres and between F and G, 8 metres. In all respects this is considered low, particularly given the height and extremely long footprint of the blocks in question. Other than the 7.6 metres, all the above distances are also between proposed bedroom windows. Whilst it is acknowledged that this is a student development as opposed to family housing, these distances are substandard to a degree which is likely to significantly compromise the amount of privacy that the occupiers of the units could reasonably expect. The central courtyard between blocks A and B and C and D is very narrow and is largely occupied by the proposed disabled and visitor parking spaces meaning this area has no beneficial use in terms of amenity. The manoeuvring area between these spaces is also substandard. The remainder of the space around the blocks is largely taken up by cycle and bin stores leaving barely any useable amenity space which isn't next to

either a cycle / bin store, a parking space or by a bedroom window. The wardens flat is over the bin store.

4.22 The sense of space created around the development is considered poor. This, together with the extent of the built form results in living conditions of future occupiers which is considered of poor quality. This lack of amenity space and general open space adds to an over-whelming sense of overdevelopment of the site.

4.23 A further concern of officers is the lifetime flexibility of the site. The proposal is for student accommodation but should there be a change in circumstance in the future which meant such a use was no longer required and the development had to resort to open market residential, then the development would fall some way short of the Council's requirements on general amenity and living conditions. Officers therefore consider this aspect of the proposal to be contrary to policies ED1 (part 4) and GP1 of the local plan.

Parking and highway issues.

4.24 The site is in a highly sustainable location with good public transport links to the city centre and the nearby university campus. It is also close to well defined and well used cycle and pedestrian links. This is in compliance with policy ED10 (part 2). Highway officers have no objections in principle to the development, however they remain in talks with the applicants over detailed issues such as entrance details off Hull Road, pedestrian and cyclist safety close to the site, the relocation of the existing bus stop to the front of the site and the provision of a new shelter at the outbound bus stop across the road near Olympian Court. If members were minded to approve the scheme then contributions towards this work would have to be agreed.

4.25 Car parking on site is restricted to 8 spaces, all for disabled parking. This level of parking is acceptable and is normal for student accommodation of this type. However the space to the rear of these parking bays is only 4.6 metres instead of the standard 6 metres to allow a suitable area for safe manoeuvring. The present layout does not allow for 6 metres without touching block C, another indication of the overdevelopment of the site.

4.26 Cycle parking provision within the site is shown to be in secure cycle buildings across the site on a ratio of 1 space per 2 units. However the internal dimensions of the cycle stores shown on the site layout are inadequate for the numbers of cycles indicated and need to reflect the council policy of 0.9 metres separation between the Sheffield hoops so that a 0.45 metre width is available for each cycle. Each store should contain a maximum of 10 cycles and be fully covered to provide protection from the elements and have a lockable entry door. Currently the provision shown does not meet these standards although this could be covered by condition if necessary.

4.27 The proposed ratio of 1 space per 2 units accords with the University arrangement for cycle parking for student accommodation, so this provision is acceptable here also. However the provision currently shown does not meet the council's cycle parking standards highlighted above and given the lack of available space across the site, at the time of writing, no suitable way of accommodating the additional specification required has been shown. This may involve the loss of more of the limited green space which is currently shown across the site and this would not be

acceptable. This is considered a further indication that the proposal represents an overdevelopment of the site.

Open space provision.

4.28 An off site open space contribution would be required in connection with amenity open space and sports pitches. The amenity open space contribution would be used to improve a local site such as Hull Road park or St. Nicholas fields. The amount required as an off-site contribution would be offset by the amount of on-site amenity space provided for the occupiers of the flats to use. The submitted scheme currently shows hardly any usable amenity space. In respect of local sports pitches, a contribution would go towards improving a facility within the east zone of the Sport and Active Leisure Strategy. The applicant has stated that this is acceptable in principle, subject to the agreement of an appropriate sum. If members were minded to approve the scheme then contributions towards this would have to be agreed.

Other Issues.

Archaeology.

4.29 The application site lies within the Area of Archaeological Importance. The applicant has submitted a desk-based assessment with the application and this identifies that the site has the potential to preserve significant archaeological features and deposits including burials. It recommends that there should be an archaeological field evaluation of the site.

4.30 The evaluation has demonstrated that the site contains the well-preserved remains of a 19th century tannery. Elsewhere in the country, the excavation of tanneries has been identified as a research priority. Questions about construction, lay-outs, development over time, technological innovation (particularly with regard to power sources and water usage) are of great importance and relevance to this site. It is likely that there will be excellent preservation of most of the elements of the 19th century tannery across the application site which will allow these research questions to be addressed. A lot of these structures and deposits lie underneath the modern dairy buildings.

4.31 These remains are considered significant. However, officers consider that that significance does not merit preservation in-situ provided appropriate mitigation measures are agreed with the applicant. At the time of writing, the applicant has not submitted the required report on the evaluation and nor have they agreed that this mitigation strategy will be implemented. In the absence of the report and agreement on the mitigation strategy, officers consider that the application be further refused in line with PPS5: Planning for the Historic Environment and Policy HE10 of the Deposit Draft Local Plan (4th set of Changes)

Sustainability.

4.32 A full sustainability statement was submitted by the applicant and its content was largely acceptable. However no commitments were received in respect to achieving a BREEAM rating of 'very good', a demolition protocol in order to maximise the reuse and recycling of existing materials, an adherence to the Considerate Constructors

scheme, minimising waste and pollution from the site and 10% of the developments energy demand being provided from renewable sources. It has since been verbally stated that the applicant commits to the above but at the time of writing, confirmation of this in writing has not been received. Subject to this being received, conditions would be a suitable way of controlling this. However if this commitment is not received, this would be a further reason for refusal. An update will be provided at the meeting.

Drainage.

4.33 A drainage assessment was submitted with the application and the mitigation measures proposed in this to control surface water runoff are acceptable. In the event of planning permission being granted, conditions would be imposed that the drainage works be carried out in accordance with these measures. The Environment Agency have been consulted on the possible presence of a borehole on site. Their comments are awaited.

Environmental Protection.

4.34 There are no objections in principle in respect of environmental protection issues although officers have raised some concerns over construction noise, lighting and possible contamination of the site from previous uses. Officers recommend that conditions be imposed on these points in the event of planning permission being granted.

5.0 CONCLUSION

5.1 Student housing is acceptable in principle on this site, however the development proposed here represents an overdevelopment of the site. The excessive height of blocks A - D in particular coupled with their design and extensive footprint will harm the character, appearance and visual amenity of this part of Hull Road and its immediate area. This excessive height and footprint very close to the boundaries with residential properties on Devon Place and Nicholas Gardens will further result in a development which will overlook and dominate these neighbours to a degree which seriously harms their outlook and privacy resulting in an unacceptable loss of their amenity. The overdevelopment of the site will also lead to sub-standard on-site separation distances between blocks and this, together with an unacceptable level of on-site amenity space, will result in a poor living conditions for future occupiers of these units.

5.2 The site also falls within an area of acknowledged archaeological importance and an initial evaluation of the site has concluded that remains on the site are significant. Whilst that significance does not merit preservation in-situ provided appropriate mitigation measures are agreed with the applicant, the Council are still waiting for a report on the evaluation to be submitted and consequently nor has the applicant agreed with us how any mitigation strategy will be implemented. In the absence of the report and agreement on the mitigation strategy, this issue remains outstanding.

5.3 The development is therefore considered contrary to national planning guidance in PPS1, PPS3 and PPS5 and local plan policies ED10, GP1 and HE10 of the Deposit Draft Local Plan (4th set of Changes).

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The development is considered an overdevelopment of the site. The excessive height and footprint of the proposed blocks close to the boundaries with residential properties on Devon Place and Nicholas Gardens in particular will further result in a development which will overlook and dominate these neighbours to a degree which seriously harms their outlook and privacy resulting in an unacceptable loss of their amenity. The overdevelopment of the site will also lead to sub-standard on-site separation distances between blocks and this, together with a poor level of on-site amenity space, will result in a poor living conditions for future occupiers of these units, whether students or otherwise. The development is therefore considered contrary to national planning guidance in PPS1 (Delivering Sustainable Development) and PPS3 (Housing) and local plan policies ED10 and GP1 of the Deposit Draft Local Plan (4th set of Changes).

2 Officers consider that the design, height and appearance of the development, in particular Blocks A-D, is inappropriate in this location and will harm the character of the street scene of Hull Road and the wider context within which the development stands. It will consequently look incongruous and dominant within the more traditional pattern and scale of development of this part of the city. The massing of the buildings is overbearing both in relation to the internal courtyard and the wider street environment. The development is therefore considered contrary to national planning guidance in PPS1 (Delivering Sustainable Development) in particular paras 34 and 35 and PPS3 (Housing) and local plan policies ED10 and GP1 of the Deposit Draft Local Plan (4th set of Changes).

3 The site falls within an area of acknowledged archaeological importance and an initial evaluation of the site has concluded that remains on the site are significant. No report on this evaluation has been submitted to the Council for consideration and consequently no mitigation strategy has been agreed as to how these remains will be dealt with. In the absence of any agreements the development has the potential to harm remains of acknowledged archaeological importance contrary to PPS5: Planning for the Historic Environment and Policy HE10 of the City of York Draft Local Plan.

7.0 INFORMATIVES:

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