

COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Guildhall
Date: 3 April 2007 **Parish:** Guildhall Planning Panel

Reference: 06/02853/FULM
Application at: 3 Percys Lane York YO1 9TP
For: Erection of four storey student accommodation block comprising 9 studio apartments and 6 no. apartments comprising 39 study bedrooms and ancillary accommodation after demolition of existing building
By: S Harrison Developments Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 12 April 2007

1.0 PROPOSAL

1.1 Some Members may recall that in April 2006, planning permission was granted for the erection of two blocks of student accommodation comprising 231 study bedrooms on the site of the former Pullman Bus Depot in Navigation Road. It is now proposed to erect a further block of student accommodation on the site of a vacant single storey building adjacent to the former bus depot, which was previously used for motor cycle sales and servicing, effectively forming an extension of the approved development. The site has a frontage of approximately 29 metres to Percy's Lane and a depth of approximately 16 metres, and is located immediately to the rear of an existing motorcycle dealership fronting onto Walmgate.

1.2 The proposed accommodation would be similar to that within the approved development on the adjacent site, consisting of 30 "standard" en-suite study bedrooms, arranged in small groups five rooms with associated living and dining facilities serving each small group of rooms. Within this accommodation, five students would live as a separate household occupying separate "flats". The development would also contain 9 "studio" study bedrooms, which are larger than a "standard" study bedroom and incorporate more generously proportioned study accommodation with integral cooking and en-suite facilities within each room. Thus a total of 39 student rooms would be provided within the proposed building. The layout and configuration of the proposed building would allow the entire development to function as a single entity, and would include a managers office adjacent to the main entrance to the site from Hurst's Yard.

1.3 The area immediately to the west of Navigation Road, within which the site is located, is wholly commercial in character, and this is reflected in the design, appearance and scale of the buildings, which include the offices of the York and County Press. The area to the east of Navigation Road consists of residential properties, mostly of post war origin and in block groupings. The existing building which it is proposed to demolish is of modern origins, being single storey with a flat roof, and is of no particular architectural merit. However, the site is within the Central

Historic Core conservation area and a separate application for conservation area consent for the demolition of this building has also been submitted.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Floodzone 2 Flood Zone 2

Floodzone 3 Flood Zone 3

2.2 Policies:

CYGP1
Design

H4
Windfall housing site

CYHE2
Development in historic locations

CYHE4
Listed Buildings

CYT4
Cycle parking standards

CYL1
Open spaces in new residential devts

CYGP6
Contaminated land

3.0 CONSULTATIONS

INTERNAL

HIGHWAY NETWORK MANAGEMENT

3.1 This development is effectively an annex to the adjacent but larger student accommodation block and shares similar features to that development; subsequently there are no objections to this proposed development subject to standard condition HWAY29 (no windows to open over the public footpath).

ENVIRONMENT, CONSERVATION AND SUSTAINABLE DEVELOPMENT

Conservation

3.2 The proposals are part of the redevelopment of an urban block within the central historic core conservation area behind the historic street of Walmgate. The area is of mixed character, having large scale industrial and commercial properties to the north west and domestic properties, mostly of post-war origin and in block groupings, to the south east. The building would replace a mid-late C20th flat roofed building which does not make a positive contribution to the character and appearance of the area.

3.3 The building would become part of the student complex which will replace the former bus depot. The new building would introduce an intermediate scale between the approved student block and the street environment. Its footprint and height would introduce enclosure onto the street without being overdominant - the eaves height being 9m which is approximately the same as the C19th warehouse at the corner of Hurst's Yard and Percy's Lane. The hipped roof would appear less massive in reality. The assertive dormer windows would break up the roof. Different roof forms distinguish between the entrance/control area of the building, with its gable, and the bulk of the study bedrooms. The building would be glimpsed from Walmgate and the materials and design would be compatible with the parent building.

3.4 We note that the main office control area will be brought close to the main entrance into the site. This is better for security and management of the scheme.

3.5 Ancillary facilities (laundry, cycle stores and waste measures) have been integrated into the building using the change in level on the site.

3.6 The building has large volume in proportion to its external wall area which will aid in achieving thermal efficiency, alongside the other measures set out in the sustainable design document.

3.7 Proposals would appear to enhance the character and appearance of this part of the central historic core conservation area. Conditions are recommended relating to the approval of external materials, the submission of large scale architectural details, and details of hard and soft landscaping.

Conservation Area Advisory Panel

3.8 The panel had no objection to this proposal but would like to see detailing of the soffitt.

City Archaeologist

3.9 The site lies in the central Area of Archaeological Interest. It consists of the site of the now empty A1 Moto showroom and workshop, adjacent to the former Bus Depot site on Navigation Road. The site lies within the walled area to the south-east of the river Foss. The development of this particular area of York is not well understood. The site occupies an area that would have been at the edge of the Foss valley. Today the area slopes markedly down to the former Bus Depot site; there is a difference of approximately 2m in height between Percy's Lane (c11m AOD) and Wormald's Cut (c9m AOD).

3.10 An archaeological desk based assessment of this site has been carried out by On Site Archaeology. This suggests that there could be well preserved archaeological deposits preserved on this site at the top of the slope into the Foss Valley. Subsequent archaeological observations of a borehole survey have demonstrated that there is likely to have been disturbance caused by operations on and around this site from the late 19th century onwards.

3.11 I can recommend this application for approval subject to standard condition ARCH2 to secure an archaeological watching brief on all groundworks.

Countryside Officer

3.12 The development is unlikely to have any impact on protected species.

Sustainability Officer

3.13 It is welcomed that the applicant has submitted sustainable construction information as part of the Design and Access Statement. This contains the acceptance in principle of sustainable design including:

long-life durable buildings,
reducing pollution during, and the environmental impact of, construction,
reducing external light pollution,
energy efficiency in the buildings,
the use of renewable or recyclable materials (not recycled materials) and;
low flush toilets and water efficient appliances.

3.14 The statement does offer a commitment to these principles but no information as to how they would be carried out and implemented in the development. All of the issues accepted by the applicant would best be expressed as a BREEAM assessment for the development. It is likely that the development will come under the new 2006 Building Regulations and this along with the sustainable location of the site will go some way to achieving 'very good' BREEAM standard. This request could be applied as a condition if the application were to be recommended for approval.

CITY DEVELOPMENT

3.15 The proposed use is considered as use class C3 (Dwellinghouses), with both individual students and groups of students effectively living as single households. The site was previously used for motor cycle sales and servicing (A1 Moto), a "sui

generis" use. The site has no specific land use allocation on the City of York Local Plan Proposals Map (April 2004). The site does, however, fall within the City Centre Area of Archaeological Importance and partly within the Historic Core Conservation Area. The building is not listed but is within close proximity to St Margaret's Church, a Grade I listed building. The site adjoins Housing Allocation H1.39, Former Bus Depot, Navigation Road (Pullman Bus Depot site), which was subject to a recent planning permission for 231 study bedrooms in two blocks of 3 ½ and 6 storeys (06/00202/FULM).

3.16 The criteria set out in Policy ED10 (Student Housing) must be addressed and an identified need for student accommodation on this site established before support can be given to this application. If the student housing need is established, it is recommended that occupancy of the site is controlled by condition. If the applicant is not willing to accept an occupancy condition on all the units proposed, an affordable housing contribution will be required.

3.17 It should be established whether the previous use of the site is regarded as an employment use. If the previous use of the site is considered to be an employment use, the applicant must clearly demonstrate that there is a sufficient supply of employment land to meet both immediate and longer term requirements over the plan period in both quantitative and qualitative terms, in accordance with Policy E3b.

3.18 The proposed use intensifies the overall use of the combined sites. The proposed use only provides for cycle parking on-site and relies upon the approved car parking facilities of the adjoining site to provide for its own needs. Comments should be sought from the Highways Department with regard to access and the provision of adequate car and cycle parking within the proposed development.

3.19 Part of the proposed site appears to be located within Flood Zone 3, and comments should be sought from the Environment Agency regarding potential flooding.

3.20 It is recommended that comments are sought from the Council's Archaeologist regarding compliance with Policy HE10 (Archaeology). Comments should also be sought from the Conservation Architect regarding the proposed demolition and the impact of the development on adjacent listed buildings and historic locations. The applicant must also comply with Policy L1c: Provision of New Open Space In Development (possibly through entering into a Section 106 agreement towards open space provision).

3.21 In conclusion, no policy objection is raised as long as the need for student housing is demonstrated adequately in this locality and that the existing site is not considered to be an existing employment site. It is also recommended that further comments are sought on landscaping, heritage/conservation, architecture and from the Highways Department regarding access and parking standards. Comments should also be sought from the Environment Agency regarding flooding.

ENVIRONMENTAL PROTECTION UNIT (EPU)

3.22 The application has been considered with regard to air quality, contaminated land, noise and other amenity issues.

Air Quality

3.23 The proposed development is not included within City of York Council's Air Quality Management Area. It is encouraging to see that neither student or visitor car parking is proposed for the new site and thus the development is unlikely to generate any additional trips over and above that of the previous use. The Environmental Protection Unit welcomes the level and nature of the cycling facilities proposed, and does not anticipate any air quality grounds on which to recommend refusal of this application.

Contaminated Land

3.24 The applicant has submitted a "Phase 1 Environmental Audit" reference 1144/December 2006. This indicates that previous uses of both the application site and the adjacent sites could have an impact on the development and future occupiers. This may be dealt with by way of condition to require the applicant to investigate further, should permission be granted for this development.

Noise and other amenity issues

3.25 The proposed development site is adjacent to the offices of the York and County Press which operates 24 hours a day, and is the predominant noise source in the locality. The site is also affected by traffic noise. As such, noise is the only issue of concern to the Environmental Protection Unit.

3.26 The applicant has submitted an "Assessment of Internal Ambient Noise Levels" reference ECE/NC/5055 dated 13 December 2006. This survey also refers to a previous survey carried out for the adjacent site which has been given planning consent for a similar development. The survey assessed the noise with reference to a number of standards: PPG24; BS4142 and BS8233. The results show that the site falls within noise exposure category (NEC) B, which according to PPG24, means that noise should be taken into account and where appropriate conditions imposed to ensure an adequate level of protection against noise. As such, EPU raise no objections regarding the noise climate of the site but would request that conditions be attached.

3.27 The survey carried out further assessments in accordance with BS4142 and BS8233, these assessments indicate that the noise levels at the site are likely to give rise to complaints from the future occupants. As the intended occupants are students, it is likely they could be adversely affected whilst trying to study.

3.28 The noise assessment goes on to assess mitigation measures to achieve acceptable internal noise levels. The assessment concludes that with the correct specification of acoustic glazing, acceptable internal noise levels can be achieved. However, this raises the issue of ventilation. Occupants will normally open their windows for rapid ventilation, but this would result in unacceptable internal noise levels in some parts of the development. To overcome this problem, the developers

are proposing to fit a ventilation system that will provide continuous background ventilation and rapid ventilation, thereby keeping the rooms at a reasonable temperature, regulating humidity levels and removing stale air. The ventilation scheme will provide an acceptable living environment, but occupants will also be able to open their windows if they wish.

3.29 Should permission be granted for this development, I would request that the noise insulation and ventilation requirements be addressed by conditions.

3.30 Finally, noise, dust and other disturbance resulting from the development of the site could adversely affect neighbouring residents and businesses. In order to minimise the impact of the development of the site, appropriate mitigating conditions are recommended.

Conditions are recommended relating to the following:

- i) To deal with possible contamination of the site and an appropriate remedial strategy;
- ii) To provide an adequate scheme of mechanical ventilation for all habitable rooms;
- iii) To provide an adequate scheme of noise insulation;
- iv) A restriction on the hours of demolition, construction works and ancillary operations;
- v) Prior approval of the method of any piling operations on the site.

STRUCTURES AND DRAINAGE -

3.31 The development is shown to be in high risk Flood Zone 3. However, it should not suffer from river flooding as the topographic survey shows the site to be well above the 1 in 100 year flood level.

LIFELONG LEARNING AND LEISURE –

3.32 This type of development is not excluded from the requirement to provide recreation open space under Policy L1c of the Draft local Plan, although the policy does state that this type of accommodation will not be expected to provide childrens play space. A commuted payment should be sought towards the provision of off-site open space in lieu of on-site provision.

EXTERNAL

GUILDHALL PLANNING PANEL –

3.33 Whilst the Panel strongly support the proposals, concern is expressed at the southeast elevation which appears uncomfortable and visually discordant.

ENVIRONMENT AGENCY –

3.34 The Agency are satisfied with the submitted Flood Risk Assessment and are able to withdraw their earlier objection to the planning application. Whilst the Agency recognises that ground infiltration "SUDS" (Sustainable Urban Drainage Systems)

techniques may not be feasible for this site alternative solutions may be appropriate such as rain water recycling/harvesting or green roofs. Conditions are recommended in relation to potential groundwater contamination, however the previously submitted Phase 1 Environmental Audit is adequate to comply with part (a) of the standard investigation and remediation condition. Thus no further desk study work needs to be undertaken.

POLICE ARCHITECTURAL LIAISON OFFICER –

3.35 No objections. If the security measures already discussed and agreed with the developer are incorporated, there is no reason why this development would not achieve "Secure by Design" accreditation.

LOCAL RESIDENTS

Site Notice posted 16/1/2007 - expired 6/2/2007

Press Notice dated 17/1/2007 - expired 7/2/2007

Neighbour consultation 30/1/2007- expired 20/2/2007

3.36 Four letters have been received, one of which fully supports the application. Another supports the proposal in principle, but expresses concern at the lack of car parking. The third letter refers to the demolition of the existing building, and the need to ensure that any asbestos is safely removed and that no air pollution is caused. One letter of objection has been received, making the following points:

- introducing student accommodation into a residential area is wholly inappropriate, particularly where a large proportion of residents are elderly.
- the antics associated with student life have to be borne in mind, leading to late night noise and disturbance.
- lack of on-site car parking will cause problems for both residents and visitors in the area.

4.0 APPRAISAL

4.1 Key Issues

- principle of the development
- impact on character and appearance of the conservation area
- affordable housing/occupancy
- impact on surrounding occupiers
- living conditions of future occupants
- open space provision
- parking and highway issues
- sustainability
- flood risk

RELEVANT POLICIES

NORTH YORKSHIRE STRUCTURE PLAN

4.2 The site is within the Central Historic Core conservation area. Policy E4 of the Approved North Yorkshire Structure Plan states that buildings and areas of special townscape, architectural or historic interest will be afforded the strictest protection.

CITY OF YORK DRAFT LOCAL PLAN

4.3 The application relates to a development of student accommodation on a "brownfield" site located within the urban area. The site is occupied by a vacant building previously occupied by the "A1 Moto" motorcycle showroom and workshop. Policy H4a of the Draft Local Plan states that proposals for residential development on land not already allocated on the Proposal Map will be granted planning permission where the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings, and the site has good accessibility to jobs, shops and services by non-car modes. The policy requires new developments to be of an appropriate scale and density to surrounding development, and not to have a detrimental impact on existing landscape features.

4.4 Policy ED10 relates to the provision of student accommodation, and identifies the adjacent Pullman Bus Depot site as one of two allocated sites (Minster Engineering being the other) which must provide a minimum of 50% student accommodation. In the event, planning permission has been granted for 100% student accommodation on the Pullman Bus Depot site. Policy ED10 states that planning applications for off campus residential accommodation will need to meet certain criteria, i.e. that there is an identified need for the development, there is good accessibility by foot, cycle and public transport to the relevant educational institution and local facilities, the location and scale of the development is appropriate to its immediate surroundings, the development would not be detrimental to the amenity of nearby residents and the design and access arrangements would have minimal impact on the local area, and car parking will be satisfactorily managed.

4.5 Policy GP1 of the City of York Draft Local Plan states that development 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, using appropriate building materials. Proposals should also ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. Development proposals will also be expected to have regard to the principles of sustainable development referred to in Policy GP4a of the Draft Local Plan.

4.4 The site is within the Central Historic Core conservation area. Policy HE2 states that within or adjoining conservation areas, and in locations which affect the setting of listed buildings, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. Proposals will be expected to maintain or enhance existing urban spaces, views, landmarks and other townscape elements which contribute to the character or appearance of the area. Policy HE4 states that development in the immediate vicinity

of listed buildings will only be permitted where there is no adverse effect on the character, appearance or setting of the building.

4.6 Policy T4 requires all new developments to provide cycle parking in accordance with standards set out in Appendix E of the Local Plan. Policy L1c requires developments for all housing sites to make provision for the open space needs of future occupiers, in addition to any areas required for landscaping. Policy GP6 emphasises the importance of addressing the implications of possible contamination when development proposals are considered, and the need to incorporate appropriate mitigation measures, where appropriate.

PRINCIPLE OF THE DEVELOPMENT

4.7 As a proposed residential development, the principle of the proposal is supported by Policy H4a of the Draft Local Plan, in that it relates to the redevelopment of an existing vacant building within the urban area. The site also occupies a highly sustainable location with good access to shops, services and public transport links. The building was previously occupied by a motorcycle showroom and associated workshop which is considered to be more akin to a retail use than an employment use, thus it is not considered that Policy E3b of the Draft Local Plan (Protection of Existing Employment Sites) is relevant in this case.

4.8 So far as Policy ED10 is concerned, the developer already has an "Agreement to Lease" with York St. John University in relation to the accommodation to be provided on the adjacent Pullman Bus depot site, and this would be extended to include the additional 39 rooms on the application site, should planning permission be granted for the proposal. The whole development would, in effect, operate as a single entity and would share the same management arrangements. The opportunity has been taken to relocate the management office from Block "B" on the adjacent site into the proposed building, directly adjacent to the main entrance to the site from Hursts Yard. It is considered that this arrangement would increase the level of supervision on the whole site by locating the office in a more accessible position at the entrance to the development.

4.9 A further factor in support of the proposal is that 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 The Groves), 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. For example, in 1998 approximately 57% of York St. John's students and 26% of the University of York were housed within the City's private rented sector.

IMPACT ON CHARACTER AND APPEARANCE OF THE CONSERVATION AREA

4.10 The site is within a designated conservation area (Central historic Core). Within such areas, the Council has a statutory duty to consider the desirability of preserving or enhancing the character or appearance of the area. The existing building on the site is of an unattractive, functional appearance, and does not contribute positively to the character or appearance of the conservation area. No objections are raised to

the demolition of the existing building, which would clearly present an opportunity for the enhancement of this part of the conservation area. The proposed development would present a three storey elevation to the Percy's Lane frontage, and would incorporate accommodation within the roof space. The new building would take advantage of the sloping nature of the site by incorporating a lower ground floor at the rear incorporating cycle parking, refuse storage and laundry facilities.

4.11 The new building would introduce an intermediate scale between the approved student block and the existing street environment. Its footprint and height would introduce enclosure onto the street without being over dominant, with the eaves height being just below that of the C19th warehouse at the corner of Hurst's Yard and Percy's Lane. The assertive dormer windows would break up the massing of the roof. Different roof forms distinguish between the entrance/control area of the building, with its gable, and the bulk of the study bedrooms. The building would be glimpsed from Walmgate and the materials and design would be compatible with the parent building on the adjacent bus depot site. It is considered that the proposals would enhance the character and appearance of this part of the central historic core conservation area. Conditions are recommended relating to the approval of external materials, the submission of large scale architectural details, and details of hard and soft landscaping.

4.12 The nearest historic building to the application site is St. Margarets Church, a Grade I listed building, which is approximately 60 metres away from the southeastern corner of the site. The church is separated from the site by Percy's Lane and also by a number of commercial uses fronting onto Percy's Lane and by the Early Music Centre. It is considered that the separation distance and the presence of intervening commercial buildings and uses, which are in themselves likely to present redevelopment opportunities in the future, would result in the setting of St. Margarets Church not being adversely affected by the proposal.

AFFORDABLE HOUSING/OCCUPANCY

4.13 The proposal would consist of 9 "studio" rooms and 30 en-suite study bedrooms, the latter being arranged in groups of five rooms with shared facilities. Thus five students would live together as a single household in each "flat". There are 6 "flats" (or groups of rooms) in the development, bringing the total number of units to 15. The accommodation proposed is capable of being occupied by single households, both in terms of the individual studios which are fully self contained, and the "flats" which each have their own entrance and facilities designed to be shared by four or five people. This could enable the development to be used in the future for open market housing without planning control. The number of units proposed (15) would normally require a proportion of affordable housing (nominally 50%) to be provided as part of the development.

4.14 However, as the proposed accommodation is specifically designed for occupation by students, and provided the occupancy is controlled by condition, it is not considered that there is a requirement for affordable housing on this site. Such a condition would secure the occupation of all of the accommodation in perpetuity by full time students enrolled in further or higher education within the City of York. An occupancy condition would also 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. An identical condition was attached to the planning permission for the development of the adjacent site in order to achieve similar objectives.

IMPACT ON SURROUNDING OCCUPIERS

4.15 The site is enclosed by a number of commercial uses, including the York and County Press headquarters and Wards (catering equipment) warehouse to the west, the former Pullman Bus Depot (which is also to be developed for student housing) to the north, the car park of an electrical contractors (Herbert Todd & Son) to the east, and a motorcycle dealership (Infinity Motorcycles) to the south. There are no residential properties in the immediate vicinity of the site, the nearest properties being approximately 80 metres away in Navigation Road. Thus it is not considered that the proposed building itself would have any direct impact on the amenity or living conditions of local residents. Nor is it considered that the commercial activities of adjacent businesses would be unduly curtailed. Although the York and County Press headquarters is a known noise source with the potential to create nuisance, it is considered that conditions can be attached to any planning permission to mitigate against any potential noise nuisance and thus minimise the likelihood that complaints will be received from future occupiers of the new accommodation. A similar approach was taken with the development on the Pullman Bus Depot to the north, which has a similar relationship to the York and County Press premises.

4.16 A common cause of concern with developments of this nature is that it would introduce a large number of students with different lifestyle patterns into an established residential area. The proposal would add a further 39 student rooms to the 231 that have already been approved on the adjacent site, an increase of 16.88%. In this particular case, it should be borne in mind that the development would not be freestanding, but would form an extension of the development for which planning permission has already been granted on the adjacent site. In effect, both developments would operate as a single entity and would share the same management arrangements. A total of 273 properties in the surrounding area have been consulted on the application, and only one letter has been received which specifically objects to the proposal. It is not considered that the proposal would have an unduly harmful impact on adjacent occupiers, particularly bearing in mind that it would effectively form an integral part of the managed student accommodation that has previously been approved on the adjacent site.

LIVING CONDITIONS OF FUTURE OCCUPANTS

4.17 The proximity of the York Evening Press headquarters to the site creates a potential source of noise and nuisance. A significant amount of investigation has taken place in order to resolve this issue, and a comprehensive Noise Assessment Report has been submitted with the application. This has divided the accommodation into "zones" according to the extent it would be affected by the noise source. The Environmental Protection Unit are satisfied that with the correct specification of acoustic glazing, acceptable internal noise levels can be achieved. In addition, it is proposed to fit a mechanical ventilation system that will provide continuous background ventilation and rapid ventilation, thereby keeping the rooms at a

reasonable temperature, regulating humidity levels and removing stale air. The ventilation system would provide an acceptable internal living environment, but occupants will also be able to open their windows if they so wish. Conditions can be attached to the planning permission to ensure that appropriate measures are incorporated into the scheme.

OPEN SPACE PROVISION

4.18 The restricted area of the site (approx 400 sq metres) effectively precludes the provision of any useable on-site open space. However, Policy L1c of the Draft Local Plan does not exclude student accommodation from the need to make provision for the open space needs of future occupiers, although the policy does state that this type of accommodation will not be expected to provide childrens play space. The policy also allows for the payment of a commuted sum towards the provision or upgrading of off-site open space in lieu of on-site provision. A small amount of on-site open space will be provided in association with the student accommodation on the adjacent site, and a commuted sum payment of £27,410 has already been made towards the provision of off-site open space. By applying the same calculation to the present application, based on single occupancy of each of the student rooms, a commuted sum payment of £4,992 would be required. This could be secured by the applicant entering into an Agreement with the Council under Section 106 of the Town and Country Planning Act 1990.

PARKING AND HIGHWAY ISSUES

4.19 The development would follow the same pattern as that on the adjacent site, with no on-site parking being provided, resulting in a largely car free environment. Three disabled parking spaces are to be provided in association with the adjacent development, and only these vehicles and occasional small service vehicles will be permitted to access the site on a general day to day basis. At the beginning and end of each academic term, student vehicles will be allowed into the site for pick-up and drop-off functions only. These events will be managed by a regime imposed and controlled by site management, as agreed in the approved traffic management plan for the site. This requires individual students to co-ordinate an arrival time with the York St. John University, enabling a temporary parking permit to be issued for parking in or adjacent to the site for a maximum 1 hour period. Conditions could be attached to ensure that the new accommodation is subject to the same regime as has been agreed in respect of the adjacent development.

4.20 The site has good access to public transport with bus stops being located on Walmgate, Lawrence Street, Foss Islands Road, Fawcett Street and The Stonebow, and covered, secure cycle parking would be provided at a rate of 1 space per 2 occupants, thus encouraging the use of modes of transport other than the private car. This is actively encouraged in both Planning Policy Guidance Note 3 and also Planning Policy Guidance Note 13 "Transport". York St., John University is within a 15 minute walk of the application site. Cycling facilities in the form of cycle lanes and advanced stop lines are located in the immediate vicinity of the site. The applicant has agreed to improve the surface treatment of Hursts Yard (including the provision of a marked cycleway), which will form the main pedestrian and vehicular access into the site, in association with the development on the Pullman Bus Depot site. Having

regard to the foregoing, and on the basis that the development would effectively form an extension of the previously approved scheme on the adjacent site, no highway objections have been raised to the proposal.

SUSTAINABILITY

4.21 A Statement of Sustainable Design Alternatives has been submitted with the application, in which the applicant points out that a purpose built student development of the type proposed will potentially free up the local housing stock for both first time buyers and families, thus improving social sustainability. In addition, the site is ideally located to take advantage of sustainable travel, having good access to excellent public transport and cycle networks. The variety and proximity of local amenities and shops in the local area will encourage pedestrian activity and cycle use. Students will also be encouraged to use local public transport by using student travel cards. The long term sustainability of the building is enhanced by the future adaptability of the accommodation to provide studio apartments, subject to the granting of planning permission.

4.22 In terms of building construction the accommodation will be designed to achieve the stringent carbon emission parameters to satisfy Part L2 of the 2006 Building Regulations. Some of the embodied energy within the existing buildings on the site will be retained by reusing materials where practical, i.e. the use of crushed brick and concrete in sub-structures. The use of a solar hot water system is still under review and requires further development. The use of thermal piles as a heat source for the development will be subject to a further feasibility study. A number of water/energy conservation measures will be incorporated, including a high standard of insulation, low flush toilets, spray taps/flow limiters and dual electrical tariffs in order to limit peak daytime electrical demands. A condition is recommended requiring the further development of the Statement of Sustainable Design Alternatives, including the results of further research, feasibility studies, the options chosen together with a full written justification.

OTHER ISSUES

4.23 A Flood Risk Assessment has been submitted with the application, and it has been demonstrated (by means of a topographic survey) that the site is not likely to be affected by flooding. Thus the Environment Agency have not objected to the development on flood risk grounds. In terms of ground contamination, the applicant has submitted a "Phase 1 Environmental Audit", which indicates that previous uses of both the application site and the adjacent sites could have an impact on the development and future occupiers. The Environmental Protection Unit are satisfied that this may be dealt with by way of standard conditions requiring the applicant to investigate further should planning permission be granted, an approach which has been endorsed by the Environment Agency.

4.24 The Council's Archaeologist raises no objections to the proposal subject to a condition requiring an archaeological watching brief on all ground works. The Police Architectural Liaison Officer has no comments to make on the application in relation to "Designing Out Crime", and has stated that the development would be eligible for

"Secure by Design" accreditation if security measures discussed and agreed with the applicant are incorporated.

5.0 CONCLUSION

5.1 The principle of the proposal is supported by Policy HE4a of the City of York Draft Local Plan, which permits residential development on vacant, derelict or underused sites within the urban area, or where it involves the redevelopment of existing buildings. It is also considered that there is no conflict with Policy ED10, particularly bearing in mind that the applicant already has an "Agreement to Lease" with York St. John University in relation to the accommodation to be provided on the adjacent Pullman Bus depot site, and this would be extended to include the additional 39 rooms on the application site, should planning permission be granted. The site occupies a sustainable location with good access to public transport and is within easy walking distance of a wide range of facilities within the city centre, in addition to being within 15 minutes walk of York St. John University. The scheme seeks to achieve an integrated design response respectful of surrounding sites and conditions, and could act as a catalyst for further regeneration of the area. The existing building on the site is vacant and is of no architectural merit, and in comparison to the condition of the site at present, it is considered that the development overall would have a beneficial impact on the character and appearance of the conservation area.

5.2 Provided the occupancy of the development is controlled by condition, it is not considered that there is a requirement for affordable housing on this site. 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. The site is not adjacent to residential properties and thus the proposed development would not result in any unacceptable impact so far as overlooking, overshadowing or loss of light are concerned.

5.3 The Environmental Protection Unit are satisfied that acceptable living conditions can be provided for the occupants through the provision of acoustic glazing and mechanical ventilation, with the option that windows can be opened to provide rapid ventilation. A commuted sum of £4,992 would be required towards the provision of off-site open space, in accordance with Policy L1c of the Draft Local Plan. The proposal would, in effect, form an extension of the student accommodation already approved on the adjacent Pullman Bus Depot site, and would benefit from the same management arrangements. Thus it is intended that the whole development would operate as a single entity. The principle of a "car free" development has already been accepted on the adjacent site, and this would be extended to the proposed development. The Environment Agency are satisfied that the development is not likely to be affected by flooding. No objections are raised to the proposal by the Council's Archaeologist or by the Police Architectural Liaison Officer. It is considered that the proposal is acceptable subject to the imposition of appropriate conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2

2 The development hereby permitted shall be carried out only in accordance with the following plans, all received on 22 December 2006:-

Drawing number (D) 201 - Level 0/Site Plan
Drawing number (D) 202 - Level 1,2,3 and Roof Plans
Drawing number (D) 401 - GA Elevations/Section
Drawing number (D) 402 - GAElevations/Section

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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

3 The development hereby approved shall be occupied in perpetuity by either students engaged in full time or part 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, the details of which shall be included within an occupational management plan to be submitted and agreed in writing by the Local Planning Authority prior to the occupation of any part of the development.

Reason: In order to comply with Policy ED10 of the City of York Draft Local Plan, and in order that the Council can retain control over the future occupancy of the development in the event of any part of it being sold or rented on the open market.

4 VISQ8

5 VISQ7

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

1:20 sections through the elevation at typical positions
Windows and doors
Window and door openings (i.e. reveals, lintols and cills)
Dormers and rooflights
Patent glazing or other glazing system (serving the staircase)
Columns
Roof finial

Hard and soft landscaping including planters, steps, railings and external lighting

Reason: So that the Local Planning Authority may be satisfied with these details.

- 7 Prior to the commencement of the development, and notwithstanding the submitted drawings, details of the proposed entrance to the building from Percy`s Lane, together with any ancillary design features, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with these details.

INFORMATIVE: It is considered that the entrance should be more robust in appearance in order to respond to the scale of the building and the celebration of "entrance". It is recommended that the details are discussed with the Council`s Conservation Architect prior to submission in order to avoid abortive work.

- 8 VISQ4

- 9 The arrangements referred to and approved under the requirements of conditions 12 and 13 of planning permission 06/00202/FULM, relating to the erection of student accommodation on the adjacent site (Traffic Management Plan and Green Travel Plan), shall be implemented in their entirety in respect of the development hereby approved.

Reason: In the interests of the safe and free flow of traffic, and to ensure the development complies with Central Government advice contained in Planning Policy Guidance Note 13 ("Transport") and Policy T13a of the City of York Draft Local Plan, which seek to promote sustainable modes of transport and restrict reliance on the private car.

- 10 The building shall not be occupied until the areas shown on the approved plans for the parking of cycles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

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

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

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

Reason: To protect the amenity of local area.

- 12 Prior to commencement of the development, the method for any piling operations shall be approved in writing by the Local Planning Authority. All piling operations shall be carried out in accordance with this approved method. A system for notifying neighbours of any forthcoming piling operations shall be agreed in writing with the Local Planning Authority and fully implemented during the proposed works.

Reason: To protect the amenity of the local area.

- 13 Prior to the occupation of the development, all habitable buildings shall be noise insulated in accordance with a scheme to be approved in writing by the Local Planning Authority. No alterations to the external walls, facades, windows, doors, roof or any openings in the building(s) shall be undertaken (including the closing up or removal of openings) without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of future occupants of the site.

- 14 A scheme of mechanical ventilation for all habitable rooms that will provide background and rapid ventilation, and ensure adequate temperature control in respect of solar gain shall be approved in writing by the local planning authority. The approved scheme shall be fully implemented prior to occupation of the use hereby permitted and shall be maintained in proper working order thereafter.

Reason: To protect future occupants from external noise levels by allowing them to keep their windows closed whilst maintaining acceptable living conditions.

- 15 Action in respect of contaminated land:

(i) Prior to the commencement of the development, a site investigation shall be undertaken based upon the findings of the previously submitted desk study report (FWS Consultants Ltd report 'Phase 1 Environmental Audit', ref 1144/December 2006). The investigation shall be carried out in accordance with BS10175: Investigation of potentially contaminated land: code of practice. The results of the investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on the site.

(ii) A risk-based remedial strategy shall be developed based on the findings of the site investigation. The remedial strategy shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing on site.

Informative: The remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).

(iii) A validation report shall be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development commencing on site.

(iv) Any contamination detected during site works that has not been considered within the remedial strategy shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development of the site.

(v) A timetable of proposed remedial works shall be submitted to the local planning authority prior to any works being undertaken on the site.

Reason: For the protection of future occupants of the site and the wider environment.

Informative / General

For completeness, the applicant should provide copies of the historical maps referred to in section 2.2 of the submitted desk study report.

Given the identified presence of ground gas on the adjacent site to the north, the site investigation referred to above should include monitoring of ground gases.

- 16 Upon completion of the remediation detailed in the remedial strategy a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved strategy. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

Reason: To protect Controlled Waters by ensuring that the remediated site has been reclaimed to an appropriate standard.

- 17 ARCH2

- 18 No window shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

- 19 HWAY31

- 20 Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the Local Planning Authority.

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

- 21 Prior to the commencement of any works, a detailed method of works statement shall be submitted to and agreed in writing with the Local Planning Authority. This statement shall include the precautions to be taken to ensure the safety of the general public, the method of securing the site, access to the site and the route to be taken by vehicles transporting the demolition and construction material, and the hours during which this will be permitted.

Reason: To ensure that the works are carried out in a safe manner and with minimum disruption to users of the adjacent public highway.

- 22 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 15.5 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: To establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

- 23 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The open space shall thereafter be provided in accordance with the approved scheme or the alternative arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1c of the City of York Draft Local Plan.

INFORMATIVE:

The alternative arrangements referred to in the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards the provision of open space. The obligation should provide for a financial contribution calculated at £4,992.

- 24 Prior to the commencement of the development, a supplementary sustainability statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall be based on the contents of the Sustainable Design Report received by the Local Planning Authority on 22 December 2006 and shall incorporate the results of further research,

feasibility studies, the options chosen and a full written justification. Once approved, the measures referred to in both the original and supplementary statements shall, where applicable, be incorporated into the development in their entirety and, where appropriate, shall be thus maintained.

Reason: In order to secure a sustainable form of development.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to:

- principle of the development
- impact on character and appearance of the conservation area
- affordable housing/occupancy
- impact on surrounding occupiers
- living conditions of future occupants
- open space provision
- parking and highway issues
- sustainability
- flood risk

As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies H4a, ED10, GP1, HE2, HE4, T4, L1c and GP6 of the City of York Local Plan Deposit Draft.

2. Demolition and Construction - Informative

Attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be noted:

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

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

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

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

5 Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.

6 There shall be no bonfires on the site.

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