



Notice of a public meeting of Planning Committee

- To:** Councillors Fisher (Chair), Ayre, Barker, D'Agorne, Daubeney, Doughty, Douglas, Fenton, Hollyer, Looker, Lomas, Melly, Pavlovic (Vice-Chair), Warters and Waudby
- Date:** Thursday, 2 September 2021
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

1. **Declarations of Interest**

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. **Minutes** (Pages 3 - 10)

To approve and sign the minutes of the meeting of the Planning Committee held on 1 July 2021 and amendment to minutes of the meeting held on 17 June 2021 to the first paragraph of application 20/01521/FULM (Plumbase) to amend to the following correct address:
Members considered a major full application from KMRE Group (Church Fenton) Limited for the erection of a 3 and 3.5 storey student accommodation block (providing 86 student rooms) following demolition of existing buildings at Plumbase Waterloo House Fawcett Street York YO10 4AH.

3. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

Please note that our registration deadlines have changed to 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is **5:00pm on Tuesday 31 August 2021.**

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill in an online registration form. If you have any questions about the registration form or the meeting, please contact Democratic Services. Contact details can be found at the foot of this agenda.

Webcasting of Remote Public Meetings

Please note that, subject to available resources, this meeting will be webcast including any registered public speakers who have given their permission. The meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

4. Plans List

This item invites Members to determine the following planning applications:

- a) **1 Cherry Lane, York, YO24 1QH [20/00507/FULM]** (Pages 11 - 44)
Erection of 60no. retirement apartments with care, communal facilities, parking, landscaping and associated amenity space following demolition of existing 3no. bungalows [Dringhouses and Woodthorpe Ward].
- b) **Burnholme Community Hub, Mossdale Avenue, YO31 0HA [20/01916/OUTM]** (Pages 45 - 100)
Erection of 83no. dwellings (use class C3) with associated parking, landscaping, access and ancillary works. No matters reserved except for the appearance, scale and internal layout of 5no. self-build plots in Terrace 5 [Heworth Ward].

c) **Plumbase, Fawcett Street, YO10 4AH [21/01570/FULM]** (Pages 101 - 146)

Erection of a 3 and 3.5 storey student accommodation block (83no. student studios), ancillary storage building and landscaping following demolition of existing buildings (resubmission) [Fishergate Ward].

5. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democratic Services

Contact details:

- Telephone: 01904 551088
- Email: democratic.services@york.gov.uk

For more information about any of the following please contact Democratic Services, responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جا سکتی ہیں۔ (Urdu)

 **(01904) 551550**

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Good ventilation is a key control point, therefore, all windows must remain open within the meeting room.

If you're displaying possible coronavirus symptoms (or anyone in your household is displaying symptoms), you should follow government guidance. You are advised not to attend your meeting at West Offices.

Testing

The Council encourages regular testing of all Officers and Members and also any members of the public in attendance at a Committee Meeting. Any members of the public attending a meeting are advised to take a test within 24 hours of attending a meeting, the result of the test should be negative, in order to attend. Test kits can be obtained by clicking on either link: [Find where to get rapid lateral flow tests - NHS \(test-and-trace.nhs.uk\)](https://www.nhs.uk/conditions/coronavirus/covid-19/testing/rapid-lateral-flow-tests/), or, [Order coronavirus \(COVID-19\) rapid lateral flow tests - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/order-coronavirus-covid-19-rapid-lateral-flow-tests). Alternatively, if you call 119 between the hours of 7am and 11pm, you can order a testing kit over the telephone.

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- You may wish to wear a face covering to help protect those also attending.
- You should wear a face covering when entering West Offices.
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- Regular handwashing is recommended.
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- Bring your own drink if required.
- Only use the designated toilets next to the Meeting room.

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You should also:

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- Do not remain in the building any longer than necessary
- Do not visit any other areas of the building before you leave

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City of York Council

Committee Minutes

Meeting	Planning Committee
Date	1 July 2021
Present	Councillors Ayre, D'Agorne, Daubeney, Doughty, Douglas, Fenton, Hollyer, Warters, Lomas, Fisher (Chair), Widdowson (Substitute), Looker and Waudby
Apologies	Councillors Barker, Pavlovic and Melly

Election of Vice Chair

Due to the absence of the Vice Chair (Cllr Pavlovic had given apologies for the meeting) Cllr Looker was nominated by Cllr Kilbane as Vice Chair for the meeting. This was seconded by Cllr Ayre. Cllr Looker was appointed as Vice Chair for the meeting.

32. Declarations of Interest

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda. Cllr Widdowson declared an interest in item due to her involvement with the community woodland and she undertook to leave the meeting for that item. The Chair noted a non-prejudicial interest in item as he had worked with the speaker on the Strensall with Towthorpe Neighbourhood Plan.

33. Public Participation

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme on general matters within the remit of the Planning Committee.

34. Plans List

Members considered a schedule of reports of the Assistant Director, Planning and Public Protection, relating to the following

planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

35. Land Comprising Field West of Askham Bryan College, York Road to Westfield Cottages, Askham Bryan, York [20/01923/FULM]

Members considered a major full application from Askham Bryan College for the erection of two cattle buildings, one hay/straw storage building, one enclosure, two tanks, and hardstanding for use as a beef rearing unit at land comprising field west of Askham Bryan College, York Road to Westfield Cottages, Askham Bryan, York. The Head of Development Services gave a presentation on the application.

Public Speakers

Kathryn Jukes, Agent for the Applicant, spoke in support of the application. She explained that Askham Bryan College was one of the main land based colleges in the country and the emerging Local Plan recognised the college. The college had expanded over a number of years and the proposed shed would extend existing facilities for which it had been awarded funding from the government for the development of the facility. She ended by noting a number of difficulties in contacting the drainage officer and the Head of Development Services noted that this was being resolved.

Members asked Kathryn Jukes a number of questions to which she responded that:

- The application related to teaching and learning on rearing beef cattle. Rearing the beef locally would reduce carbon emissions.
- The travel plan did not form part of this application. Officers advised that that it would not be reasonable to add a travel plan condition.
- The cattle would not be kept inside all year long and the site was within a field where cattle would be allowed outside. This was not an intensive farming facility.
- Cattle rearing was part of the wider curriculum at the college.

Members then asked a further questions from officers to which they responded that:

- The condition for the discharge of run off rates was included in condition 3.
- Public rights of way were not enforced by planning conditions.
- Regarding a proposed additional condition relating to restricting the use of the building, any change of use would require a new planning application.
- Condition 8 was a standard ecology condition and condition 7 related to landscape mitigation.
- It was reasonable that there was a travel plan for different parts of the college.
- The right of the way referred to in the report was a different right of way to that closed by the college previously.

Cllr Ayre proposed an amended condition that if the building was removed from education/agricultural use for 18 months it would be demolished. This was seconded by Cllr D'Agorne. A vote was taken with 8 for and 4 against. The motion carried.

Cllr Ayre proposed approval with the above amended condition seconded by Cllr Doughty. A vote was taken with 13 for and one against.

The motion was carried and it was

Resolved: That delegated authority to be given to the Head of Development Services to:

i. refer the application to the Secretary of State for Communities and Local Government under the requirements of Section 77 of the Town and Country Planning Act 1990, and should the application not be called in by the Secretary of State, then APPROVE the application subject to

ii. The conditions set out in the report with the Head of Development Services granted delegated powers to determine the final detail of the planning conditions

iii an amended condition that if the building was removed from education/agricultural use for 18 months it would be demolished.

iv. Condition 7 being amended to in perpetuity.

Reason:

- i. The application site is located within the general extent of the York Green Belt and serves two Green Belt purposes. As such it falls to be considered under paragraph 143 of the NPPF which states inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, are clearly outweighed by other considerations. National planning policy dictates that substantial weight should be given to any harm to the Green Belt.

In addition to the harm to the Green Belt by reason of inappropriateness, it is considered that the proposal would have a harmful effect on the openness of the Green belt when one of the most importance attributes of Green Belts are their openness and the proposal would undermine at least two of the five Green Belt purposes.

Substantial weight is attached to the harm that the proposal would cause to the Green Belt. The harm to the Green Belt is added to by the harm to the visual character and amenity identified in the report

It is considered that the economic and educational benefits, together with the location constraints identified in paragraphs 5.37 and 5.38 are considered to be cumulatively 'very special circumstances' that clearly outweigh the definitional harm to the green belt, the harm to the openness and permanence of the green belt and the harm to the visual character and amenity arising from the proposed development.

- ii. Approval is recommended subject to the referral of the application to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2009 (application received before 21 April 2021) and the application not being called in by the Secretary of State for determination. The application is required to be referred to the

Secretary of State as the development is considered to be inappropriate development in the Green Belt, and the proposed 3 no. buildings would create floor space (1116.22sq.m) which is in excess of the of the 1000 sq.m floor space threshold set out in the Direction.

[The meeting adjourned from 17:18 to 17:30. Cllr Widdowson left the meeting at 17:18]

36. Land to the South of Northminster Business Park, Harwood Road, Upper Poppleton, York [21/00796/FULM]

Members considered a major full application from Northminster Properties Ltd for the Erection of distribution facility (use class B8) including formation of vehicle access onto Glaisdale Road on Land to the South of Northminster Business Park, Harwood Road, Upper Poppleton, York.

The Head of Development Services outlined the application and gave a presentation on it. She then gave an update noting the comments from planning policy, highways matters, climate change, changes to draft conditions, and a late objection from an interested party. The additional information had been assessed and the planning balance and recommendation were unchanged from the published report.

Officers then responded to Members questions, noting that:

- They were satisfied that the conditions addressed concerns regarding congestion on the A59 and that application would not have a negative impact on neighbouring properties.
- Condition 5 could be changed to the lifetime of the development.
- There were conditions relating to safe pathways and cycleways.
- The speed limit on the site was 10mph and 40mph on Northfield Lane.
- The application did not achieve BREAMM.
- There was a condition to protect existing trees and if these trees should die they would need to be replaced.

Public Speakers

Kathryn Jukes, Agent for the Applicant, spoke in support of the application. She explained that DPD had been looking for a new site for a number of years as their existing site at Clifton Moor was not suitable for electric vehicles. She added that this application would allow DPD to operate electric vehicles, deliver 125 jobs for the district and although it was not possible to achieve BREAMM excellent, carbon emissions would be reduced. She was then asked and answered Members' questions:

- The previous application was from Unipart, not DPD.
- The removal of fuel vehicles within the city walls related to the size of vehicles used and deliveries to those properties would be by electric vehicles.
- She explained the BREAMM scoring system and why it was not possible to achieve BREAMM excellent, adding that the site there would be electric vehicles, provision for photovoltaic panels and a rainwater harvesting tank.
- DPD had depots all over the country and the York hub served a wider area including Scarborough, Hull and Harrogate,
- It was the intention that undelivered parcels would be at that depot.
- At present DPD were limited by the size of electric vehicles but as more vehicles become available, they would be used further outwards.
- The DPD drivers had the same benefits as other employees.
- An overview of the structure of the 125 new jobs was given.
- No employees would be self employed.
- Most deliveries to the depot would be during the day and there were different shift patterns.
- There was van washing at the site and a noise assessment had been submitted. The drainage met the drainage requirements for this.
- Two new conditions addressed residents collecting parcels from the depot.

Officers were then asked further clarification questions from Members to which they responded that:

- The site was in the Green Belt and had been allocated employment land in the draft Local Plan. The NPPF very special circumstances was the need to support economic growth and productivity.

- The previous planning application was still live.
- There was a shared pedestrian/cycle route from the A59 to Northfield Lane and a 10mph limit on the Northminster bus park and ride.

Cllr Warters moved approval, seconded by Cllr Daubeney. Following debate a named vote was taken with the following result:

- Cllrs Ayre, D'Agorne, Daubeney, Doughty, Douglas, Fenton, Hollyer, Kilbane, Looker, Warters, Waudby, and Fisher voted for the motion.
- Cllr Lomas voted against the motion.

The motion was carried and it was

Resolved: That delegated authority to be given to the Head of Development Services to:

- i. refer the application to the Secretary of State for Communities and Local Government under the requirements of Section 77 of the Town and Country Planning Act 1990, and should the application not be called in by the Secretary of State, then APPROVE the application subject to
- ii. The conditions set out in this report with the Head of Development Services granted delegated powers to determine the final detail of the planning conditions.

Reason:

- i. The application site is located within the general extent of the Green Belt and serves two Green Belt purposes. As such it falls to be considered under paragraph 143 of the NPPF which states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, are clearly outweighed by other considerations. National planning policy dictates that substantial weight should be given to any harm to the Green Belt. In addition to the harm to the Green Belt by reason of

inappropriateness, the proposal would have a harmful effect on openness and would undermine two of the five Green Belt purposes. Substantial weight is attached to the harm that the proposal would cause to the Green Belt.

- ii. However, the proposed development would make a significant contribution to achieving one of the council's main objectives which is to meet the city's employment needs. The proposal would also enable an existing company to remain within the district and to continue to grow. These benefits are, in combination, considered to amount to 'very special circumstances' that clearly outweigh the harm to the Green Belt due to inappropriateness, impact on the openness and conflict with the purposes of including land within it.
- iii. Approval is recommended subject to the referral of the application to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2009 (application received before 21 April 2021) and the application not being called in by the Secretary of State for determination. The application is required to be referred to the Secretary of State as the development is considered to be inappropriate development in the Green Belt, and the proposed 3 no. buildings would create floor space (1116.22sq.m) which is in excess of the of the 1000 sq.m floor space threshold set out in the Direction.

Cllr T Fisher

[The meeting started at 4.30 pm and finished at 6.38 pm].

COMMITTEE REPORT

Date: 2 September 2021 **Ward:** Dringhouses And Woodthorpe

Team: West Area **Parish:** Dringhouses/Woodthorpe Planning Panel

Reference: 20/00507/FULM
Application at: 1 Cherry Lane York YO24 1QH
For: Erection of 60no. retirement apartments with care, communal facilities, parking, landscaping and associated amenity space following demolition of existing 3no. bungalows.
By: Gladman Retirement Living
Application Type: Major Full Application
Target Date: 30 October 2020
Recommendation: Refuse

1.0 PROPOSAL

1.1 The proposal is for the demolition of the existing 3 detached bungalows and the construction of a block of 60 flats for older people with 32 parking spaces and 4 disabled spaces. The replacement building is 3 storeys high with an additional partial lower ground floor to the eastern end.

Site description

1.2 The site currently contains 3 detached dwellings – 2 dormer bungalows and a large bungalow dating back to the 1960's. There is mature hedging on the boundaries and large trees in the verge to the front of the site on Tadcaster Road. The site abuts the Tadcaster Road Conservation Area to the front and partially to both sides. There are a number of listed buildings along Tadcaster Road in proximity to the site. The other side of Cherry Lane is occupied by the Holiday Inn hotel which has a large single storey element to the front rising to a 5+ storey block further into the site towards the rear.

Community engagement

1.3 Prior to submission of the application, the developer undertook consultation with the local community. This included a leaflet drop to local residents and businesses, an exhibition and the setting up of a dedicated website. The applicant reports that

respondents were generally supportive of the scheme and comments related predominantly to the scale of the building, parking and increased traffic.

2.0 POLICY CONTEXT

2.1 Local Plan (Submission Draft 2018)

DP2 Sustainable development

DP3 Sustainable communities

DP4 Approach to development management

SS1 Delivering sustainable growth for York

H2 Density of housing development

H10 Affordable housing

D1 Placemaking

D2 Landscape and setting

D4 Conservation areas

D5 Listed buildings

D6 Archaeology

GI6 New open space provision

CC1 Renewable and low carbon energy generation and storage

CC2 Sustainable design and construction of new development

ENV2 Managing environmental quality

ENV3 Land contamination

ENV5 Sustainable drainage

T1 Sustainable access

DM1 Infrastructure and developer contributions

2.2 Development Control Local Plan (incorporating 4th set of changes 2005)

GP1 Design

GP4a Sustainability

GP6 Contaminated land

GP7 Open space

GP9 Landscaping

GP13 Planning obligations

HE3 Conservation areas

HE4 Listed buildings

HE10 Archaeology

T4 Cycle parking standards

H2a Affordable housing

H5a Residential density

2.3 Evidence base

Strategic Housing Market Assessment (SHMA) (2016)
Open Space and Green Infrastructure (2014) and Update (2017)
City of York Heritage Topic Paper Update (September 2014)

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 Conditions are recommended in the event that a planning permission is granted to control issues of noise and odour disturbance, demolition and construction house, a Construction Environment Management Plan (CEMP), land contamination and Electric Vehicle Charging Point (EVCP).

Design, Conservation and Sustainable Development (Archaeology)

3.2 The site is within the Tadcaster Road Area of Archaeological Importance. It is close to the roman road in an area where there have been several large scale pieces of archaeological investigation. The desk based assessment with the application indicates a moderate-high potential for the site to contain roman archaeology. A condition is recommended in the event that a planning permission is granted for a programme of archaeological evaluation and subsequent mitigation.

Design, Conservation and Sustainable Development (Conservation Architect)

3.3 The site is bounded by the Tadcaster Road Conservation Area along part of three of its sides. The boundary of the conservation area has been stepped around the existing site to deliberately exclude the current 4 bungalows on the site, which do not contribute to the character of the conservation area in their siting or architecture. The loss of the existing bungalows is therefore not objected to. The character of the Conservation Area is identified as the linear form of the original village, mature trees on the roadside, views across the Knavesmire and large villas in their own grounds.

3.4 The 3 storey frontage of the proposal is uncharacteristic of the conservation area as is the long elevation on Cherry Lane. This elevation will be particularly evident when travelling along Tadcaster Road and is at odds with the linear character of historic Dringhouses. It is considered that the height, footprint and orientation are uncharacteristic of the adjacent conservation area and historic form of the village which forms the setting of the listed buildings (the library and 52 and 54 Tadcaster road) and therefore an objection is raised to the proposal.

Highways Network Management

3.5 Details of access have been agreed and parking provision is acceptable and in line with CYC guidance and reflects data from other sites. Conditions will be required should a planning permission be forthcoming for a travel plan and off-site highway improvements. Cycle parking details to be agreed again in the event that a planning permission is given.

Design, Conservation and Sustainable Development (Landscape Architect)

3.6 The eastern half of the site is included in a green infrastructure corridor that is identified in the evidence base for the local plan in recognition of the value of the sense of space and tree cover presented by the existing large garden. The proposed accommodation represents a slight loss to the leafy, informal character of Cherry Lane due to the length and scale of the building.

3.7 There is limited capacity to break up the Cherry Lane elevation with large-species trees that would be appropriate to the scale of the development and the character of the lane, but there is the potential to plant a rhythm of small to medium sized tree species along the northern and southern boundaries to supplement the grounds. The western block of the proposed building is pushed much further forward onto Tadcaster Road than either the adjacent hotel or the existing bungalows, so it looks a bit forced and uncomfortable in relation to the existing Lime tree and the existing spatial context to the north and south. The central section of the building is set further back from the southern boundary, thus benefitting from the southern aspect and creating a more significant garden feel, in addition to the less substantial perimeter landscape.

3.8 The development is largely compatible with the retention of the best existing trees, which are at the eastern end of the site, and it enables perpetuity of significant tree cover in this location. The majority of the trees along the north and south boundaries that would be removed are category C (out of A, B, C and U). Conditions are suggested in the event that a planning permission is granted.

Older Person's Housing Manager

3.9 The provision of specialist older persons' accommodation is supported and there is a shortfall of extra care type housing within the city and particularly within the southern area. An affordable housing contribution would be required for the development if planning permission is given.

Housing Policy

3.10 An affordable housing contribution is required in accordance with Local Plan Policy H10 in the event that planning permission is given. It is accepted that this can

be provided in the form of an off-site contribution, in accordance with Policy H10 paragraph 5.70, due to the specialist nature of this scheme. The site is a mix of greenfield and brownfield land and therefore an affordable housing requirement of 25% is applicable. This comprises an equivalent of 15 homes from the 60 total proposed, in accordance with Policy H10. Notional “affordable” properties for the purposes of contribution calculation would be identified, which are of a market value typical for the scheme as a whole. This should be secured in the section 106 agreement, using a formula representing this policy requirement. Use will be prioritised for older people’s affordable housing although if no development projects are available to deliver this, other affordable accommodation may be provided instead.

Flood Risk Management

3.11 Insufficient drainage details have been submitted to determine the potential impact of the proposal on the existing drainage system and downstream watercourse.

Community Sports Development

3.12 Indicates a significant shortfall in terms of provision of outdoor sport and informal open space within the area necessitating a requirement for a commuted sum payment of £21,087 in the event that planning permission should be forthcoming.

EXTERNAL

Ainsty Internal Drainage Board

3.13 Details of the discharge from the proposed existing surface water drain should be confirmed as this may affect the Board’s assets. Conditions are recommended in the event that planning permission is forthcoming.

Yorkshire Water

3.14 It is proposed that the submitted FRA and Drainage Strategy is approved – this recommends foul water to public foul sewer, sub-soil conditions do not support soakaways and surface water will discharge to surface water public sewer via storage.

4.0 REPRESENTATIONS

Neighbour notification and publicity

4.1 Twenty two letters of objection have been received in relation to the proposals. The issues raised are:

- Not good to demolish existing housing, should be a brownfield site
- Too close to main road, hotels and racecourse – not a quiet location
- Excessive height and scale of building
- Out of keeping with the character of the conservation area
- Insufficient parking provision
- Drainage issues
- Construction disruption
- Lack of public consultation
- Overdevelopment
- Increased density of development
- Views of Knavesmire would be blocked
- Impact on Grade I listed Goddard House
- Overlooking to stables buildings
- Loss of quiet atmosphere at stables leading to a reduced use of the premises as the peaceful nature of the site is important for keeping horses calm
- Congestion issues on Cherry Lane
 - Insufficient outdoor amenity space
- Single aspect flats and rooms with no windows
- Loss of view from properties on Tadcaster Road
- Highway safety issues on Cherry Lane
- No need for older persons accommodation
- Building is too close to Tadcaster Road and will create a tunnelling effect
- The Knavesmire will become more urbanised
- Loss of open space and impact on rural landscape
- Increase in pollution from additional vehicles
- Insufficient cycle parking
- Cycle access in the locality should be improved
- Sufficient older persons' accommodation already in Dringhouses – this will result in an imbalance in the age demographic

York Civic Trust

4.2 Do not support the application in its current form:

- The need for retirement provision is recognised and the loss of the existing bungalows is considered acceptable – however the type of provision, lacking on-site healthcare would lack flexibility to residents and could be re-classified as purely residential housing.
- The scale and height threatens to detract from and jar with the listed buildings opposite and surrounding and would be imposing and uncharacteristic of the conservation area that it bounds.

- Suggest a design stepped back from Tadcaster Road with the building broken up into freer units.

5.0 APPRAISAL

5.1 KEY CONSIDERATIONS INCLUDE

- Principle of the development;
- Design and townscape;
- Impact on heritage assets (conservation area, listed buildings);
- Conclusion of harm to heritage assets (public benefits);
- Archaeology;
- Affordable housing;
- Amenity issues;
- Transport and access;
- Sustainable design and construction;
- Open space and sports provision.

POLICY CONTEXT

5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Framework (July 2021)

5.3 Central Government planning policy is contained in the National Planning Policy Framework ("NPPF", 2021). It is a material consideration in the determination of this application. Paragraph 11 establishes the presumption in favour of sustainable development, which runs through both plan-making and decision-taking. In decision taking this means approving development proposals without delay that accord with an up-to-date development plan. In the absence of relevant development plan policies or where they are out-of-date, permission should be granted unless policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the proposed development, or any adverse impacts of doing so would significantly or demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

Emerging Local Plan

5.4 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted to the Secretary of State for examination on 25 May 2018. Consultation

on proposed modifications to the plan were also held in June/July 2019 and May-July 2021. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. In accordance with paragraph 48 of the NPPF the 2018 Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

2005 Draft Development Control Local Plan

5.5 The Development Control Local Plan (DCLP) was approved for development management purposes in April 2005. Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF albeit with very limited weight.

PRINCIPLE OF THE DEVELOPMENT

5.6 In considering the proposed use and whether it is acceptable in principle, key sections in the NPPF are Section 5. Delivering a sufficient supply of homes and Section 11. Making effective use of land. The proposal is for the demolition of the existing dwellings and their replacement with 60 no. units of older persons' accommodation within a single building. There is no land use allocation for the site within the draft Local Plan and the site sits within a suburban area. The character of the area is quite mixed with large hotels and stables serving the racecourse and small commercial units along Tadcaster Road. Residential properties are predominant in the area of the application site. As such it is considered that a proposal to replace the existing residential development with a denser form of housing may be acceptable in principle subject to other material planning considerations being clearly satisfied.

5.7 Section 5 of the NPPF states that "to support the Government's objective of significantly boosting the supply of homes (which includes student housing), it is important that a sufficient amount and variety of land can come forward where it is

needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”.

5.8 Section 11 of the NPPF requires planning decisions should:-

Promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.

Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.

5.9 The applicant notwithstanding previous discussions in terms of the provision of a commuted sum to cover affordable housing, contends that the proposed development would comprise a residential institution under Use Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (“the Order”) rather than housing with care Use Class C3(b) of the Order. This is on the basis that occupation of the properties would be restricted to those over 55 years of age, identified as being in need of care and receiving care provision for a minimum of two hours per week. The presence of on-site staffing and a range of communal facilities such as a salon and a bistro is also highlighted. Examples, including an appeal decision, have been highlighted. It is however the view of the Local Planning Authority that the proposal constitutes housing with care falling within Use Class C3(b) of the Order and therefore subject to the requirements in terms of commuted sum payments for open space and for affordable housing that conventional housing would be.

5.10 The proposed development is laid out in the manner of a conventional development of 60 apartments with the associated communal facilities clustered around the entrance and not throughout the development in the way that they are in the developments cited by the applicant to justify their view. Conventional serviced residential developments in densely developed urban areas commonly include communal facilities such as gyms and bistros without falling into a separate Use Class. Similarly serviced developments of residential apartments commonly make provision for a site manager or concierge who is available 24 hours a day. Cleaning is also commonly provided in serviced apartment developments in some areas. Whilst a minimum age limit is specified at 55 it is set low for a requirement for on-

going care and a weekly care provision of one to four hours per week as commonly suggested is also very low when individuals receiving care within the wider community and with the assistance of telematics services will have care provision of as much as 21 hours per week. The key test is the exact degree to which the provision of care pervades the wider development. The development as it stands could easily be marketed as a general residential apartment development without any alteration and it would be possible for a resident to live a largely independent life with only minimal contact with the communal facilities.

DESIGN AND TOWNSCAPE

5.11 The proposed building is 3 storeys in height with an additional partial lower ground floor on the end nearest the Knavesmire. The bulk of the building has been broken down to a very small extent by the use of inset glazed elements to the linking brick facades. The intention is to give the impression of villa type elements with individual frontage treatments in keeping with the general character of the area and of a more domestic scale. This is however largely negated by the scale of development within the site which lacks any meaningful external amenity space and the use of a three storey form which is uncharacteristic of the adjoining section of Tadcaster Road. Despite attempts at achieving varied setbacks from the street and interest at roof level along the Cherry Lane frontage the whole treatment continues to appear monotonous. The Tadcaster Road elevation is similarly uncharacteristic to the form and character of the wider street scene with the building even as amended sat well in front of the standard building line characteristic of the wider townscape. Only minimal areas of landscaping have been retained around the building to give it a positive setting and an amenity area for residents. The built form of the adjacent development on Tadcaster Road means that the proposed building would be very prominent in views both north and south.

5.12 In terms of its height, the ground floor level will be lower than that of the existing bungalows in an attempt to ensure that the building sits comfortably in relation to neighbouring properties. The top floor sits partially within the roofspace and flat roofs are used for the glazed linkages in a further attempt to reduce bulk. However the continuing large size of the development relative to the size of the plot means that this is largely unsuccessful and the whole impression is one of over-development.

5.13 The design of the proposal references other buildings within the locality. The gable detailing references those on the Fox and Roman Public House and Dringhouses library as do the cladding features within the gables. Materials will be a darker brown-red textured brick with small areas of cladding to highlight specific

areas and mimicking the use of half-timber detailing visible locally. Pitched roofs will be slate grey tiles. The significant differences in scale however ensure that the references used appear contrived.

IMPACT ON HERITAGE ASSETS (CONSERVATION AREA, LISTED BUILDINGS, ARCHAEOLOGY);

5.14 The site sits adjacent, but outside of, the Tadcaster Road Conservation Area. The Conservation Area starts at the adjacent field to the front of the stables and follows Tadcaster Road up to The Mount. While the site is not within the conservation area, the stables' field, directly to the south is, as is most of Holiday Inn to the north. The site is also within the Tadcaster Road Area of Archaeological Importance and opposite Grade II listed buildings at Dringhouses library, 52 and 54 Tadcaster Road.

5.15 The conservation area appraisal assesses the important features of the conservation area as the linear form of the original village with buildings lining the long village street; the mature trees at the roadside and in private gardens; long views out across the Knavesmire and towards Terry's factory; and large villas in their own grounds along Tadcaster Road.

5.16 In accordance with Section 72 of the Planning (Listed Building and Conservation Area) Act 1990, the Local Authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area in exercising its planning duties. Section 66 of the same Act requires the Local Planning Authority to have special regard to preserving the setting of listed buildings or any features of special architectural or historic interest it possesses. Where there is found to be harm to the character or appearance of the conservation area (or the setting of a listed building,) the statutory duty means that such harm should be afforded considerable importance and weight when carrying out the balancing exercise. In this case, it should be noted that the site sits directly outside of the conservation area and impacts on the setting of the conservation area (and associated listed buildings directly to the north).

5.17 The legislative requirements of Sections 66 and 72 of the Planning (Listed Building and Conservation Area) Act 1990 are in addition to government policy contained in Section 16 of the NPPF. The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater weight should be. Where a development proposal would lead to less than substantial harm to the significance of the asset, this harm should be

weighed against public benefits of the proposal. Para. 200 notes that any harm to the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

5.18 The NPPF continues by advising that Local Planning Authorities should look for opportunities within conservation areas and within the setting of heritage assets to sustain and enhance their significance. Development Control Local Plan (2005) Policy HE2 and 2018 Draft Plan Policy D4, reflect legislation and national planning guidance. In particular, Draft Policy D4 advises that development within or affecting the setting of a conservation area should be designed to preserve or enhance the special character and appearance of the conservation area and enhance or better reveal its significance; respect important views and be accompanied by appropriate evidence based assessment of the conservation areas special qualities and the impact of the proposal. Harm to buildings, open spaces, trees, views or other elements which make a positive contribution to a conservation area will be permitted only where this is outweighed by the public benefits of the proposal.

5.19 The site sits outside the conservation area and therefore impacts from the proposal are in relation to the setting of the designated heritage asset. The significance of the conservation area has been identified above at para. 5.15. The proposal is considered to have a harmful impact on the setting of the conservation area in relation to its linear form. The frontage element of the proposed building gives a strong but adverse building presence on Tadcaster Road compared with the existing buildings which are low scale, low density and set back from the highway being more characteristic of the pattern of development in the wider locality. The existing trees on Tadcaster Road will be retained and some space is allowed for them to continue to flourish. In terms of views from the conservation area to the Knavesmire, there will be some adverse impact. This view of the trees surrounding the Knavesmire will not be notably reduced by the significant change in balance between built development and surrounding landscape.

5.20 The length and height of the proposed building frontage along Cherry Lane will constitute a significant change. The Holiday Inn opposite is itself idiosyncratic but it follows the general grain of development, is set well back from the street frontage and is afforded a high degree of shelter by the surrounding landscaping which softens its form. The proposal will significantly compromise the view down Cherry Lane even with the amendments that have taken place. Whereas the current impression is one of a low density of development set within a verdant landscaped area there would be a substantial solid mass that would not be easily sheltered or

softened by the little landscaping feasible in the external areas retained. The setting of the Conservation Area in that area would therefore be clearly harmed.

5.21 The proposal would result in less than substantial harm to the setting of the conservation area by impacting on its linear character and introducing an uncharacteristic overly bulky form of development.

5.22 In terms of the impact on the setting of the listed buildings on the west side of Tadcaster Road, the harm is considered to be less than substantial. The library was originally built as a school in 1852 and subsequently altered. The building is substantial, albeit single storey with dormer windows and follows the standard linear pattern of development. The library sits on the rear of the pavement while the two houses at 52 and 54 have small open front gardens.

5.23 The proposal would impact on the village setting of the listed buildings as a result of its scale, location and adverse linear form. A comparison might be made with the Holiday Inn or the nearby Marriot Hotel. Both buildings are however drawn back substantially from the site frontage and are largely softened by the surrounding mature landscaping. The current proposal could not be so mitigated. It is felt that the proposal by its bulk and proximity to the site frontage would erode the setting of the Listed Buildings opposite both visually cramping them and creating a substantial competitor building within the wider street scene. For this reason the impact on the setting of the listed building is considered to be significant but less than substantial in terms of harm.

CONCLUSION OF HARM TO HERITAGE ASSETS (PUBLIC BENEFITS)

5.24 Paragraph 199 of the NPPF requires that great weight be given to the conservation of heritage assets. The more important the asset, the greater the weight which should be given to its conservation.

5.25 As detailed above there are numerous heritage assets, of differing significance (Scheduled Monuments, Listed Buildings, Conservation area, archaeological features and deposits, and non-designated heritage assets) that would be affected by the scheme. The significance of heritage assets may be affected by direct physical change or by change in their setting.

Public Benefits

5.26 National Planning Practice Guidance sets out what is meant by the term public benefits and states that:

“Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit. Examples of heritage benefits may include:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- reducing or removing risks to a heritage asset
- securing the optimum viable use of a heritage asset in support of its long term conservation”

In this instance the public benefits include social, economic and environmental considerations.

Social objective

5.27 The scheme will provide 60 flats within a sustainable location having good public transport links to the city centre. There is a recognised lack of housing supply within the local authority area and this proposal will contribute to reducing that. The applicant however continues to dispute the land use classification of the site as for general housing albeit with care (Use Class C3b).

5.28 In addition, the flats will provide accommodation for older people. Using national benchmarks of provision supply and demand for this type of supported living/ extra care accommodation, York has a current demand for a minimum of 832 units of accommodation. The city currently has 286 units of extra care accommodation with a further 176 with planning approval or under construction. Obviously, as the older person's population increases this demand will also increase. Population projections for the city indicate that by 2030 there will be a demand for a minimum of 1082 units of extra care accommodation. Furthermore the majority of the city's extra care provision is in the north and east of the city. This development in the South of the city will help to provide a geographical spread of accommodation. However the age limit for occupation at 55 is low, the average level of care provided is similarly low and the development has the physical characteristics of a general high density open market housing development similar to that undertaken on the former Wilberforce Society site much further along Tadcaster Road but not in any way characteristic of the present location.

5.29 As part of the scheme, the development will provide an affordable housing contribution notwithstanding their contention that the site is a residential institution (Use Class C2) and not a conventional residential development (Use Class C3).

Environmental objective

5.30 The proposal replaces older buildings with a modern energy efficient one. The buildings are however still of relatively recent construction dating to the 1970s and could be comparatively straightforwardly and more sustainably modified as opposed to being demolished. Conditions will ensure that the requirements of Local Plan policies CC1, CC2 and CC3 are fulfilled and the scheme will achieve improvements over Building Regulations Part L. Environmental benefits are however very modest and would only be given very little weight in the planning balance.

Economic benefit

5.31 The proposal may result in a number of temporary jobs through the construction phase and a small number of jobs to support the operation of the development.

It is also noted that the increase in numbers of residents on the site might lead to higher footfall to neighbouring businesses helping to support their continued operation. Such benefits are however felt to be very limited and it is felt can be afforded little weight within the planning balance.

Conclusion

5.32 Less than substantial harm has been identified to the setting of Tadcaster Road Conservation Area and Grade II listed buildings at the library, 52 and 54 Tadcaster Road.

5.33 Some public benefits have been identified in the social benefits associated with the provision of housing and a contribution towards the provision of affordable housing in the city. It is however considered that, when giving great weight to the conservation of the designated heritage assets identified above, that the public benefits are not sufficient to outweigh the less than substantial harm to those designated heritage assets specifically the setting of the adjacent Listed Buildings.

ARCHAEOLOGY

5.34 The site sits within the Tadcaster Road Area of Archaeological Importance close to the Roman road and within a 100m of a known Roman cemetery. There have been several large scale pieces of archaeological investigation in the area although these has been no investigation previously within the boundary of the site. A desk-based assessment has been submitted with the application and identifies a moderate-high potential for the site to contain Roman archaeology.

5.35 The proposal will have a destructive impact on any remaining archaeology on site. In line with para.194 of the NPPF, archaeological evaluation would normally be submitted along with an application. This has not been done due to ownership issues, the current residential use of the site and the changing situation with Covid-19 over the past year. It has been agreed that this evaluation can take place post-determination and that the required mitigation will not be known until this has happened. A condition may secure the appropriate evaluation and mitigation in the event of a planning permission being forthcoming.

AFFORDABLE HOUSING

5.36 An affordable housing contribution equivalent to 15 properties is required in accordance with draft Local Plan policy H10, this reflects the part greenfield/part previously developed nature of the site. It is accepted that this be provided in the form of an off-site contribution, in accordance with Policy H10 para. 5.70, due to the specialist nature of this scheme. Paragraph 5.70 states that “The commuted payment will be calculated as the difference between the transfer price and the market value of the specific home(s) on that site.” Notional “affordable” properties for the purposes of contribution calculation would be identified, which are of a market value typical for the scheme as a whole. This contribution would be fixed in a S106 agreement, using a formula representing this policy requirement. Use will be prioritised for older people’s affordable housing, though if no development projects are available to deliver this, alternative affordable accommodation may be provided instead.

AMENITY ISSUES

5.37 Policy ENV2 of the Publication Draft Local Plan indicates that development which would have an environmental impact upon the amenity of the surrounding area including residential amenity must be accompanied by evidence that the impacts have been assessed and that the proposal would not result in a loss of character or amenity. This is echoed in para.130(f) of the NPPF which requires that development provides a high standard of amenity for existing and future users.

5.38 The proposed building is not in close proximity to other residential properties. The closest dwellings are on the opposite side of Tadcaster Road. There is a dwelling within the stables complex but this is set to the south of the stables site backing on to Hunters Way. For this reason, it is not considered that the development will cause any significant overlooking or overshadowing on neighbouring residents.

5.39 At its closest, the new building will sit between 3m and 5m from the boundary with the stables. There is a gradual and significant change in level between the application site and the stables and the stable buildings include some accommodation for short term residential use. The access road for the stables runs adjacent to this boundary and the proposal is slightly set back from the common boundary. Notwithstanding the concerns expressed by the racecourse management company it is felt on balance that the relationship would not be particularly overbearing.

5.40 Upper floor flats are provided with balconies while ground floor flats have access on to the garden areas. There is a modest landscaped garden to the stables side of the building. To the East, the building abuts the parking area beyond which a landscaped buffer separates the site from that further down Cherry Lane which itself leads to the Knavesmire.

TRANSPORT AND ACCESS

5.41 Cycle parking may be secured by condition in the event of planning permission being forthcoming. A secured cycle parking area for 10 cycles is shown on the plans. Although this is a very low level of provision, this is based on data from the applicant's other sites, with provision increased slightly to take account of the popularity of cycling in York. There is an internal buggy park within the building which, if not required for buggies, could be amended to cycle parking and would accommodate a further 22 spaces. Four uncovered visitor spaces would be provided at the front of the building. There appears to be sufficient space within the site to secure further cycle parking if required.

5.42 Car parking is within an area to the east of the site and accessed from Cherry Lane. A new access is to be created which would be acceptable in highways safety terms. Parking is provided at 36 spaces, including 4 accessible spaces and is broadly in line with City of York Council guidance and reflect data from other sites. These parking spaces would not be allocated to specific apartments but shared between residents, staff and visitors. Parking permits will be required for parking on site.

5.43 The development would be unlikely to result in a significant impact on road safety. A contribution, secured by a section 106 agreement, would be required to improve the pedestrian crossing point on Tadcaster Road in the event of planning permission being forthcoming. It is anticipated that residents would make use of the bus stops, shops and other amenities on Tadcaster Road and are likely to require good quality crossing facilities. Cost information has been provided by CYC, estimating the required contribution at up to £55,000. The applicant has also agreed to a contribution of £10,000 to support the process to change TROs in the area including the introduction of resident parking zones and changes to parking and loading restrictions as necessary.

SUSTAINABLE DESIGN AND CONSTRUCTION;

5.44 Policy CC1 encourages the development of renewable and low carbon energy generation and storage. It requires new buildings to achieve a 28% reduction in carbon emissions through the provision of renewable and low carbon technologies in the locality of development or through energy efficiency measures, unless it can be demonstrated that this is not viable.

5.45 Policy CC2 sets out the sustainable design and construction requirements that all new development (by type) must adhere to and demonstrate in a Sustainability Statement. In summary, for new residential development, the policy requirements are to deliver at least a 19% reduction in Dwellings Emission Rate (DER) compared to the Target Emission rate (TER) (calculated using SAP as per the Building Regulations) and a water consumption rate of 110 litres per person per day (calculated as part G of the Building Regulations). A sustainability statement is also required in line with Policy CC2 to demonstrate energy and carbon dioxide savings in accordance with the energy hierarchy and water efficiency.

5.46 An Energy Statement has been submitted which concludes that a range of sustainability strategies will be pursued including mechanical ventilation with heat recovery and photo-voltaic panels on the pitched roofs of the development. Conditions may address the requirements of Policies CC1 and CC2 in the event of planning permission being forthcoming.

OPEN SPACE AND SPORTS PROVISION.

5.47 The NPPF advises that planning decision should aim to create healthy and inclusive places. Paragraph 98 states 'access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health

and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate’.

5.48 2018 Draft Plan policy GI6 (new open space provision) of the DLP 2018 states ‘all residential development proposals should contribute to the provision of open space for recreation and amenity’.

5.49 The site sits in close proximity to the Knavesmire and as such no requirement is made for a contribution towards amenity open space. Similarly, as a result of the occupancy restriction, no requirement is made for play equipment. There is however a need for a contribution towards off-site sports facilities. Considering the age of the residents it is considered that Dringhouses Bowls Club and Dringhouses Sports and Social Club would be the most relevant local beneficiaries. This would be secured via a section 106 agreement should permission be granted.

6.0 CONCLUSION

6.1 The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The harm resulting from the scheme is considered to result in less than substantial harm to the neighbouring Conservation Area and setting of listed buildings.

6.2 The less than substantial harm to the designated heritage assets has been afforded great weight in the planning balance and it is felt that the harm identified notably the harm to the setting of 52 and 54 Tadcaster Road and Dringhouses Library opposite would not be outweighed by the identified public benefits.

6.3 As set out in section 5, other identified issues relating to highway safety, and residential amenity and other environmental matters may be adequately mitigated by conditions in the event of a planning permission being forthcoming.

6.4 It is felt that the proposal would result in the introduction of an over-bulky visually monotonous form of development into a long narrow plot not properly suited to accommodate it. It would significantly erode from the form and character of the

Tadcaster Road Conservation Area directly adjoining thereby materially harming its setting. The use of a monolithic three storey form in close proximity to the street frontage would at the same time materially erode the setting of Dringhouses Library, 52 and 54 Tadcaster Road each Grade II Listed Buildings directly opposite. Notwithstanding the identified public benefits comprising the provision of housing with a degree of care for older people the proposal is felt to be unacceptable in planning terms and refusal is recommended.

7.0 RECOMMENDATION: Refuse

- 1 The proposal by virtue of its height, scale and massing in a prominent street corner location would harm the visual amenity of the streetscene, the form and character of the adjoining section of Tadcaster Road and the setting of the Tadcaster Road Conservation Area and harm the setting of Dringhouses Library, 52 and 54 Tadcaster Road all Grade II Listed Buildings. This would be contrary to Policy D1, Policy D4 and Policy D5 of the Publication Draft City of York Local Plan 2018, contrary to Section 66 of the 1990 Planning (Listed Buildings and Conservation Areas) Act and paragraphs 199 and 202 of the National Planning Policy Framework

8.0 INFORMATIVES: Notes to Applicant

1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

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

Sought reduction in the scale of the development

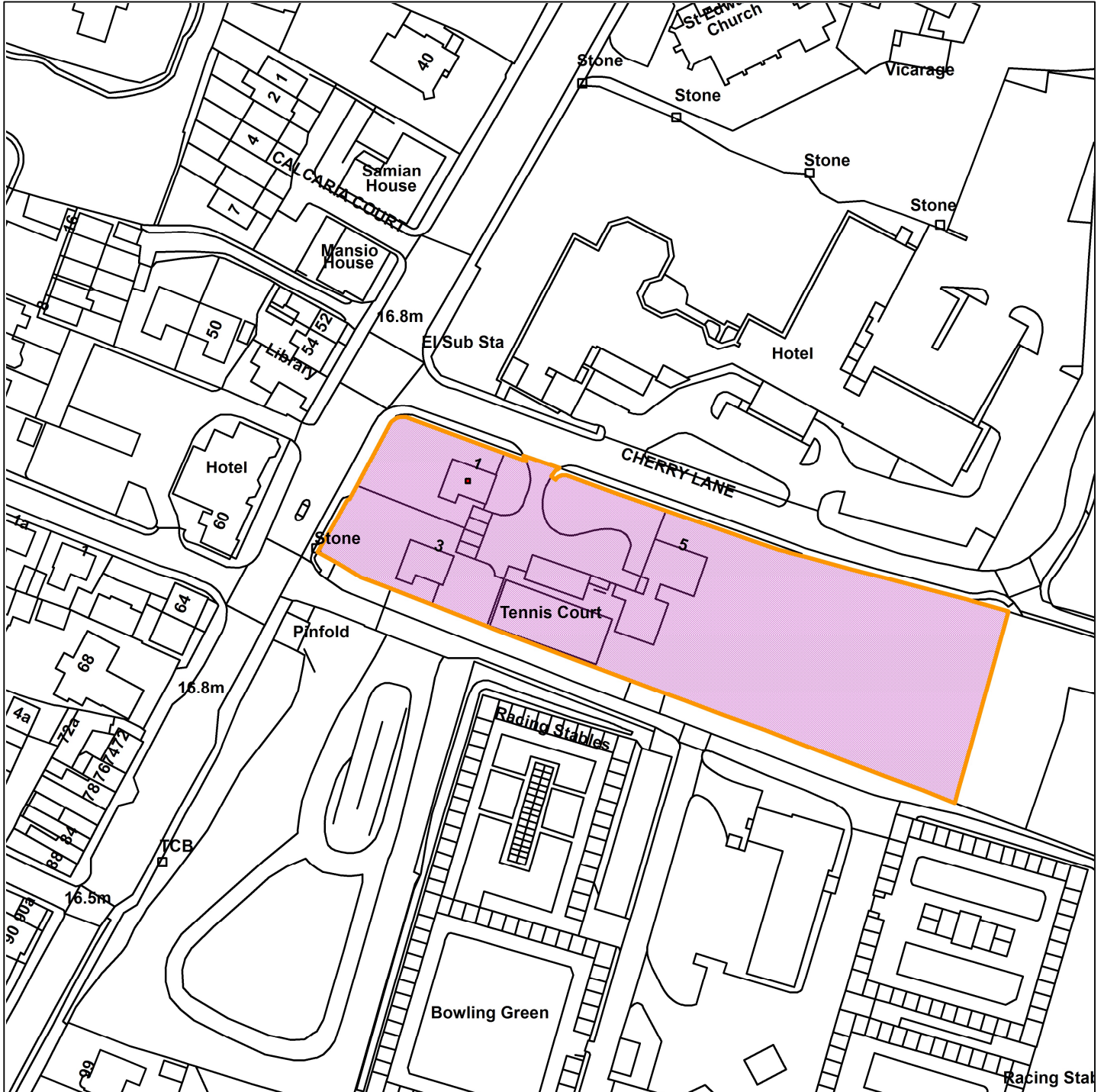
However, the applicant/agent was unwilling to amend the application in line with these suggestions, resulting in planning permission being refused for the reasons stated.

Contact details:

Case Officer: Erik Matthews
Tel No: 01904 551416

1 Cherry Lane, York, YO24 1QH

20/00507/FULM



Scale : 1:1374

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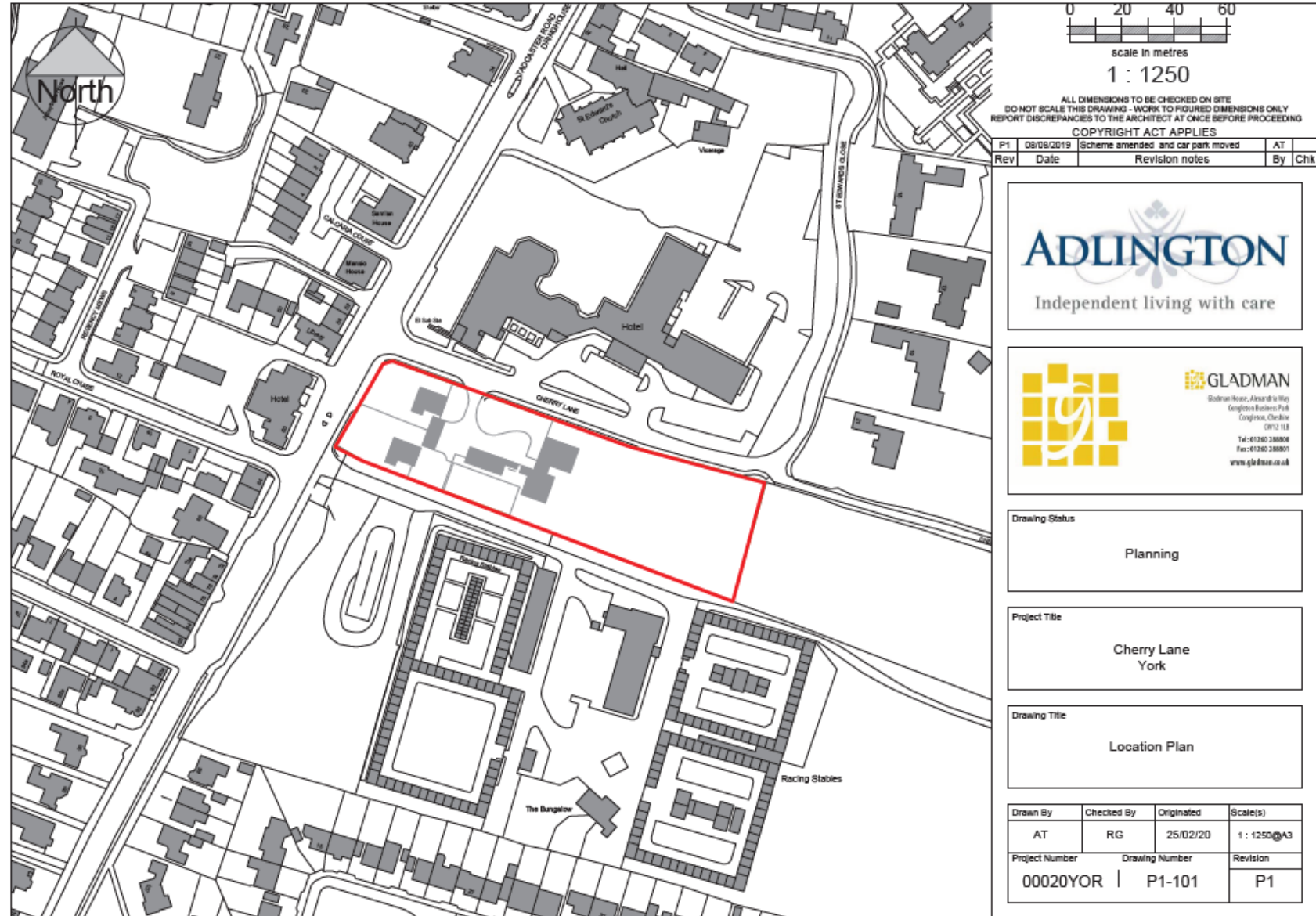
Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	20 August 2021
SLA Number	

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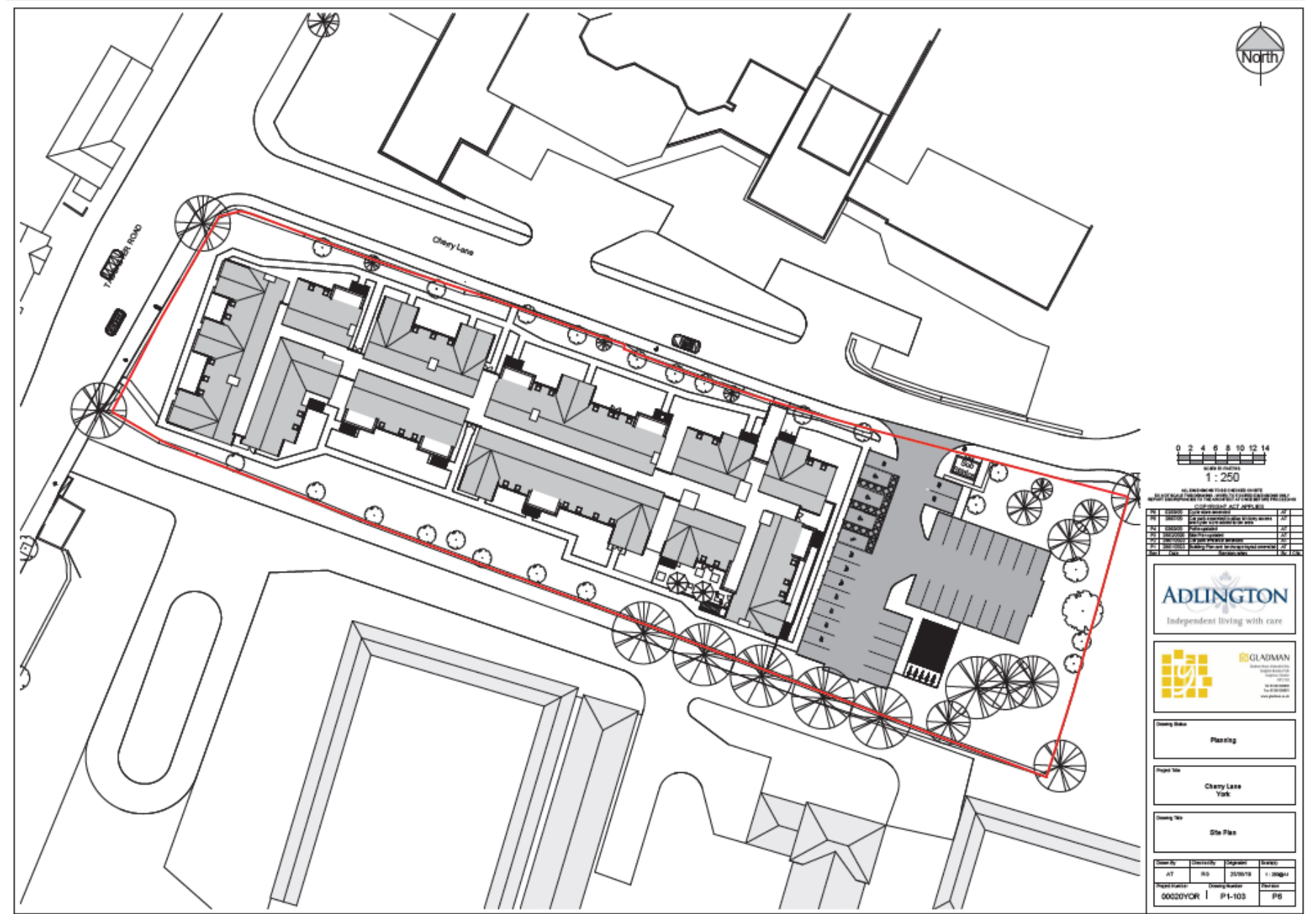


20/00507/FULM
1 Cherry Lane

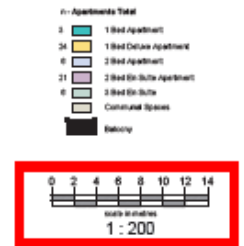
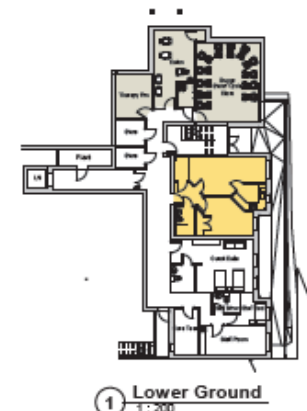
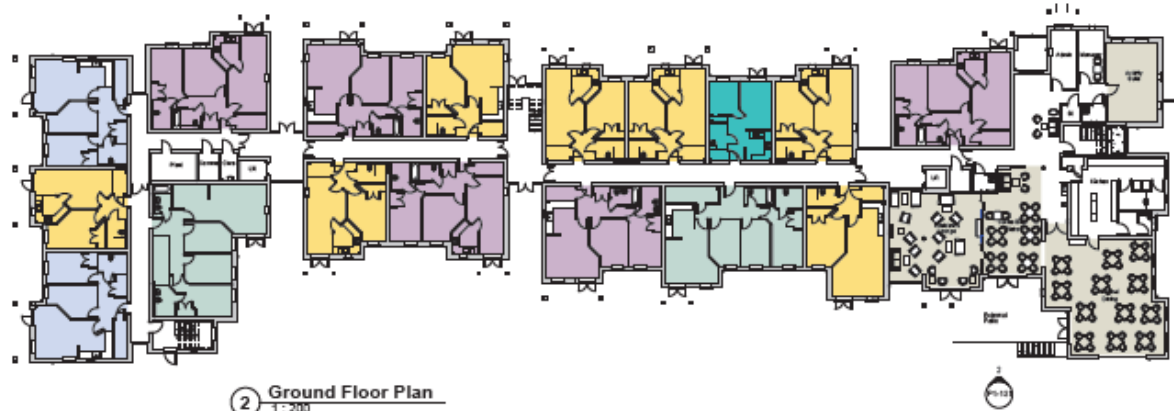
As existing location plan



Proposed site plan



Floor plans



PLANNED TO BE REGISTERED IN THE
SCOTLAND'S PLANNING SYSTEM. THIS DOCUMENT IS ONLY
FOR INFORMATION TO THE PUBLIC. IT DOES NOT CONSTITUTE
A COMMITMENT BY THE LOCAL AUTHORITY.

Rev	Date	By	Checked	Appr	Rev

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Glasgow G1 1JH
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www.gladman.co.uk

Drawing Title: **Planning**

Project Title: **Cherry Lane YHA**

Drawing Title: **Floor Plans
General Arrangement**

Drawn By	Checked By	Design	Issue
AT	RS	20/09/20	1 - Major
Project No:	Drawing Number:	Revision:	
00020YCR	P1-123	P1	

Elevations



① **North Elevation**
1 : 150



② **South Elevation**
1 : 150

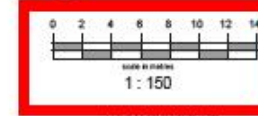


③ **West Elevation**
1 : 150



④ **East Elevation**
1 : 150

- ① Facing Brickwork - Red Brick - Best colour to be agreed
- ② Painted Roof - Reddish Brown/Stone Grey/Te
- ③ Windows and Doors - Anthracite Finish
- ④ Curved Walling - Anthracite Finish with spaced panels at floor levels
- ⑤ Balconies - Anthracite finish with glass side panels
- ⑥ Facades of balconies with horizontal bar/anthracite - Anthracite finish with horizontal bar/anthracite
- ⑦ Rooftops - Green Roof Finish
- ⑧ Cladding - Horizontal bar/anthracite with horizontal grey finish
- ⑨ Cladding - Cedar Clad Horizontal cladding Stone Grey Finish
- ⑩ Entrance Canopy - Flat roof Anthracite coloured base and timber clad to column



<p>Independent living with care</p>			
<p>Planning</p>			
<p>Cherry Lane York</p>			
<p>Building Elevations</p>			
Client No:	Drawn By:	Design:	Scale:
AT	RS	20/09/20	1 : 150
Project Name:	Drawing Number:	Revision:	
00020YCR	P1-131		

Streetscape elevations

① **Cherry Lane Elevation**
1:200

③ **Stable Road Elevation**
1:200

② **Race Course Elevation**
1:200

④ **Tadcaster Road Elevation**
1:200

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Planning

Cherry Lane York

Streetscape Elevations & Materials

Drawn by	Checked by	Original	Date
AT	RS	20/10/20	20/10/20

0 2 4 6 8 10 12 14
Scale in metres
1:200

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Existing buildings on site



From Tadcaster Road looking south



Tadcaster Road looking south



Tadcaster Road looking north



Stables elevation



Listed buildings opposite



COMMITTEE REPORT

Date: 2 September 2021 **Ward:** Heworth
Team: East Area **Parish:** Heworth Planning Panel

Reference: 20/01916/OUTM
Application at: Burnholme Community Hub Mossdale Avenue York YO31 0HA
For: Erection of 83no. dwellings (use class C3) with associated parking, landscaping, access and ancillary works. No matters reserved except for the appearance, scale and internal layout of 5no. self-build plots in Terrace 5.
By: City Of York Council
Application Type: Major Outline Application
Target Date: 6 September 2021
Recommendation: Approve subject to referral to Secretary of State

1.0 Introduction

1.1 Members determined to approve this application at Planning Committee 28 April 2021. The application is however brought back to committee as an objection from Sport England was received following the committee meeting. This revised report addresses the issues raised by Sport England. The original committee report and the relevant draft minutes of the meeting held on 28 April 2021 are appended to this report (Appendix A).

1.2 The following variations to conditions have been made to address committee members' issues raised at the committee meeting on 28 April in relation to construction management:

- Condition 3 – Restrictions on delivery times added - During construction, deliveries to and from site shall only take place within the following hours -

Monday to Friday 09:30 to 15:00

Saturday 09:00 to 13:00 only

Not at all on Sundays and bank holidays

- Condition 31 added in order to prevent the entrance into the site from Darnbrook Walk being used for access/egress by construction traffic. At all times the entrance shall be for pedestrian and cyclists access only, with provision for emergency access when required.

1.3 The objections raised by Sport England are in relation to the loss of playing field(s) and potential conflict between uses. They are explained as follows -

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The loss of playing field(s)

1.4 NPPF paragraphs 98 and 99 are applicable which state:

1.5 Paragraph 99 - Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

1.6 Paragraph 98 states assessments of the need for open space, sport and recreation facilities should be robust and up to date. Sport England consider the applicant has not provided any reference to a robust and up to date assessment that provides clear evidence that the playing field is surplus to requirements.

1.7 Sport England advises the land could be demonstrated as surplus to requirements through the Council's Playing Pitch Strategy (PPS) which is currently in production. Otherwise, alternative provision (in quantity and quality) is required.

Noise and risk of ball strike affecting proposed housing

1.8 Sport England acknowledge issues can be addressed by condition. However in respect of ball strike Sport England note that netting/fencing can be up to 25 metres in height and this has caused concern for the planning authority in other cases. Sport England considers that the matter of the design and height of any required ball stop netting/fencing should be resolved prior to granting of permission in order for it to be acceptable to the planning authority.

1.9 Sport England consider that should the council be minded to approve the application it should first be referred to the Secretary of State to determine as to whether they wish to call in the application.

1.10 The application is for 83 homes, 5 of which would be self-build. A density of 48 dwellings per hectare. The self-build houses would be to the immediate south of the sports centre.

1.11 The accommodation mix would be as follows -

1-bed 10

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2-bed	35
3-bed	22
4-bed	11
Self-build	5
Total	83

2.0 Policy context

2.1 Policy relevant to the loss of playing fields is as follows -

National Planning Policy Framework (the NPPF)

Section 8 – promoting healthy and safe communities (see quotes from key paragraphs in section 1).

Section 5 - Delivering a sufficient supply of homes

Section 9 - Promoting sustainable transport

Section 12 - Achieving well designed places

Publication Draft Local Plan

2.3 The Publication Draft City of York Local Plan 2018 (2018 DLP) was submitted for examination on 25 May 2018. Policies can be afforded weight in accordance with paragraph 48 of the NPPF.

GI5 Protection of Open Space and Playing Fields

2.4 Policy GI5 states development proposals will not be permitted which would harm the character of, or lead to the loss of, open space of environmental and/or recreational importance unless the open space uses can be satisfactorily replaced in the area of benefit and in terms of quality, quantity and access with an equal or better standard than that which is proposed to be lost. Policy GI5 can be given moderate weight because it is in conformity with the NPPF.

2.5 Other relevant policies –

SS1 Delivering Sustainable Growth for York

H1 Housing Allocations

H2 Density of Residential Development

H3 Balancing the Housing Market

H10 Affordable Housing

HW7 Healthy Places

D1 Place-making

D2 Landscape and Setting

GI4 Trees and Hedgerows

GI6 New Open Space Provision
CC1 Renewable and Low Carbon Energy Generation and Storage
CC2 Sustainable Design and Construction of New Development
ENV1 Air Quality
ENV3 Land Contamination
ENV5 Sustainable Drainage
T1 Sustainable Access

3.0 Consultation Responses

Sport and Active Leisure

3.1 The Council are working currently on the Playing Pitch Strategy (PPS) and it is estimated it may be complete later this year. The Sport England Playing Pitch Strategy Guidance 2013 explains there are 5 stages to strategies -

Stage A: Prepare and tailor the approach

Stage B: Gather information and views on the supply of and demand for provision

Stage C: Assess the supply and demand information and views

Stage D: Develop the strategy

Stage E: Deliver the strategy and keep it robust and up to date

3.2 The Council is currently finalising stage B. The land where housing is proposed is currently identified as playing field in the PPS, given its former use. However it is expected that at stage C the land would be classed as lapsed and disused and would therefore go into the list of sites for disposal at stage C. This will need to be agreed at the Stage C meeting however. In consideration of site designation it is acknowledged the site has an allocation for housing in the Publication Draft Local Plan. Also that the wider site contains a recently extended and enhanced sports centre, and the 3G and grass sports pitches have been improved, from an unused / rarely used space into a thriving sports centre with multiple club and individual opportunities, and was part of enhancing the existing site and creating a new community health and wellbeing hub. The sporting improvements alone saw the local authority invest £2.5m into the site.

3.3 The land to the east of the community hub buildings and the housing site is also identified as playing field in the PPS. The area of land to the east of the housing site (included within the overall application site) is proposed (as part of the application scheme) to support an area of play and fitness equipment for young people and adults, which would provide free to access exercise opportunities making this a real health and wellbeing hub for the City of York.

3.4 To provide for the housing proposed, officers have asked for an off-site Sport Provision Payment of £45,795. This would be used towards procuring the provision of / or improvements to sport or active leisure facilities at Burnholme Sports Centre,

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Osbalwick Sports Club or Hull Road Park and / or another project within the ward or connecting wards, the need for which directly arises from the Development. Following a conversation with England Hockey the City of York Hockey are a potential beneficiary for these funds.

Other consultation responses, as previously reported to planning committee

Affordable housing officers

3.5 It is proposed to provide 38.5% of the total housing as affordable, in excess of the policy obligation for a greenfield site of 30%. This is strongly supported by the Housing Strategy Team. The affordable housing is of excellent quality. All homes will be to low-carbon “Passivhaus” standard, and at sizes that exceed the good practice Nationally Designed Space Standards guidance. Taking these factors into account, it is accepted that Shared Ownership is being proposed as an intermediate tenure in place of Discount Sale. There is also an adjustment to strict pro-rata provision to target the affordable housing types at the highest need for these tenures.

Education

3.6 Officers have asked for a full contribution towards education, as follows –

Primary	Hempland / other schools in area PPA8	19 places
Secondary	Archbishop Holgate	11 places
Pre-school	Within 1.5km radius	10 places

Flood Risk Management

3.7 The surface water run off rate is agreed. Ask for agreement of site specific details of the storage facilities for surface water – the swales and below ground storage.

Highway Network Management

3.8 Concerns were raised with regards to the following issues –

- Mossdale Avenue (principle site access) is not yet adopted or constructed to adoptable standards.
- It is illegal for doors to open outward over the highway. Bin store doors, when opened, would block the footpath.

- Waste collection is impractical. There is limited space for operatives to manoeuvre bins from some of the stores and to the waste collection vehicle (due to proximity to car parking spaces). There are multiple collection points (around 20) which will affect the efficiency of waste collection services.
- Limited parking facilities for delivery vehicles and visitors. Car parking provision is at 87% overall.
- No disabled parking spaces are identified on plan. Where parallel to the road recommended these are 6.5m in length (6m being the recommended minimum length for a standard space). Due to the tight geometry of the road there is limited provision to accommodate such.

3.9 Vehicular trip generation - based on TRICs data is broadly in line with expected levels for this type of site and location. Approx. 40 additional two-way movements to and from the site during peak times as a result of the development are estimated. This level of trip generation is not estimated to have a significant impact on the surrounding highway network.

3.10 Car parking - Taking account of the location of the development, the size of the proposed dwellings, and the lack of suitable public transport options, the Highway Authority is concerned that the development will result in overspill parking within the site (to unsuitable locations) and onto local roads, where there are already significant issues with verge and footway parking. A contribution is therefore required to enable the highway authority to manage this risk

3.11 Requested measures to promote sustainable travel –

- Bus shelter and stop upgrade on Bad Bargain Lane for outbound stop is required as this is where people using service 11 have to wait to go towards the city centre (loop)
- Car club vehicle parking space on site to be provided
- Investigation and improvement of access adjacent to Tang Hall Library (Fifth Avenue) connecting to off road cycle route towards city centre (Sustrans 658)
- Sustainable travel incentives for residents: £400/unit for bus or cycle vouchers and £200/unit for car club incentives.

3.12 Construction management a method statement - can be conditioned to include: Construction traffic routes / Contractor parking / Arrangements for deliveries and loading / Dilapidation survey.

Public Protection

Land contamination

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3.13 Further investigation is required to determine whether remediation is required. The site investigation issued provides details of the remediation works required for the site however it does not provide a full set of ground gas monitoring results.

Electric vehicles

3.13 City of York Council's draft Low Emissions Planning Guidance recommends 5% active and 5% passive provision. This equates to 8 spaces overall. 6 points are proposed within the scheme. Further passive provision requested. Officers should also agree the management, maintenance, servicing and access/payment arrangements for Electric Vehicle Recharging Points for a minimum period of 10 years.

Noise

3.14 Dwellings would be close to the community hub and commercial / recreation uses, so dwellings need to be constructed to achieve adequate internal noise levels. Construction management

3.15 Condition required, to cover construction working hours, noise, vibration, dust, lighting.

EXTERNAL

Foss Drainage Board

3.16 The applicant is proposing to connect into the new surface water mains sewer which is part of the Burnholme Community Hub and Explore Library. This eventually discharges into the part of Old Foss Beck / Tang Hall Beck which is maintained by the Environment Agency (not the Board). Accordingly, the Board has no comments to make on the proposal.

Yorkshire Water

3.17 As the proposal site is currently undeveloped, no positive surface water is known to have previously discharged to the public sewer network. Surface water discharge to the existing public sewer network is only permitted when it has been evidenced more sustainable methods are unsuitable. Although assumptions (and historic borehole logs) suggest the sub-soil conditions will not support the use of soakaways, Yorkshire Water could require evidence to prove that this is the case, before a discharge to the public sewer network is granted.

3.18 Ask for separate foul and surface water discharge

Police Architectural Liaison Officer

3.19 Consider that the community and stakeholder engagement by the applicants prior to the submission of this planning application has been exemplary and is reflected in this planning application. From a crime prevention through environmental design perspective, the scheme is very good. The design and layout is commended.

4.0 Representations

4.1 There have been 16 public representations. Re-consultation was undertaken following receipt of revised plans in December 2020, which, of note, changed house types within the terrace adjacent 27 Burnholme Grove.

4.2 Comments made are as follows –

Impact on the locality

- Servicing strategy - questioned whether the site can be serviced and whether the access is suitable.
- Surrounding roads are already unsafe and in poor condition (in particular Bad Bargain Lane). They don't have capacity for more housing. Facilities for pedestrians in the locality need improvement. Signalled pedestrian crossings, on Bad Bargain Lane, particularly adjacent to the Burnholme development, and additionally at the junction with Tang Hall Lane are essential to safe movement of cyclists and pedestrians journeying to and from the city centre.
- The site is not as close to local facilities, and bus services are not as frequent, as suggested within the application.
- The amount of development is excessive for the site and the local area does not have the services, amenities and road network to accommodate such.
- Schools at / overcapacity already therefore could not accommodate further development.
- Welcome introduction of landscaped walking routes; ideally these would perambulate the entire site.
- Lack of meaningful public engagement and consultation. Concerns not addressed.

Ecology

- Loss of hedgerows along the west boundary unacceptable. (Note plans have since been amended, moving houses away from the hedge. The scheme includes retention of the hedge in this area).
- Impact on ecology though development of the field

Impact on neighbour's amenity

- Penyghent Avenue – neighbours have objected to the proximity of houses to the boundary and their proposed height (which is 3-storey in places). The development would lead to a loss of light / be over-bearing / loss of outlook / loss of privacy.
- Residents at Burnholme Grove advised the revised plans were an improvement in respect of impact on amenity as the houses (terrace 3) were reduced to single storey. They had objected to the initial scheme for 2-storey houses adjacent the boundary.
- Construction – disturbance

5.0 Appraisal

Key Issues

- Loss of Playing field
- Principle of the proposed development
- Housing type and tenure
- Design
- Neighbours amenity
- Highway Network Management
- Open Space
- Ecology
- Drainage
- Education
- Public Protection

Loss of playing field

5.1 In consideration of the Sport England objections officer's advice is as follows -

5.2 NPPF paragraph 98 states access to high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 99 relates to existing open space, sports and recreational buildings and land, including playing fields. It sets out exceptions to when such land can be re-developed, which are as follows –

a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

5.3 The playing pitch where the housing is proposed has not been used following closure of the school in 2014. Consent to dispose of the playing field land under Section 77 of the School Standards and Framework Act (S77) was obtained from the Secretary of State. The Council has deemed the land surplus to requirements, as open space / playing field and invested in alternative provision. The land is allocated for housing in the Publication Draft Local Plan and the Council has re-invested in other facilities around the community hub following closure of the school. The understanding from Sport and Leisure is that the site will, in due course, be omitted from the Playing Pitch Strategy (which is currently under preparation). However it is acknowledged that there is no complete Council Playing Pitch Strategy at this time which demonstrates such, as required by Sport England.

5.4 Following closure of the school, a masterplan for re-use of the site was devised by the Council which included the new community hub, library and enhanced sports facilities. The receipts generated from the site-wide masterplan cross-funded major improvements to the existing playing fields to the east, as well as the adjoining sports centre and changing rooms. These improvements included a new drainage system to the playing fields, which has made them significantly more usable.

5.5 The second area of playing field lies to the immediate east of the proposed housing. Exception criteria c from NPPF paragraph 99 applies to this land. The land is identified as associated with education and forming playing fields on the Publication Draft Local Plan proposals map. On this land there is a footpath leading south and connecting into the Derwenthorpe housing. The land by the footpath is

fenced off from the marked out sports pitches further east within the field (to prevent dog fouling on the pitches).

5.6 The land between the field boundary hedge and fenced enclosure to the sports pitches is included within the application site because the Council's intention is to improve its amenity value; its function will remain as public open space for recreation. It will include informal play space for children, outdoor fitness and exercise equipment for all and tree planting. The trees will add biodiversity value but also (along with seating) provide a natural refuge area for spectators and others. The use of this land will remain consistent with the open space and recreation policy within the NPPF, as set out in paragraphs 98 and 99.

Noise and ball strike

5.7 Condition 14 requires the proposed dwellings to achieve adequate noise levels. Further it is noted the houses will be to Passivhaus standards, which requires very high levels of insulation.

5.8 In terms of ball strikes, under current arrangements a combination of the pitch orientation, the distance between pitches and the proposed houses and the presence of enclosures to the existing facilities and intervening mature hedge are considered adequate. It is not considered necessary to add substantial netting in case the pitch were used for cricket in future.

Other key issues (as reported to committee previously)

Principle of the proposed development

5.9 In principle, the presumption in favour of sustainable development, as set out in NPPF paragraph 11, applies in determining the application. This means permission should be granted unless policies within the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken

Housing type and tenure

5.10 The scheme proposes 83 dwellings and in accordance with the aspirations of the Council's Housing Delivery programme around 40% of these would be affordable (at least 16 Social Rent and 16 for Shared Ownership is anticipated). The local planning policy target for affordable at this site, which will be secured through the planning process, is 30% based on policy H10: Affordable Housing. This would equate to 25 homes - 20 for social rent and 5 for discount sale.

5.11 The housing is predominantly 2 and 3 bedroom sized (57 of the 83 proposed, with the 5 self-build homes to be defined at detailed design stage). The accommodation mix is appropriate, considering local need. In this respect Draft Local Plan 2018 policy H3 states that the Council will seek to balance the housing market across the plan period and work towards a mix of housing identified in the Strategic Housing Market Assessment (SHMA). Proposals for residential development will be required to balance the housing market by including a mix of types of housing which reflects the diverse mix of need across the city. This includes flats and smaller houses for those accessing the housing market for the first time, family housing of 2 to 3 beds and homes with features attractive to older people. The Strategic Housing Market Needs Assessment 2016 addendum estimates that housing need between 2012-32 for market housing is predominantly 2 and 3 bedroom houses. For affordable housing most need is for 1 and 2 bedroom houses.

5.12 The NPPF promotes effective use of land and discourages developing at unduly low densities (paragraphs 124 and 125). The proposed density is 48 dwellings per hectare (DPH) and the scheme involves a reasonable amount of public open space and amenity space. The density is reasonable, sitting between the guideline densities in Local Plan policy H2 50 DPH in the urban area, 40 DPH for suburban areas.

Design

5.13 NPPF paragraph 130 states that planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area;
- b) are visually attractive as a result of good architecture, layout and landscaping;
- c) are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space); and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

5.14 The scheme achieves the aspirations of the NPPF in terms of design; it will be distinctive, informed by its place-making and Passivhaus principles. The layout provides good connectivity north - south, with improved pedestrian and cycle access between houses and amenities. It has been designed so public open spaces and amenity are integral to the scheme and the layout adopts Secure by Design principles, in particular with good surveillance of the public realm and the secure residents amenity spaces provided between terraces. The public realm follows the

principles established within the National Design Guide; it is designed to encourage activity and recreation, and for people to walk and cycle rather than depend upon cars. All apartments have their own front doors and benefit from multiple outlook.

Sustainable design and construction

5.15 National Planning Guidance allows local authorities to require energy performance in housing equivalent to the now abolished Code for Sustainable Homes Level 4 (which is approximately 20% above current Building Regulations). It also allows for a reasonable proportion of energy to be from renewable or low/zero carbon technology. Local requirements are set out in Publication Draft Local Plan policies CC1 and CC2. These require a 28% enhancement over Building Regulations overall, secured through energy efficiency and low/zero carbon / renewables.

5.16 This development aims to achieve Passivhaus certification, which will significantly exceed local policy requirements. The buildings are proposed to incorporate efficient building fabric, therefore reducing heating requirements overall, and the use of the following low/zero carbon technology - PV panels, air-sourced heat pumps and MVHR (mechanical ventilation and heat recovery).

Neighbours amenity

5.17 NPPF paragraph 130 advises planning should ensure a high standard of amenity for existing residents. The site is presently open, predominantly undeveloped. As such residential development, as allocated in the Publication Draft Local Plan, will affect outlook from surrounding homes and their gardens. However due to the proposed layout and building scale/design a reasonable level of amenity, for a suburban setting such as this will be maintained.

Impact on 27 Burnholme Grove

5.18 Terrace 3 proposed would be to the south of no.27. The house at no.27 is positioned close to the south boundary (around 4.5 m away). It has a substantial sized garden to its western side. Terrace 3 has been re-designed since the application was first made, so it would not be over-dominant over the neighbour and nor would there be an undue loss of outlook. There are 2 fewer houses proposed now within the terrace; it has been shortened so there would be views from the upper floor of no.27 beyond. The buildings are reduced in massing also, to single storey. There would be no overlooking issues and, in applying Building Research Establishment (BRE) guidelines, no adverse effect on daylighting.

Impact on Penyghent Avenue

5.19 The terraces on the western side of the site are spaced away from the side boundary, with the hedgerow at the boundary shown as retained. Terrace 6 was moved further from the boundary (now 1.7m away) and outside of the root protection area of the hedge in the revised plans issued in January. Side elevations of houses would look towards the rear of houses on Penyghent Avenue. The terraces are either single or two storey, stepping up to three storey further away from the boundary. The side elevations of the two taller terraces are over 21m from neighbouring buildings, which is adequate separation to maintain reasonable amenity. The orientation of the terraces (perpendicular to existing houses) also helps maintain an open aspect from neighbouring houses. Terrace 12 is closer to the adjoining house; around 19m. Terrace 12 would be single storey; the development would therefore not be over-dominant and would not lead to overlooking.

Impact on Darnbrook Walk

5.20 Terrace 12 is to the north of Darnbrook Walk. The terrace is single storey. As such and due to the orientation (i.e. to the north) it raises no amenity issues.

Highway Network Management

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

- Opportunities to promote, and facilitate access to sustainable transport included where appropriate.
- Give priority first to pedestrian and cycle movements.
- Minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.
- Be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- Safe and suitable access for all users.
- Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 111 requires an assessment of impacts on the network, when development will generate significant amounts of movement.

5.22 The NFFPF also states “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.23 Relevant sustainable communities principles within local policy D3 for new development are as follows –

- Create a people friendly environment which promotes opportunities for social and community interaction
- Promote integration, connectivity and accessibility to, from and within the site by maximising opportunities for walking, cycling and frequent public transport thereby promoting and facilitating a modal shift from the car to more sustainable and healthier forms of travel
- Minimise the environmental impact of vehicle trips to and from the development and mitigate the impact of residual car trips on the highway network where possible, including addressing air quality issues.

5.24 The comments of the Council's highways network management team are acknowledged and have been considered in full.

Safe and promotion of sustainable travel

5.25 The scheme promotes sustainable travel in that the streets and spaces within the site are designed to function as highway (enabling servicing via a vehicular loop around the housing), but have a landscaped character that prioritises pedestrian movement, creating an environment with low traffic speeds and restricted car access where practical. Spaces around the buildings will therefore have the feel of public realm and promote recreation.

5.26 Whilst there is a single vehicle access from Mossdale Avenue to the north, to encourage pedestrian and cyclist trips, there is wider connectivity with direct links to Darnbrook Walk to the south and into the public path to the eastern side of the site, connecting Derwenthorpe and the community hub and Applefields School. The site is within walking distance from multiple bus routes linking the site to nearby local centres and the city centre.

5.27 For electric vehicles there will be 4 exclusive car parking spaces on-site. There is further provision already at the community hub, which would be available for residents to use. To meet current local expectations for at least 5% active / 5% passive provision, (to be secured through condition) the intent is future provision (4 spaces) can be accommodated at the community hub car park; thus enabling wider community use. External sockets are proposed at houses so electric bikes could be charged.

5.28 The arrangements for car parking are that residents will have to apply for permits to be allowed to use a space. There would be 74 spaces on site and 83 dwellings (89% provision). Blue badge holders would have priority (there are 11 M4 (wheelchair accessible) homes proposed) and a space for a car club vehicle.

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5.29 For cycles there are a mix of storage spaces proposed, including in-curtilage and larger communal stores. All homes have access to at least 2 covered and secure cycle storage spaces.

5.30 Bin stores – the doors to the stores would open out over the footpath. At three points, with doors open, the clear footpath width would be between 1.3m to 1.6m. Recommended footpath width is 2m. The doors would be self-closing. At the times when residents were putting out waste, or at the time of collection, the footpath would be required for this activity. Given the frequency (and duration) there would be conflict, there would be limited disruption and inconvenience. It is important to note the streets are to be designed as shared spaces, with pedestrian priority, and to be used for recreation, as promoted in the National Design Guide. The functionality of the footpath would not be compromised because it provides access to the bin stores and there would not be an unacceptable impact on highway safety. As such this issue does not provide a reason to refuse the application. The Highways Act 1980 prohibits the construction of any doors or gates on a premises opening outward onto a street and therefore, if necessary, these areas would not become adopted highway.

Impact on the network

5.31 The site is allocated for housing in the Publication Draft Local Plan, and located in the urban area. The measures within the Travel Plan are intended to address concerns that the development could lead to car parking off site causing local tension, given the 74 car spaces and 83 dwellings proposed. The scheme promotes sustainable means of travel, by limiting car parking spaces, promoting car share, cycling and walking, the latter two by facilitating and connecting to off-road pedestrian and cycle routes and providing facilities for cargo and electric bikes. It is served by public transport. Sustainable living is a key principle of the housing delivery programme. The houses will be marketed to this effect, and through the Travel Plan, residents will continuously be informed of these aspirations and encouraged to benefit from sustainable travel. Car parking will be allocated to residents annually. The scheme is compliant with NPPF policy on promoting sustainable development and the principles that underpin the overall local plan, as set out in policy DP2.

5.32 Trip rates have been estimated using industry standard techniques. A maximum number of vehicle trips, as a consequence of the development, would be 40 (per hour) at peak times. This is not a level of impact that would have a severe impact on the network; no off-site mitigation is required in this respect.

Open Space

5.33 The NPPF advises that planning decision should aim to create healthy and inclusive places. Paragraph 98 states 'access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate'.

5.34 Local policy GI6 (new open space provision) of the DLP 2018 states 'all residential development proposals should contribute to the provision of open space for recreation and amenity'.

5.35 There is no sport provision on-site as such. The site is adjacent playing fields, the community hub, sports halls and multi-use games area. In accordance with policy and supplementary guidance the off-site contribution towards sports would be £45,795.

5.36 The scheme will have a high quality landscaped setting. In addition to the provision of a central public open space, the scheme includes the following character areas -

- Communal snickets between terraces will be gated and able to provide areas where children can play. These areas can also facilitate allotments subject to future demand.
- Streets between terraces 3, 6, 9, 12 will be car free landscaped areas.
- Natural play trail to be provided on the eastern side of the site where the public footpath runs south to St Aelred's Mews

5.37 Considering local standards there is adequate provision, in area and type of amenity space and children's play provided for within the development.

Ecology

5.38 NPPF paragraph 174 states decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

5.39 There are a group of self-sown trees in the southwest corner of the site; typically birch and willow trees and a section of hedgerow along the northern boundary of the former playing fields. These areas of vegetation would be cleared to facilitate development. The hedgerow around the former playing fields on the eastern and western sides of the site and at the boundary with Burnholme Grove would be retained. To compensate for the loss of trees and hedgerows, there will be replacement planting of both, in particular at the south boundary of the site and

alongside the pedestrian / cycle route to the east of the proposed housing and St Aelred's School. The proposal includes planting of 210 new trees, including 87 fruit trees. Some 80m of hedgerow would be lost but here will also be planting of 285m in replacement. Given the above it is considered that any ecology impact will be mitigated against.

Drainage

5.40 Relevant NPPF advice on flood risk is not to increase flood risk elsewhere. With regards drainage developments should incorporate sustainable systems, unless there is clear evidence that such would be inappropriate. Local Policy ENV 5 requires surface water run off at brownfield sites to be restricted to 70% of the existing rate. Sustainable drainage, following the hierarchy in the NPPG, should be facilitated unless this is not feasible.

5.41 The site is in Flood Zone 1 where there is a low probability of flooding and where residential development is suitable.

5.42 The drainage approach for the site is policy compliant and follows the approved strategy for the wider site. There is no watercourse to directly connect into and site investigations confirm soakaway is not a suitable option therefore connection into the existing drainage, at a rate that is 70% of the existing, is the preferred approach. The run-off rate has been approved. The drainage connection will be into the drainage under the access road to the north. Surface water and foul drainage would be separate. The drainage scheme features swales where spatially possible, in open spaces and at the south end of the site, to provide water storage and provide ecological value. The site-specific details and future maintenance responsibilities will be dealt with through condition.

Education

5.43 NPPF paragraph 95 states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications". Local supplementary planning guidance explains how the need for extra education spaces are determined and the relevant planning obligations.

5.44 As local schools do not currently have capacity contributions towards further school places at all levels within the catchment area have been requested.

Public Protection

5.45 NPPF paragraph 183 states planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. The site will be subject to thorough site investigation (including gas monitoring) to inform any required site remediation, secured through condition, along with implementation and validation of such.

5.46 NPPF paragraph 185 states planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. This includes consideration specifically of noise and light pollution.

5.47 In paragraph 187 it advises decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

5.48 The site has been identified by the Council for mixed use development, including residential. The community hub includes a sports centre and outdoor sport pitch (MUGA) in addition to the community hub. These uses will co-exist with the surrounding area, which is residential and the care home under development to the immediate north. A condition will require a noise assessment to demonstrate that noise levels in the proposed houses will be acceptable, in accordance with best practice (British Standards and World Health Organization).

5.49 NPPF paragraph 186 states decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.

5.50 In accordance with NPPF policy regarding air quality, the proposed development promotes sustainable travel, it will provide for electric vehicle car use and promote car share / walking and cycling. These aspirations will be secured through implementation of the scheme itself (delivering facilities and new and enhanced green infrastructure, in the form of connectivity and routes for pedestrians and cyclists only) and through implementation of the travel plan over a 5 year period.

Conclusion

6.1 The scheme does not conflict with NPPF or Publication Draft Local Plan policy in terms of open space and recreation, including playing fields. In considering the development against the criteria in NPPF paragraph 99, the proposals are NPPF compliant. The part of the site to be developed for housing has been deemed surplus to requirements by the council; the site has been allocated for residential development in the Publication Draft Local Plan and there has been investment in new and improved facilities at the Community Hub and the playing fields to the east.

6.2 The second parcel of land to the east (in the neighbouring field) will not be built on. It will be enhanced so it can accommodate wider public recreational use. The proposals continue to allow this parcel of land to be classed as public open space and to be used for recreation. The proposals do not conflict with NPPF policy for open space and recreation, specifically as set out in paragraphs 98 and 99, nor is there conflict with Publication Draft Local Plan policy GI5 which regards the protection of open space and playing fields.

6.3 There have been no other changes in respect of other material considerations regarding the application since the April Planning Committee that affect the recommendation of approval of the application subject to the recommended conditions.

6.4 Conditions will deal with technical matters and secure the following developer contributions (which each pass the test of being necessary, directly related to the development and fairly and reasonably related in scale and kind) –

- Affordable housing – minimum 30% / 25 dwellings
- Education – funding for 19 primary spaces / 11 secondary / 10 early years
- Sports provision off-site - £45,795
- Sustainable travel measures
- Off site highway works – measures to safeguard against risks arising from overspill parking and improvements to the Bad Bargain Lane bus stop

6.5 Approval is recommended; the presumption in favour of sustainable development, as set out in the NPPF applies in determining this application, this means that the development should be approved unless “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole”.

6.6 The scheme in particular accords with the social objective of the NPPF – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and

future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being. The use of conditions will ensure the scheme is compliant with the economic, environmental and social objectives of the NPPF and its policies.

Recommendation: Delegate authority to the Head of Development Services to refer the application to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2009 and, subject to him not directing refusal of the application, to approve the application subject to the following conditions:

1 Application for approval of all reserved matters shall be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission and the development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (England) Order 2015.

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

Location Plan 288 B (00) 000 P4

Tree Assessment Plan (Quants) drawing 1255 rev 4

Landscaping plans

Urbed drawings

1116_URBED-Z0-ZZ-DR-L P1 - Hardscaping, Landscape and tree planting plans
Associated plant schedule dated 24/9/20

Proposed site plan 288B (00) 001 P4

Proposed roof plan 288B (00) 002 P4

Terraces site plans

288 (00) 100, 101, 102, 103, 104, 105,106, q07, 108, 109, 110, all revision P3

288 (00) 111 revision P4

Terraces elevations

288 (00) 200 - 206 - revision P3
288 (00) 207 - revision P4
288 (00) 208 - 211 - revision P3
288 (00) 208 - 212 - revision P4

Site wide plans and sections

288 (00) 220 P3, 300 P3

Typical details

ASHP stores - 288B (80) 002 P1
Cycle storage - (80) - 001 P2, 010 P1, 005 P2, 006 P2, 011 P1, 012 P1 - typical details for internal storage 33 - 402 - 404
Bin storage - 288 (80) 007 and 008
Sniket entrances - 288B (80) 003 and 004
Gardens - 288B (80) 009

House types (all 288B drawings) - all revision P2

A - 00 001, 00 002
B - 00 001, 00 002
C1 - 00 001, 00 002
C2 - 00 001, 00 002
D - 00 001, 00 002
E - 00 001, 00 002
F - 00 001, 00 002
G - 00 001, 00 002
H - 00 001, 00 002
I - 00 001, 00 002

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

3 Construction Management

Prior to commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period.

The plan shall include: -

- Vehicle parking arrangements for site operatives and visitors.
- Means of access control, and measures to prevent construction/delivery vehicles parking/blocking the highway.

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- Details of measures to keep the highway clean - wheel washing facilities for the cleaning of wheels of vehicles leaving the site, including location and type.
- Dust - A site-specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and including a package of mitigation measures commensurate with the risk identified in the assessment.
- Air Quality - The air quality impacts associated with construction vehicles and non-road mobile machinery (NRMM) and the proposed mitigation measures, commensurate with the identified risk.
- Noise - Details on types of machinery to be used, noise mitigation, any monitoring and compliance with relevant standards. Hours of working.
- Vibration - Details on any activities that may result in excessive vibration, e.g. piling, and details of monitoring and mitigation to be implemented.
- Lighting - Details on artificial lighting and measures to minimise impact, such as restrictions in hours of operation, and the location and angling of lighting.
- Complaints procedure - The procedure should detail how a contact number will be advertised to the public, investigation procedure when a complaint is received, any monitoring to be carried out, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken shall be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses public.protection@york.gov.uk and planning.enforcement@york.gov.uk
- Dilapidation survey - 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.

Delivery times - During construction, deliveries to and from site shall only take place within the following hours -

Monday to Friday 09:30 to 15:00

Saturday 09:00 to 13:00 only

Not at all on Sundays and bank holidays

Reason: To ensure before development commences that construction methods will safeguard the amenities of neighbouring properties in accordance with Policy ENV2 of the City of York Publication Draft Local Plan. The specified delivery times are in the interests of highway safety, in particular with regards to trips associated with local schools.

4 Tree / hedgerow Protection

Trees and hedgerows shall be protected during all construction works, as shown on the Quants Tree Assessment Plan drawing 1255 revision 4, with measures in accordance with BS: 5837: Trees in relation to construction.

Prior to commencement of development an Arboricultural Method Statement detailing protection measures for the existing trees and hedgerows, shown as being retained, shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include details of means of installing utilities.

The development shall be carried out in accordance with the approved details. A copy of the statement shall be available for inspection on site at all times.

Reason: In the interests of good design and biodiversity, in accordance with NPPF sections 12 and 15.

- 5 LC1 Land contamination - Site investigation
- 6 LC2 Land contamination - remediation scheme
- 7 LC3 Land contamination - remedial works
- 8 Drainage

Prior to commencement of development, details of the proposed means of foul and surface water drainage, as shown on Civic drawing 1169-03-CIV-XX-ZZ-DR-D-1001 P07, including details of any balancing works and off site works, shall be submitted to and approved by the Local Planning Authority. The information shall include site-specific details of:

- Site specific details of the flow control manhole and the means by which the surface water discharge rate shall be restricted to a maximum rate of 3.5 litres per second.
- Site specific details of the attenuation tank the means by which the surface water attenuation up to the 1 in 100 year event with a 30% climate change allowance shall be achieved.
- Site specific details of the 300mm and 500mm swales
- The full storage volume calculations for the surface water attenuation above.
- Details of future maintenance and responsibilities for implementation.
- A topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

The development shall be carried out in accordance with the approved details.

Reason: In order to avoid increased flood risk elsewhere in accordance with Publication Draft Local Plan policy ENV4 and NPPF section 14. This condition requires approval of details prior to commencement as it relates to infrastructure that would be installed during one of the initial phases of the development.

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9 Self Build

Prior to the commencement of building works of terrace 5 (self-build housing) reserved matters applications with fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority:

- Appearance
- Landscaping
- Layout
- Scale

The terrace shall also be provided with services (access to a public highway and connections for electricity, water and waste water) to the extent that it can be defined as a serviced plot of land, as defined in the The Self-build and Custom Housebuilding Regulations 2016.

All applications for approval of reserved matters for the self-build dwellings shall be in accordance with the approved 'draft design code v4' submitted with the outline application. Development shall be carried out in accordance with the approved details.

The development of the 5no. self-build dwellings hereby approved shall not be carried out unless as 'self-build or custom-build' development as defined in the Glossary in Annex 2 of the National Planning Policy Framework (February 2019) or any subsequent replacement document.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006 and in the interests of local housing need.

10 Affordable Housing

No development shall commence unless and until a scheme for affordable housing provision as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

The affordable housing shall meet the definition of affordable housing in the Glossary in Annex 2 of the National Planning Policy Framework (February 2019) or any subsequent replacement document.

The scheme shall include the provision of at least 21 affordable homes on site and shall include:

- The number, type / tenure and location of the affordable housing.
- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing.
- The arrangements for the transfer of the affordable housing to a Council approved registered housing provider or the management of the affordable housing (if no registered housing provider is involved);
- The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing.
- The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy criteria shall be enforced.

The affordable housing shall be permanently retained thereafter in accordance with the approved scheme.

Reason: In order to meet identified need for affordable housing in accordance with policy H10 of the Publication Draft Local Plan.

11 Education

No development shall commence unless and until a scheme to ensure the provision of adequate additional pre-school, primary and secondary school places within the local catchment area has been submitted to and approved by the local planning authority.

Reason: The education provision within the catchment area of the development has insufficient capacity to take more pupils, such that additional places are required in the interests of the sustainable development of the city. The provision is required in accordance with NPPF paragraph 95, Policy DM1 of the Publication Draft Local Plan and the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated June 2019 update.

INFORMATIVE:

The provisions of 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. The obligation should provide for a financial contribution calculated as shown in the table below. The basis for this calculation is contained within the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated June 2019.

Primary - Hempland / other schools in area PPA8 - 18 places - £341,568
Secondary - Archbishop Holgate - 11 places - £287,386

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Pre-school - Within 1.5km radius - 10 places - £170,784

12 Amenity Space - Sport

No development shall commence unless and until details of provision for off-site sports facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The facilities shall thereafter be provided in accordance with the approved scheme or the alternatives 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 GI6 of the Publication Draft Local Plan which requires that all new housing sites make adequate provision for the open space needs of future occupiers.

INFORMATIVE:

The requirements of 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 off site provision of sport. The obligation should provide for a financial contribution calculated at £45,795.

13 Off site car parking

No development shall commence unless and until a scheme to safeguard against the risk of highway safety issues arising from overspill parking provision has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and occupied in accordance with the approved scheme.

Reason: In the interests of promoting sustainable travel and highway safety, and due to the low provision of car parking on site.

INFORMATIVE:

The requirements of 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 off site highway management. The obligation should provide for a financial contribution calculated at £15,000. This procedure shall be undertaken in consultation with local ward members.

14 Noise

Prior to the construction of the dwellings hereby permitted a detailed scheme of noise insulation measures for protecting the approved dwellings from externally

generated noise shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation.

Reason: To protect the amenity of people living in the new property from externally generated noise and in accordance with NPPF paragraph 185.

INFORMATIVE: The building envelope of all residential accommodation should achieve internal noise levels in habitable rooms, as follows -

- Day-time (07:00-23:00 hrs - no greater than 35 dB LAeq (16 hour)
- Night (23:00-07:00 hours) - 30 dB LAeq (8 hour) and LAFMax level should not exceed 45dB(A) on more than 10 occasions in any night time period in bedrooms and should not regularly exceed 55dB(A).

Noise levels shall be observed with all windows open in the habitable rooms or if necessary windows closed and other means of ventilation provided.

15 Materials

The external materials to be used shall be as annotated on the approved drawings. Prior to construction of the building envelope of the dwellings hereby approved details of the following items shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details -

Manufacturer's details and colour finish of render.

Sample panels of the brickwork to be used (which shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used). This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: In the interests of visual amenity and local distinctiveness, in accordance with paragraph 130 of the NPPF.

16 Large scale details

Large scale typical details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to construction of the building envelope of the dwellings hereby approved. The development shall be carried out in accordance with the approved details.

- Entrance canopies
- Windows and their surrounds
- Eaves

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Reason: In the interests of visual amenity and local distinctiveness, in accordance with paragraph 130 of the NPPF.

17 Ecology

Any tree or hedgerow removal on-site shall be undertaken in accordance with the recommendations in section 4.2 of the Quants Bat Surveys and Hedgerow Regulations Survey dated October 2020.

The dwellings hereby permitted shall incorporate habitat facilities, in accordance with the Ecology Strategy in 4.6 of the Landscape Statement dated 24/9/2020.

The proposed hedgerow on the south boundary of the site shall be installed within the next planting season, at the latest, following removal of hedgerow H3 (as identified in the Quants Arboricultural Impact Assessment).

Reason: To minimise the impacts on and to provide net gains for biodiversity, in accordance with NPPF paragraph 174 and to ensure the favourable conservation status of a European Protected Species can be maintained through retaining bat roosting features on site.

18 Main access

Prior to first occupation of the development hereby permitted the means of vehicular, cyclist and pedestrian access into the site from Bad Bargain Lane shall be submitted to the Local Planning Authority for approval in writing and the scheme carried out in and completed in accordance with the approved details. This access shall thereafter be retained for access purposes only for the lifetime of the development.

Reason: To ensure that the primary access into the site is provided for and is acceptable in highway terms.

19 Adoptable highway

The development shall not be occupied until there has been submitted to, and approved in writing by the Local Planning Authority, a detailed scheme which identifies areas to be adopted highway and standard construction details for the relevant areas (section drawings to include base course and surfacing materials). The scheme shall be constructed in accordance with the approved details.

Reason: In the interests of good design.

20 New connections

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The pedestrian and cycle connections into the existing route on the east side of the site; to the east of terraces 5, 8, 11 and St Aelred's School, shall be provided in accordance with the approved plans prior to first occupation of the relevant (aforementioned) terraces. The access shall be level or with the shallowest gradient that can reasonably be achieved.

The pedestrian and cycle connections into Darnbrook Walk shall be provided prior to first occupation of the development (unless an alternative phasing arrangement has been approved by the Local Planning Authority). These works shall include a (level or ramped) connection into the footpath along Darnbrook Walk. Details of the scheme shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing. The development shall be carried out in accordance with the approved details.

Reason: In the interests of good design, and to promote sustainable travel, in accordance with NPPF paragraphs 130, 110 and 112.

21 Landscaping / public realm

The development shall not be occupied until there has been submitted to, and approved in writing by the Local Planning Authority, a detailed soft landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs (following the principles shown on the submitted urbed landscape drawings and landscape strategy).

The hard landscaping shall follow the principles as shown on the approved drawings - Urbed drawings 1116_URBED-Z0-ZZ-DR-L P1 (Hardscaping, Landscape) and the associated landscape strategy. All hard landscaping areas, including highway, shall be installed prior to first occupation.

Alternatively a phasing plan, detailing times at which the landscaping and public open space shall be completed, shall be submitted to the local planning authority for approval.

The development shall be carried out in accordance with the approved details.

Any trees or hedgerows which, during the lifetime of development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

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22 Children's play facilities

Prior to first occupation of the dwellings hereby permitted details of children's play equipment, located within public open space and semi-private spaces between terraces (to include location and details of facilities) shall be submitted to and approved in writing by the Local Planning Authority. The details shall explain the timing of installation of each area (relevant to housing). The works shall be carried out in accordance with the approved details prior to first occupation of the development hereby permitted.

Reason: To ensure that there is adequate open and amenity space and to promote health and well-being, in accordance with section 8 of the NPPF.

23 Cycle / bin storage

Prior to first occupation of the dwellings hereby permitted the associated cycle and bin storage shall be provided in accordance with the approved plans and thereafter retained for such use.

The cycle storage shall be provided in accordance with the strategy as shown on drawing 288 (80) 010 P1

The bin store doors (and any other door that open outwards onto and over public footpaths) shall be self-closing.

Reason: In the interests of good design, visual and residential amenity, and to promote sustainable travel in accordance with paragraphs 110 and 130 of the NPPF.

24 External lighting

External lighting within the site shall not exceed the maximum values of light recommended for E3 environmental zones, as set out in the Institute of Lighting Engineers Guidance notes for the reduction of obtrusive light Guidance Note 01/20.

Reason: To avoid undue light pollution, in accordance with NPPF paragraph 185.

25 Electric Vehicles

Prior to first occupation of the development hereby permitted, a scheme for providing electric vehicle charging facilities, for cycles and cars, shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall be installed in accordance with the approved details and thereafter retained for the lifetime of the development.

The scheme shall include the location and type/specification of installations, timeframe for installation, and a management and maintenance strategy regarding the car parking spaces.

There shall be at least four dedicated spaces provided on-site and passive provision for at least four further spaces provided, either on-site or within the car parking area at the community hub to the north.

Reason: To encourage the use of electric vehicles and reduce emissions, in accordance with paragraphs 112 and 174 the NPPF and policy ENV1 of the Publication Draft Local Plan.

26 Car club

Prior to first occupation of the development hereby permitted details of a car club scheme, in accordance with a contract to be entered into by the developer and an approved car club provider, shall be submitted to and approved in writing by the Local Planning Authority. The car club scheme shall comprise -

- The allocation of 1 car club parking space - location to be specified
- Provision of car club membership (to the value of at least £200 per dwelling) for all eligible residents of the development
- Promotion of the scheme
- The phasing at which the scheme will be introduced

Reason: In order to reduce private car use in the interests of sustainable travel and given the low provision of car parking on site.

27 Bad Bargain Lane bus stop

The development hereby permitted shall not come into use until the following off highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out and completed in accordance with the approved plans, or arrangements entered into which ensure the same.

Bus shelter and stop upgrade on Bad Bargain Lane for outbound stop (as this is where people using service 11 have to wait to go towards the city centre (loop))

Reason: In order to promote sustainable travel and given the low provision of car parking on site.

28 Travel Plan

An updated Travel Plan, following the principles and objectives established within the Civic Travel Plan V1.1 dated September 2020, shall be submitted to and approved in writing by the Local Planning Authority for approval prior to first occupation. The approved travel plan shall be implemented upon the commencement of the use hereby approved.

The travel plan shall provide full details regarding the following sustainable travel incentives -

- Ongoing management of the communal cycle parking, use of cargo bikes and car parking.
- Travel Plan co-ordinator to be specified.
- Provision and implementation of sustainable travel incentives for first occupants: £400/unit for bus or cycle vouchers and £200/unit for car club incentives.

The required annual monitoring reports shall be issued to the Local Planning Authority.

Reason: In order to promote sustainable travel, in accordance with section 9 of the NPPF and Publication Draft Local Plan policy T7.

29 Sustainable construction

The dwellings hereby permitted shall achieve a reduction in carbon emissions of at least 28% compared to the target emission rate as required under Part L of the Building Regulations.

Reason: To fulfil the environmental objectives of the NPPF and support the transition to a low carbon future, and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018.

30 Removal of permitted development rights

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2 Part 1 (or any Order revoking and re-enacting that Order with or without modification) there shall be no enlargements to any of the dwellings hereby permitted, apart from the self-build plots on terrace 5, that would extend beyond the rear of the original dwellinghouse without the prior written planning permission of the Local Planning Authority.

There shall be no new windows inserted in the west side elevation of terraces 3, 6, 9, 12.

Reason: In the interests of amenity, to ensure adequate outside amenity space for future residents and to prevent an adverse effect on surrounding residents. As such

the Local Planning Authority considers that it should exercise control over any future extensions which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

31 Darnbrook Walk

The entrance into the site from Darnbrook Walk shall not be used for access/egress by construction vehicles. At all times the entrance shall be for pedestrian and cyclists access only, with provision for emergency access when required.

Reason: In the interests of highway safety.

8.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

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

Contact details:

Case Officer: Jonathan Kenyon

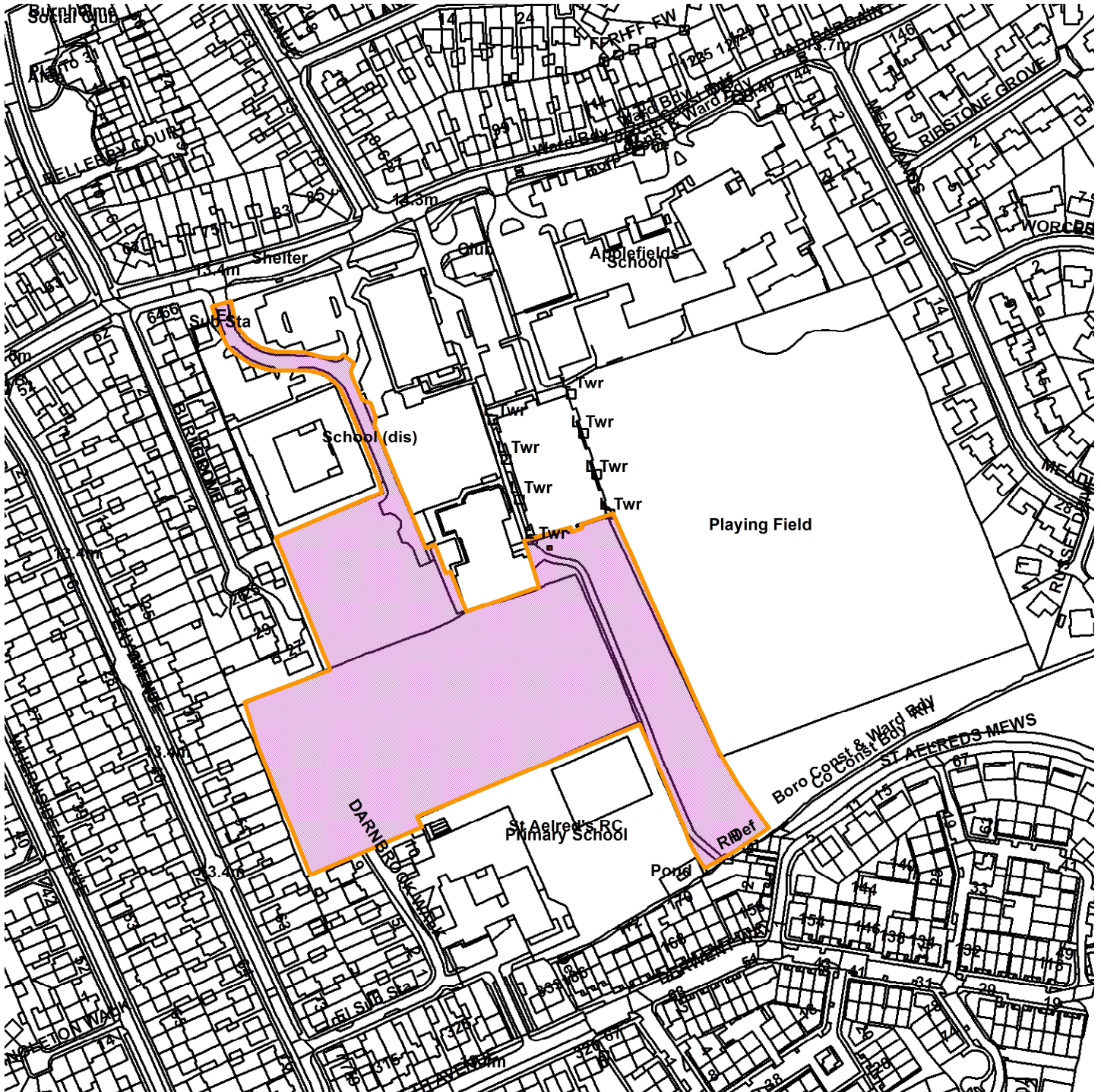
Tel No: 01904 551323

20/01916/OUTM

Burnholme Community Hub, Mossdale Avenue, YO31 0HA



GIS by ESRI (UK)



Scale : 1:2779

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Organisation	City of York Council
Department	Economy & Place
Comments	Site Location Plan
Date	12 April 2021
SLA Number	

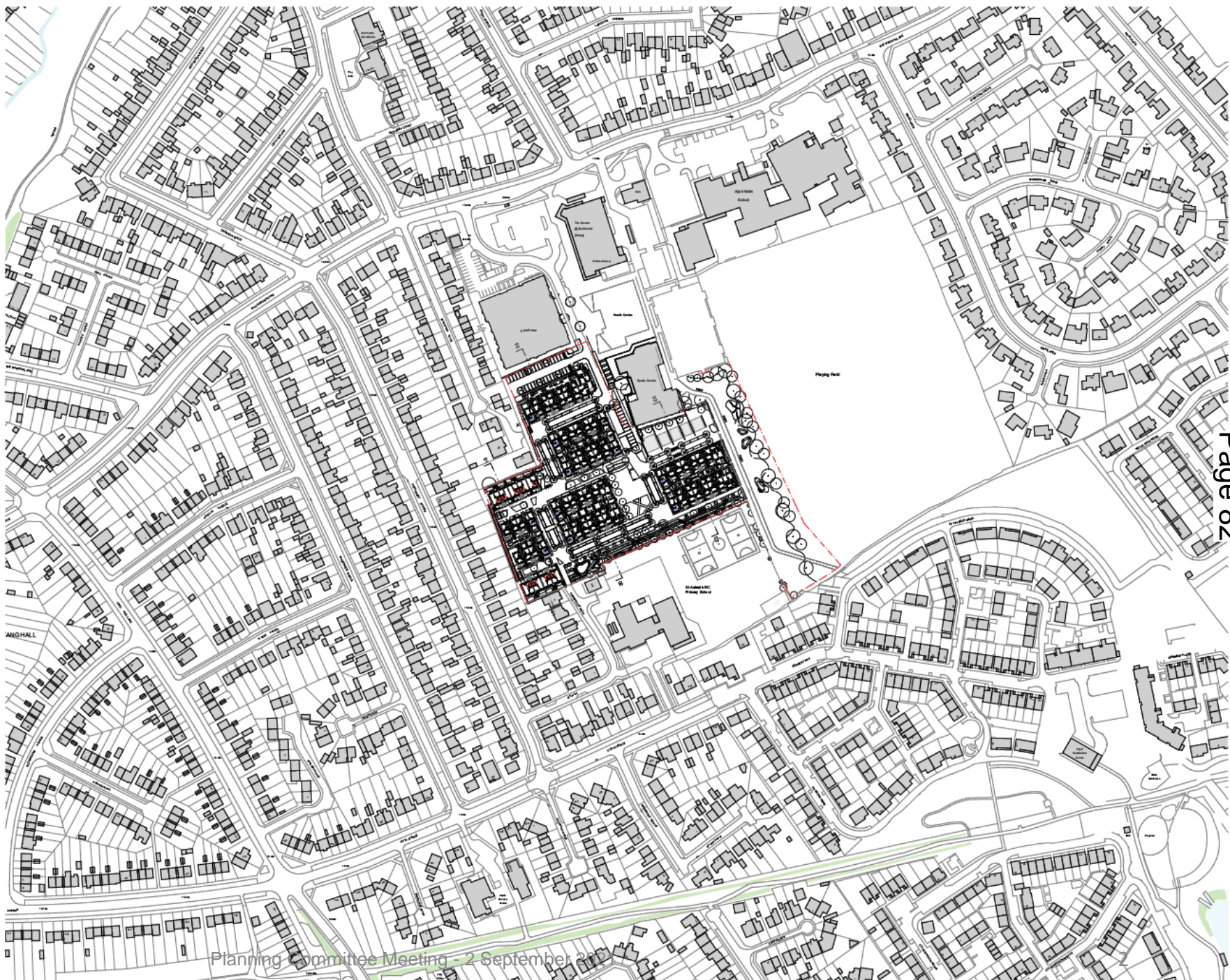
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20/01916/OUTM

Burnholme Community Hub, Mossdale Avenue, York

Site Location Plan



Adjacent playing fields and area for new planting and exercise equipment – looking north



Adjacent playing fields and area for new planting and exercise equipment – looking south



View from North East – sports centre building and proposed main entrance



View from North:
Main Access and
Care Home Building



Access to front of
community hub from
Car park to East. Care
Home buildings



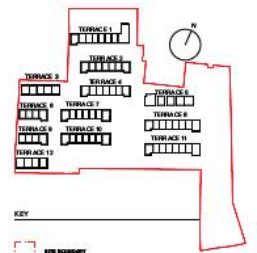
Land to front of
Community Hub



Proposed Pedestrian access from Darnbrook Walk



Proposed Site Plan



- KEY**
- SITE BOUNDARY
 - A 2 Bedroom (4 Person House)
 - B 3 Bedroom (5 Person House)
 - C 4 Bedroom (7 Person House)
 - D 3 Bedroom (4 Person House)
 - E 3 Bedroom (5 Person House)
 - F No. 1 Bedroom (3 Person Flat)
No. 2 Bedroom (5 Person Duplex)
 - G No. 1 Bedroom (2 Person Flat)
No. 2 Bedroom (5 Person Duplex)
 - H 3 Bedroom (4 Person Bungalow)
 - I No. 1 Bedroom (3 Person Flat)
 - MIGI - Garage 3 Homes
 - Self-Build Plot (3 Flats)

Ref No.	Issued	Issue Title
01	18/09/21	PLANNING - Revision
02	18/09/21	PLANNING - Revision



HEALTH, SAFETY AND ENVIRONMENTAL INFORMATION BOX

!

Note: This drawing is to be used in conjunction with the risk register produced for inclusion in the health and safety plan. The contractor has an obligation to read this drawing and take heed of any relevant contractor safety data with the type of works detailed in the drawing.

NOT FOR CONSTRUCTION

DO NOT SCALE FROM THIS DRAWING

All measurements given are indicative, or the contractor must check prior to the practical execution of any programme. All dimensions are in millimetres unless stated otherwise. All dimensions are to be taken from the face of the work unless stated otherwise.

MIKHAIL RICHES

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DRAWING TITLE:

Proposed Site Plan

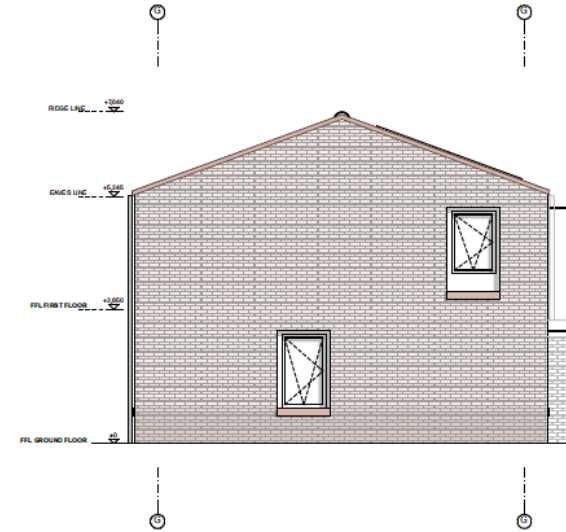
PROJECT	Northfields, Newarth	DATE	18/09/2021
C.S.E.P.	HOP - City of York Council	REVISION	C
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Project No.	288 B (00) 001	Field No.	P4



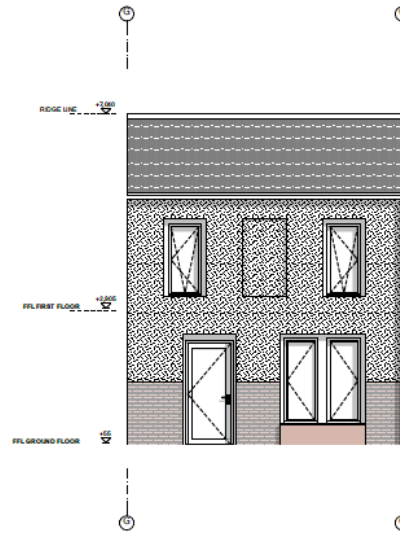
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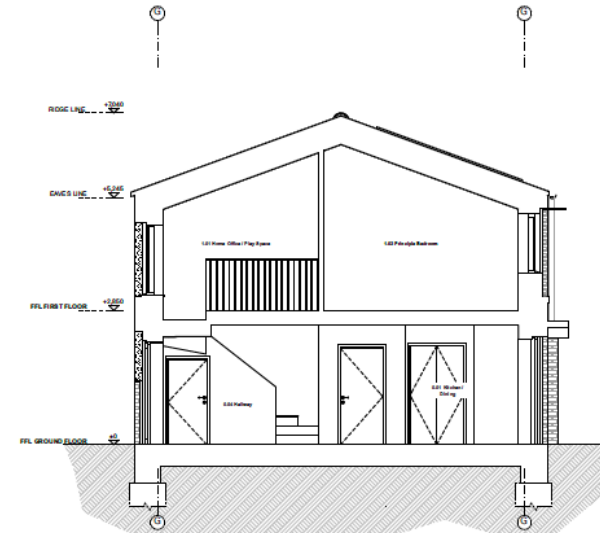
A (0) 200 South Elevation



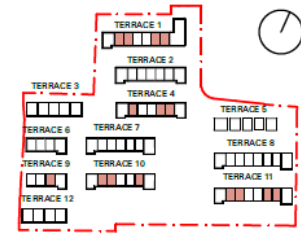
A (0) 202 East Elevation (Terrace 3 ONLY)



A (0) 201 North Elevation



A (0) 300 Section A-A



KEY

Revision	Issued	Issue Title
-	11/09/2020	PLANNING
P1	21/12/2020	PLANNING - Revision



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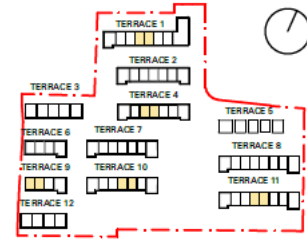
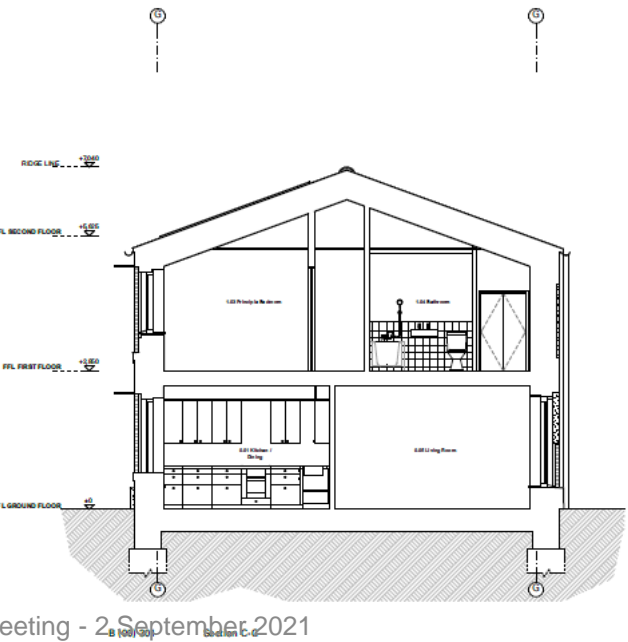
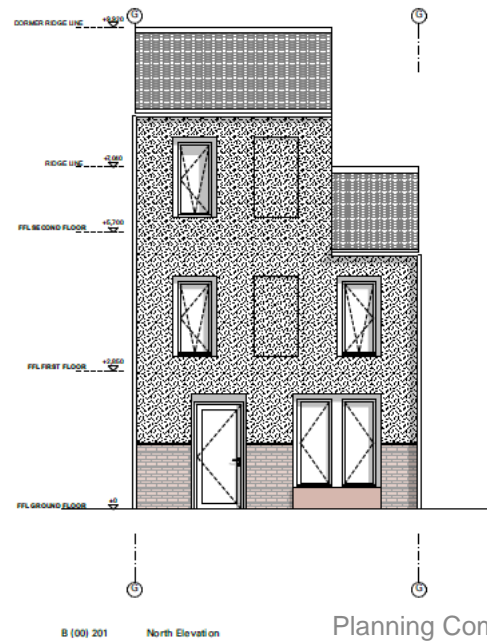
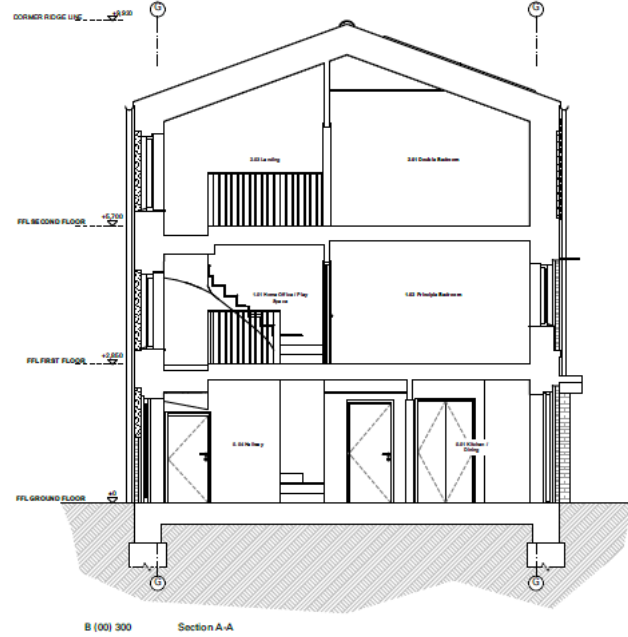
DRAWING TITLE: B | Burnholme, Heworth

**House Type A - 2B/4P
Elevations and Sections**

PROJECT: Burnholme, Heworth	CLIENT: HDP - City of York Council	DATE: 21/12/2020
DRAWING STATUS: PLANNING	SCALE: 1:100 @ A3	
Project No: 288	Site No: B	Drawing No: A (0)1002
		Revision: P1



Housetype B – 3 Storey



KEY

Revision	Issued	Issue Title
-	11/09/2020	PLANNING
P1	21/12/2020	PLANNING - Revision



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DRAWING TITLE: B | Burnholme, Heworth
**House Type B - 3B/5P
Elevations and Sections**

PROJECT: Burnholme, Heworth

CLIENT: HDP - City of York Council

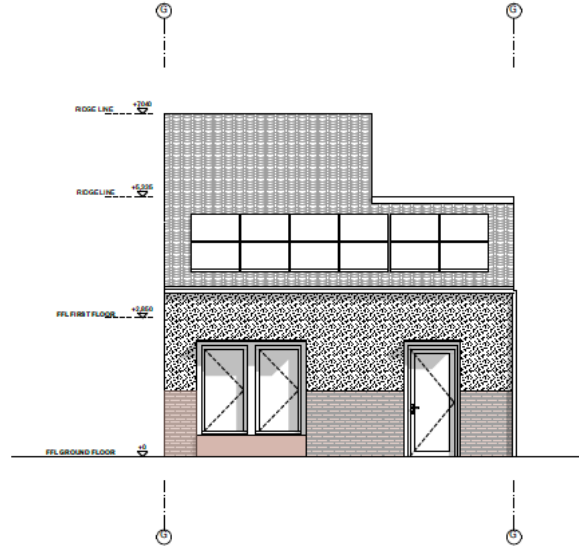
DATE: 21/12/2020

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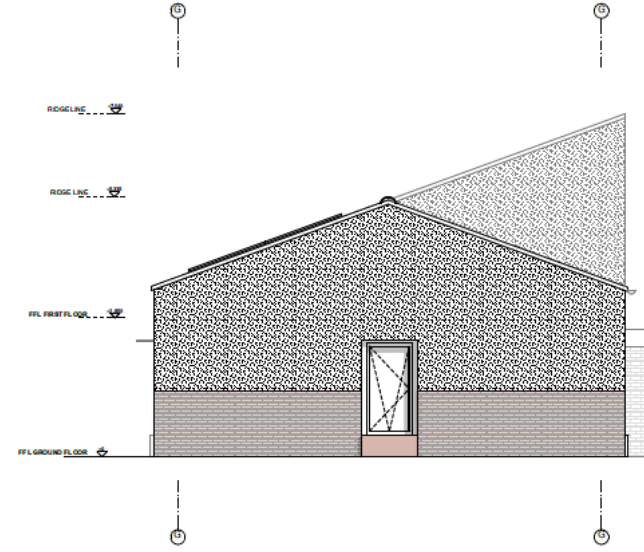
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288	B	B (00) 002	12



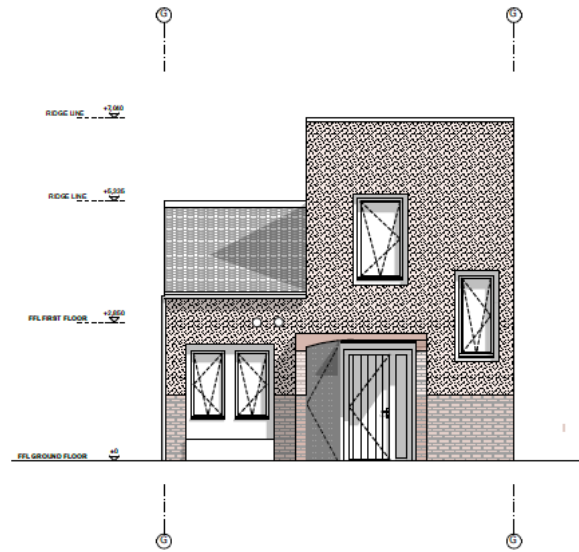
Housetype H – 1.5 Storey



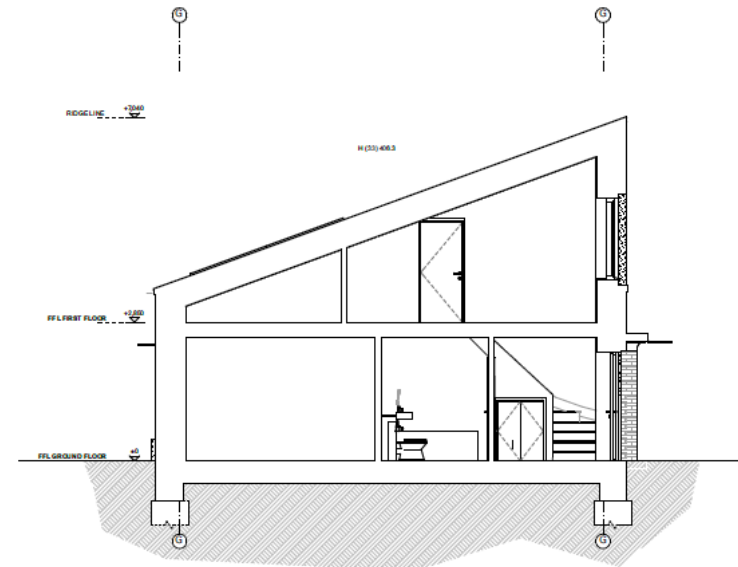
H (00) 201 South Elevation



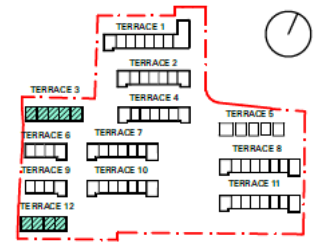
H (00) 202 West Elevation



H (00) 200 North Elevation

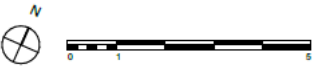


H (00) 200 Section A-A



KEY

Revision	Issued	Issue Title
-	11/09/2020	PLANNING
P1	21/12/2020	PLANNING - Revision



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DRAWING TITLE: B | Burnholme, Heworth

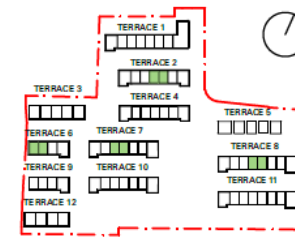
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Elevations and Sections**

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CLIENT: HDP - City of York Council	DRAWING STATUS: PLANNING	
SCALE: 1:100 @ A3	Project No:	Revision

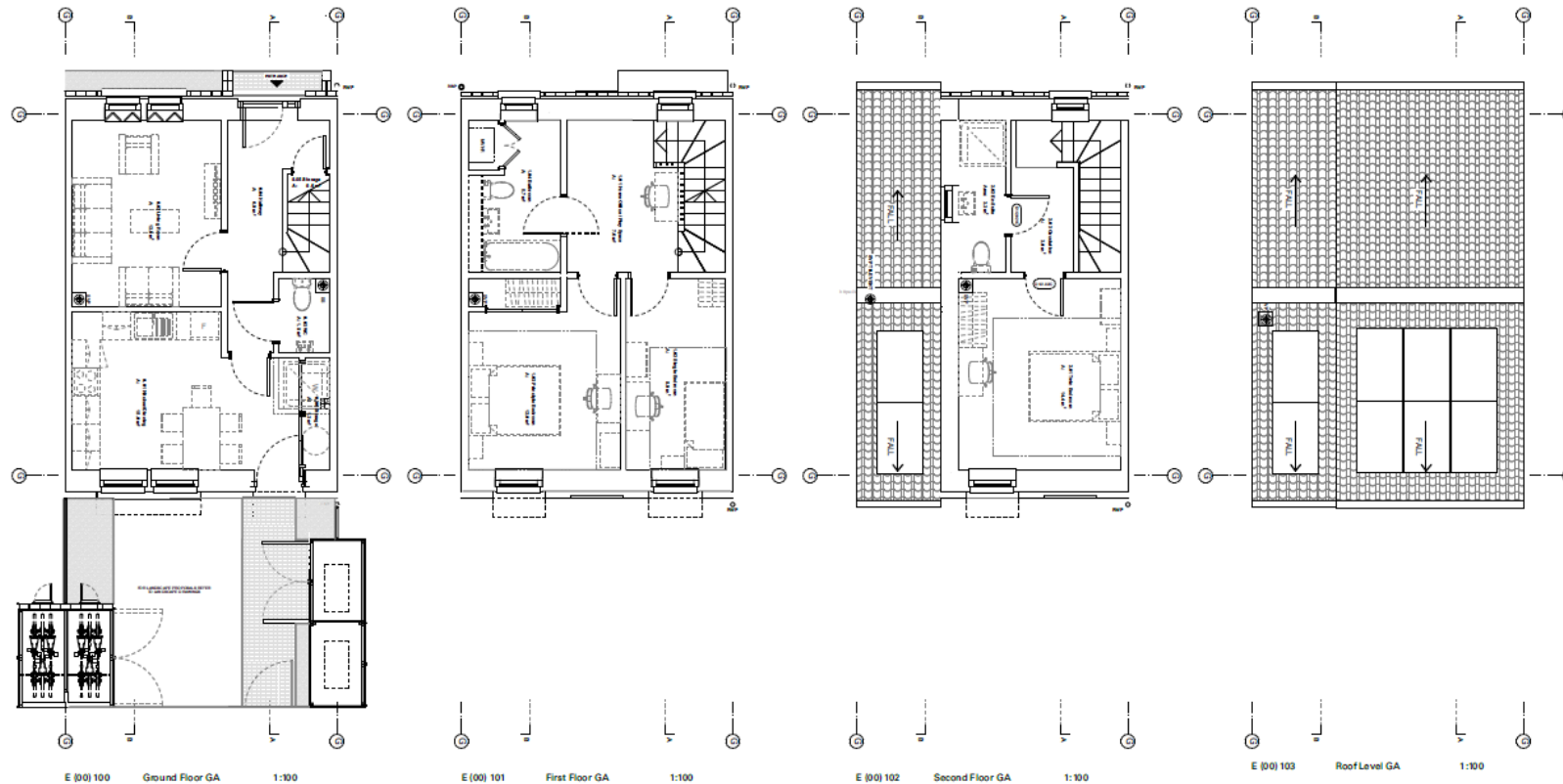
288 B H (00) 002 P1



Housetype E – Floor Plans



KEY



Revision	Issued	Issue Title
-	11/09/2020	PLANNING
P1	21/12/2020	PLANNING - Revision



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DRAWING TITLE: B | Burnholme, Heworth

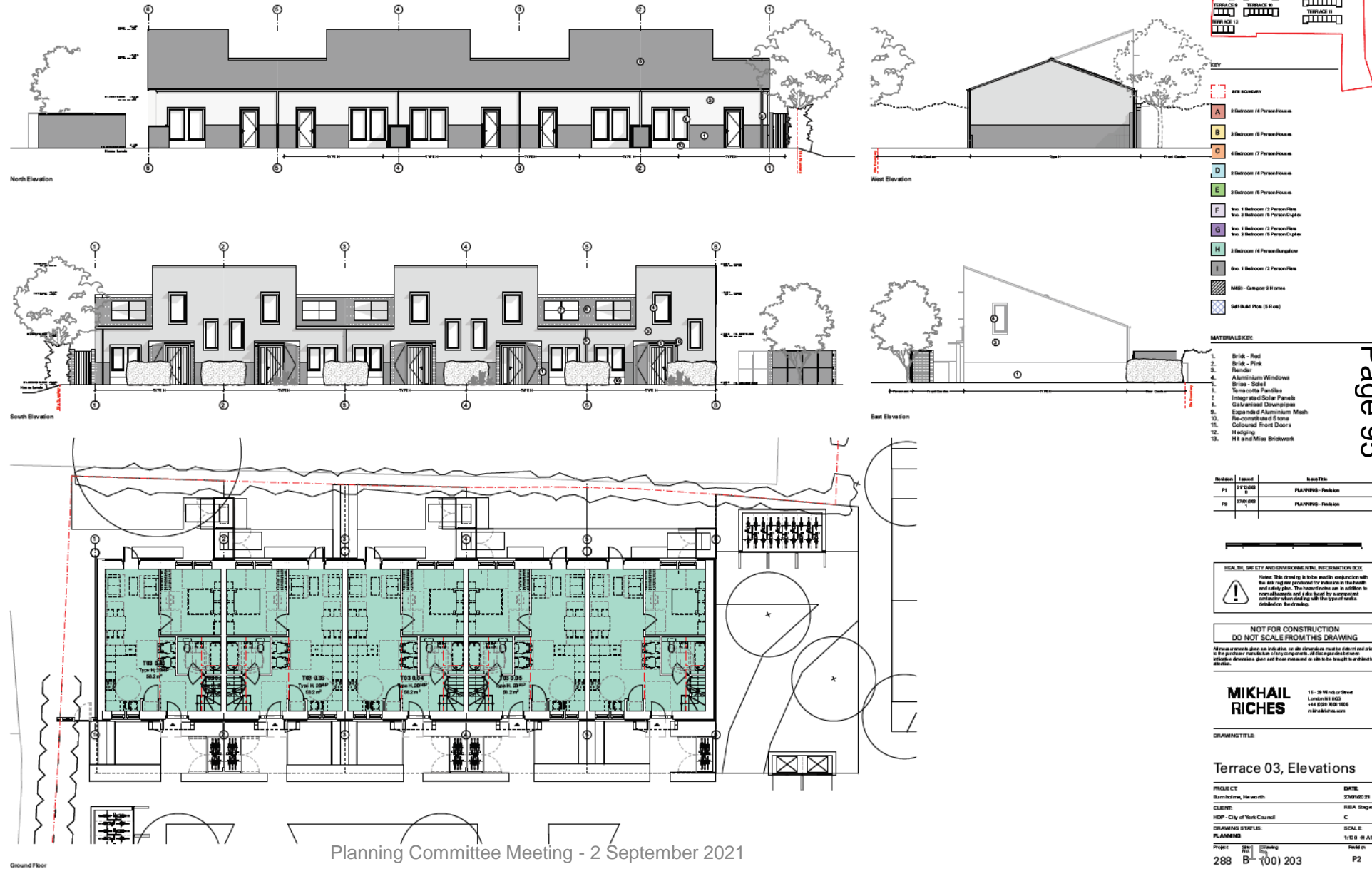
**House Type E - 3B/5P
Plans**

PROJECT: Burnholme, Heworth		DATE: 21/12/2020
CLIENT: HDP - City of York Council		SCALE: 1:100 @ A3
DRAWING STATUS: PLANNING		Revision
Project No.:	Site No.:	Drawing No.:

288 B E (00) 1001 P1



Terrace 03 Plan and Elevations



Terrace 06 – Plan and Elevations



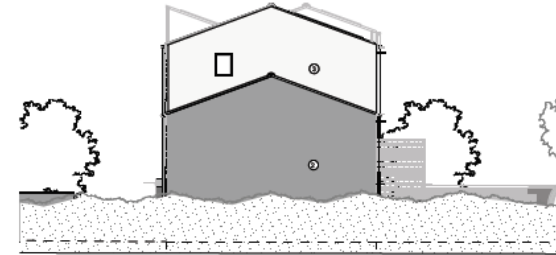
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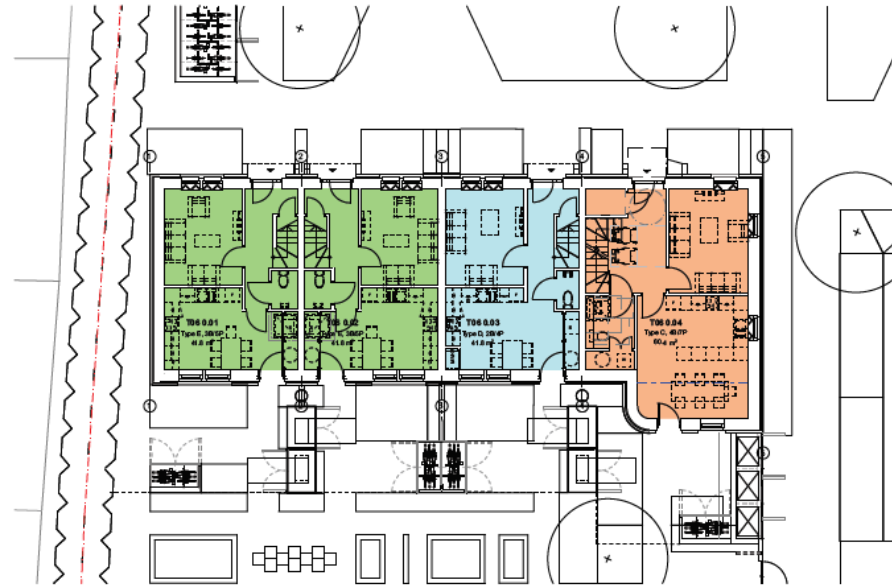
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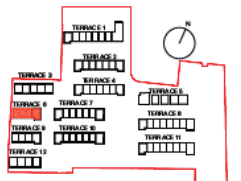
South Elevation



West Elevation



Ground Floor



KEY

- APP. Boundary
- 2 Bedroom / 4 Person House
- 2 Bedroom / 5 Person House
- 4 Bedroom / 7 Person House
- 2 Bedroom / 4 Person House
- 2 Bedroom / 5 Person House
- No. 1 Bedroom / 3 Person Flat
No. 2 Bedroom / 5 Person Duplex
- No. 1 Bedroom / 2 Person Flat
No. 2 Bedroom / 5 Person Duplex
- 2 Bedroom / 4 Person Bungalow
- No. 1 Bedroom / 3 Person Flat
- MG1 - Category 3 Homes
- Self-Build Plot (5 Flats)

MATERIALS KEY

1. Brick - Red
2. Brick - Pink
3. Render
4. Aluminium Windows
5. Brick - Side
6. Terracotta Panels
7. Integrated Solar Panels
8. Galvanized Downpipes
9. Expanded Aluminium Mesh
10. Re-constituted Stone
11. Coloured Front Doors
12. Hedges
13. HR and Miss Brickwork

Revision	Issued	Issue Title
01	27/09/20	PLANNING - Revision
02	27/09/20	PLANNING - Revision

HEALTH, SAFETY AND ENVIRONMENTAL INFORMATION BOX

Note: This drawing is to be used in conjunction with the risk register produced for inclusion in the health and safety plan. The responsibilities are to ensure it is maintained and used as advised by a competent contractor when dealing with the project works detailed on the drawing.

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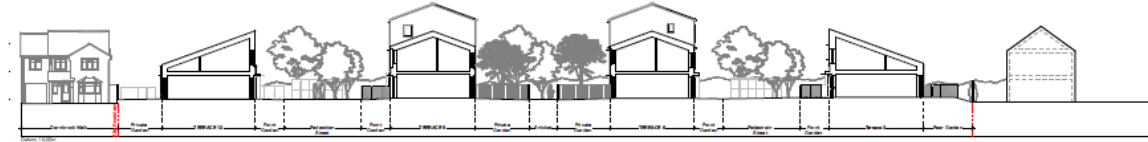
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Terrace 06, Elevations

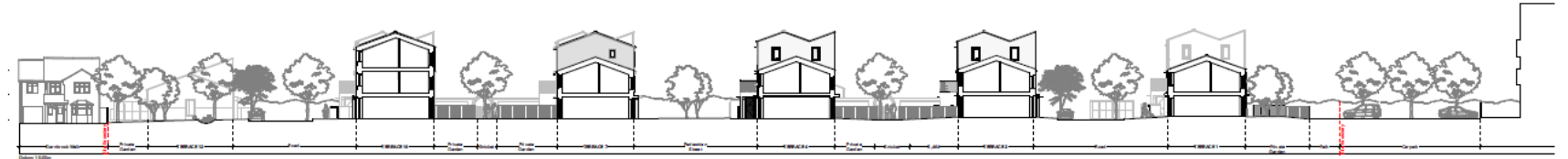
PROJECT	DATE	
Burnthorpe, Harworth	27/09/2021	
CLIENT:	REA Shape	
NEP - City of York Council	C	
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PLANNING	1:50 @ A1	
Project No.	Drawing No.	Revision
288	B1 (00) 206	P2



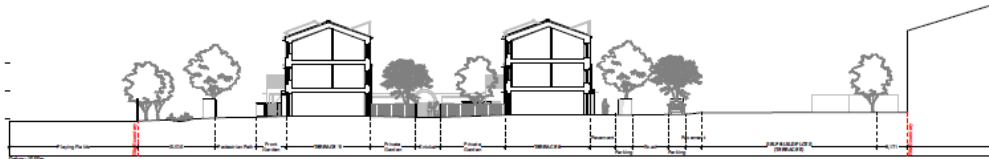
Site Wide Sections



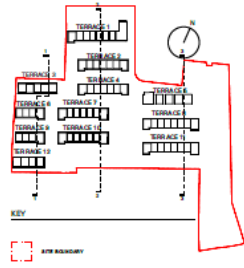
01 Site Wide, Section 1-1



02 Site Wide, Section 2-2



03 Site Wide, Section 3-3



Revision	Issued	Issued To
P1	27/09/21	PLANNING - Revision
P2	27/09/21	PLANNING - Revision

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DRAWING TITLE:

Site Wide Sections

PROJECT	Burncliffe, Harewell	DATE	27/09/2021
CLIENT	City of York Council	RIBA Stage	C
MDP	City of York Council	SCALE	1:200 @ A1
DRAWING STATUS:	PLANNING	Revision	00
Project Ref / No.	288 B (00) 300	Sheet No.	P2



3D Visual from
Design & Access
Statement



COMMITTEE REPORT

Date: 2 September 2021 **Ward:** Fishergate
Team: East Area **Parish:** Fishergate Planning Panel

Reference: 21/01570/FULM
Application at: Plumbase Waterloo House Fawcett Street York YO10 4AH
For: Erection of a 3 and 3.5 storey student accommodation block (83no. student studios), ancillary storage building and landscaping following demolition of existing buildings (resubmission)
By: KMRE Group (Church Fenton) Limited
Application Type: Major Full Application
Target Date: 28 September 2021
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSALApplication site

1.1 The application relates to the former Plumbase premises on Fawcett Street. The site sits between Barbican Court and Escrick Terrace on Fawcett Street. It comprises of an L-shaped 2-storey warehouse type building arranged around a car parking area at the front of the site. A second larger warehouse type building, of similar height, is located behind.

1.2 The site is partially within the Central Historic Core Conservation Area (the warehouse building at the back is outside of the conservation area). There are seven Listed Buildings along Fawcett Street, between Paragon Street and where the road meets Fishergate. The site is within the nationally designated City Centre Area of Archaeological Importance.

1.3 South of the site is a terrace of 2-storey houses facing Fawcett Street. Also to the south, along Escrick Street, are 2-storey and 2.5 storey houses. Nos.2-11 have small private amenity spaces to the immediate rear of the buildings. Otherwise the space behind the buildings is hard-standing and provides communal car parking.

1.4 To the north, opposite the front warehouse building on-site, is Barbican Court, a 3-storey block of housing. The fire station and its car parking area and outside training yard are adjacent the north and east sides of the site.

Recent site history

Application Reference Number: 21/01570/FULM

1.5 An application for re-development of this site was deferred at Planning Committee 21 April 2021 and then refused at the meeting 17 June 2021. The reason for refusal was the lack of communal amenity space within the building. The refusal reason in full was –

“The proposed development would have an inadequate amount of internal communal amenity space for its future residents. It would be inadequate in terms of providing an inclusive environment and taking into account the health and well-being of its occupants.

As such the proposed development is in conflict with NPPF paragraph 127, in particular parts a) and f) which state planning decisions should ensure that developments will function well ... and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”.

Proposals

1.6 This application is for the same development considered by members previously. The only change is that the number of student rooms has decreased from 86 to 83. Instead of the fewer rooms, there are communal amenity spaces (each some 25 sq m in floor space) on each of the upper floors. Consequently there is communal amenity space on each floor of the building.

1.7 The buildings external appearance and the site layout is the same as the previous application. The building would be 3-storey where it faced onto Fishergate, stepping up to 3.5 storey in the rear section. The building would be setback from Fishergate, with an area of hard-standing to the front, which could be used for servicing / drop-off. Two accessible car parking spaces are shown on the access road and there is outside amenity space and bin and cycle storage on the south side of the site (adjacent Escrick Street and Escrick Terrace).

2.0 POLICY CONTEXT

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise.

2.2 The National Planning Policy Framework ('NPPF') is a material consideration in the determination of this planning application. Key policies / sections of the NPPF are as follows –

- 5 Delivering a sufficient supply of homes
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable travel
- 11 Making effective use of land
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 16 Conserving and enhancing the historic environment

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

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

2.4 Key relevant Publication Draft Local Plan 2018 Policies are as follows -

- DP3 Sustainable Communities
- D1 Place-making
- D4 Conservation Areas
- D6 Archaeology
- CC1 Renewable and Low Carbon Energy Generation and Storage
- CC2 Sustainable Design and Construction of New Development
- ENV5 Sustainable Drainage
- H7 Student Housing
- GI6 New open space provision

3.0 CONSULTATIONS

Highway Network Management

3.1 No objection. Recommend conditions as in the previous application. Recommended conditions included securing the construction of the proposed site access / servicing areas, removal of redundant crossings and the provision of footpath widening local to the site.

Public Protection

3.2 Recommend conditions in respect of land contamination, air quality screening assessment to assess the likely impact of the proposed gas fired boiler plant (if proposed), ground floor windows at the front recommended to be non-opening, to reduce long-term exposure to traffic pollution, the preparation and adherence to a construction management plan, evidence proposed windows will provide adequate internal noise levels.

Yorkshire Water

3.3 No objection. Recommend the proposed drainage strategy be secured through planning condition.

North Yorkshire Police

3.4 The police advise that student accommodation can be susceptible to burglary. Strong boundary protection is recommended to deter such. A condition is recommended to secure measures as to how crime will be addressed by design.

Fire and Rescue

3.5 No objection/observation to the proposed development. The North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority will make further comment in relation to the suitability of proposed fire safety measures when the building control body submit a statutory Building Regulations consultation to the Fire Authority.

Conservation Areas Advisory Panel

3.6 The Panel is of the opinion that this is a bad scheme and should not be approved. The external appearance of the building is still neither inviting to the prospective residents, nor in its present form an enhancement to the Conservation

Area. The internal layout was not felt to be conducive to the mental health of the students as they would effectively be living in cells. The student rooms should be in cluster units, anecdotal evidence during the current Covid situation would tend to reinforce this view. It would appear the scheme is being driven by profit over student well-being.

4.0 REPRESENTATIONS

4.1 Four objections have been received. Objections are as follows –

Road safety and Highway Network Management

- Increase in traffic on Fawcett Street
- Vehicle drop-off & a general increase in traffic on the access road could block access points to Barbican Court
- Bus services to university already do not have capacity at peak times
- Poor location for student accommodation due to distance from universities and the road safety issues around the site, in particular the Fishergate gyratory.

Amenity

- Noise disturbance
- The revised scheme still has limited amenities for its occupants. It does not offer the facilities as other student accommodation such as cinemas, study rooms gyms and a wider mix of accommodation. The design and layout is akin to a hotel, which provides poor living standards.
- Daylight - a number of the rooms fall below the recommended levels. Is the report up to date? If rooms are below average improvement is needed - unless there are significant overlooking which prevent such.
- Concern over impact on Barbican Court - light pollution and loss of daylight.

Principle of the proposed use of the site

- Student accommodation should be provided on campus. An assumed reduction in student numbers in future.
- Loss of car parking spaces
- Loss of business due to loss of Plumbase

Sustainability

- Will materials from demolition be re-used / recycled?

5.0 APPRAISAL

KEY ISSUES

- Principle of the proposed development
- Heritage Assets (including archaeology)
- Design of the proposed building
- Neighbours amenity
- Highway safety and sustainable travel
- Public protection

Principle of the proposed development

5.1 The site is not allocated for development in the Publication Draft Local Plan 2018 (2018 DLP). It was formerly in commercial use, as a showroom and for retail and trade sales. It is currently vacant and classed as previously developed / brownfield land in NPPF terms.

5.2 In considering the proposed use and whether it is acceptable in principle, key sections in the NPPF are Section 5. Delivering a sufficient supply of homes and 11. Making effective use of land. The policies within the NPPF establish that in principle the proposed use is acceptable.

5.3 Section 5 of the NPPF states that “to support the Government’s objective of significantly boosting the supply of homes (which includes student housing), it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”.

5.4 Section 11 of the NPPF requires planning decisions should:-

- Promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- Give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs
- Where there is an existing or anticipated shortage of land for meeting identified housing needs (which includes student accommodation), it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.

5.5 Policy H7 Student Housing within the DLP 2018 carries limited weight in decision-making at this stage as the plan is not adopted. It is against the NPPF policies that this proposal should principally be assessed. However H7 states proposals for new student accommodation will be supported where:

Application Reference Number: 21/01570/FULM

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

5.6 The Council's Strategic Housing Market Assessment 2016 acknowledged that the student rental market remains strong and that demand for purpose built student accommodation is high, particularly from international students. The supply of purpose built student accommodation is monitored and both the applicants and the Council's current data show that around 50% of students are within purpose built accommodation. This proportion illustrates need.

5.7 The location is suitable for student accommodation, given the proximity to the city centre and York University. The site is in a sustainable location, literally just outside of the city centre, as shown in the 2018 DLP maps.

Heritage Assets

5.8 The building at the front of the site and the car park are within the Central Historic Core Conservation Area. The rear building is outside of the Conservation Area. The Council has a statutory duty (under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to consider the desirability of preserving or enhancing the character and appearance of designated Conservation Areas. Where there is found to be harm to the character or appearance of the Conservation Area, the statutory duty means that such harm should be afforded considerable importance and weight when carrying out the balancing exercise. The approach to determining planning applications, in terms of assessment on Heritage Assets, is set out in Section 16 of the NPPF.

5.9 Paragraph 190 of the NPPF states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

5.10 Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits.

5.11 The site falls within the Fishergate character area of the Central Historic Core Conservation Area. The conservation area was extended as part of the most recent appraisal, to include Fawcett Street and Fishergate. The area was included as it forms an important entry into the city and provides a setting for the walls. The conservation area appraisal notes the number of listed buildings along the street. The listed buildings on Fawcett Street are within an urban setting. This scheme would not materially affect the setting of any listed buildings on the street.

5.12 Whilst the application site is not identified as a detractor in the conservation area appraisal, it certainly does not make a positive contribution. In terms of the section of the site that is within the conservation area, the frontage building is now run-down and the car parking area has a negative impact on the street scene. The existing building, due to its front building line, and given the utilitarian appearance of the building, looks awkward within the street in views from the west in particular. It also leaves a narrow pavement width.

5.13 No identified harm to the conservation area has been identified. The scheme respects the townscape and setting of the city walls, which are the main elements of this part of the conservation area, as explained in the area appraisal. The development would not materially impact the setting of any listed buildings. The scheme would have no harm to heritage assets on the following grounds -

- The proposed building line better respects the neighbouring buildings, which have areas of defensible space between them and the street. Local widening of the footpath is proposed (taking land from within the application site), following the alignment of Fawcett Street.
- The building would have a pair of front gables facing the street, and be 3-storey in scale. These would be of brick and slate roof. The way the building would enclose and address the street, with active frontages, and its scale, massing and the use of materials respects the conservation area setting.
- There are views of the rear section of the site (which is outside of the conservation area) and the local townscape from the Grade I listed City Walls. The relevant section of the building will be 3.5 storey, the top floor within the pitched roof. It will be seen in distant views, beyond the Barbican Centre and its adjacent hotel; modern buildings which deviate from the historic townscape in building scale and form. The proposed building will appear in character with the

historic townscape due to its form, massing and scale and use of materials. It would not harm the setting of the City Walls.

Archaeology

5.14 The site is within the City Centre Area of Archaeological Importance. NPPF paragraph 194 states that “where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation”. NPPF footnote 68 states non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

5.15 In accordance with the NPPF site investigation has taken place and our understanding of local archaeology is informed by site investigations nearby, at Barbican Court and the fire station on Kent Street. The investigation did not reveal any significant archaeological features or deposits that would require preservation in-situ. However investigation locally suggests that it is likely that archaeological features and deposits possibly relating to the Romano-British, Anglo-Scandinavian and medieval periods may still be present on this site. This may include human remains and organic material. Based on the information we have, officers consider excavation to be an appropriate form of mitigation. An archaeological evaluation (secured by condition) will be required following the demolition of the rear warehouse building, to ascertain how much of the known archaeology surrounding the rear part of the site survives beneath it. The results of the evaluation will determine the appropriate course of mitigation required. This may result in a strip, map and record, which will continue towards Fawcett Street.

Design

5.15 NPPF paragraph 130 states that planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area;
- b) are visually attractive as a result of good architecture, layout and landscaping;
- c) are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space); and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and

where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

5.17 The existing access road from Fawcett Street is retained. The layout will allow waste collection for this site and Barbican Court to take place away from Fawcett Street in future. An improvement in highway safety terms. The front of the existing warehouse is uncharacteristically close to the street and leaves a pinch point where the footpath narrows. The proposed building is set back, behind some landscaping, and can facilitate a wider footpath.

5.18 The site, as existing, contributes to the conservation area by presenting a car parking area and dilapidated warehouse type building, and revealing the blank side elevation of the neighbouring terrace. The development makes an improved contribution to the setting, compared to the existing arrangement, by better respecting the urban grain considering building layout, form, scale, its use of materials and through the introduction of soft landscaping. The building proposed successfully addresses Fawcett Street, providing an active frontage, harmonious building line and façade that is respectful of the conservation area. The site currently contains no soft landscaping. A garden area would be introduced on the south side of the site, along with tree planting. Communal uses front onto Fawcett Street, to present an active frontage, and being mindful of air quality and traffic noise.

5.19 The building has contemporary detail but primarily is of red brick, with slate pitched roof. The scale and repetition of the elevations is relieved by the circulation areas, the variable roof height and form and the twin gable form that fronts Fawcett Street. The staircases would be clad in Corten steel, with the amount of glazing mindful of the need to reduce perceived overlooking and light pollution and the subsequent effect on neighbours.

5.20 The essentially rectangular form of the building respects the local urban grain, with streets leading off Fawcett Street. The windows to student rooms are designed and orientated to avoid overlooking towards neighbouring houses.

5.21 The building is part three storey and larger at the rear, where it steps up to 3.5 storey and there are rooms within the roof. Building heights are reasonable and comparable to those locally. Along Fawcett Street are buildings of 3 and 4 storey and large 2 storey, late 18th century, early 19th century buildings of generous proportions.

5.22 NPPF paragraph 122 states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. This scheme allows development of 3 and 3.5 storey, which would make efficient use of the site whilst respecting local building heights and providing amenity space.

5.23 A condition will require a 28% improvement over building regulations in terms of energy efficiency. The scheme anticipates the use of PV panels and mechanical ventilation with heat recovery (MVHR) which are low/zero carbon technologies.

5.24 In terms of waste, the developers have confirmed on-site management will be responsible for putting bins out for collection. An amended drawing of the waste store illustrates it will have the capacity recommended by Council's Waste Management Team.

5.25 The condition regarding landscaping will secure approval and implementation of crime prevention measures. As recommended by the police this will include boundary treatment restricting site access.

Amenity

5.26 Paragraph 130 of the NPPF states that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Impact on Barbican Court

5.27 The existing frontage building is two storey and immediately adjacent the shared access with Barbican Court. The proposed building would be around 2m further from Barbican Court. There would be 10m between buildings.

5.28 The proposed building would be no more than 2.5m higher, to both eaves and ridge height, than the existing building. The front section of the proposed building would be 3-storey, of comparable eaves and ridge height to Barbican Court. The rear, taller section of the building in overall height would be around 1.5m taller than Barbican Court. A height of 2.85m has been allowed for between floors. Building Regulations recommend floor to ceiling heights are 2.3m.

5.29 The taller section of the proposed building does step up nominally before the east end of Barbican Court, but the section of Barbican Court where opposite has undercroft/ground floor car parking (accommodation is on the upper floors only) and the rooms at the far end of the building are dual aspect.

5.30 Comparing the existing and proposed buildings, and the distribution of building scale on the proposed building there would not be a material effect on Barbican Court in terms of daylight and the proposed building would not be unduly dominant. The arrangement and juxtaposition of 3 and 4 storey buildings would be appropriate for the urban setting.

Impact on buildings to the south

5.31 To the south is the blank side elevation of 5 Fawcett Street and rear of houses along Escrick Street. The latter have a parking court at the rear. The existing warehouse building at the rear of the application site is immediately adjacent the boundary wall.

5.32 The proposed building is between 5m and 6m from the south boundary. Buildings would be approximately 18m apart. The proposed eaves level of the building, where behind Escrick Street, would be some 2m higher than the comparable part of the existing warehouse roof (and in maximum height around 4.8m higher than the houses to the south). Although the proposed building is taller than the existing, this is offset by moving the building away from the boundary. A minor increase in building height can be accommodated without undue impact, and the proposed building would not be unduly dominant or over-bearing. The proposed building is to the north and would therefore have no effect on daylight.

Overlooking

5.33 Where facing neighbouring housing windows on the upper floors are either angled to avoid overlooking, or would have opaque glazing, so neighbours would not feel overlooked. The staircase on the south side has been designed so glazing is restricted to avoid possible issues with overlooking.

Future users

5.34 The proposed studio rooms will range in size from 21 sq m to 28 sq m. These are self-contained rooms and will contain en-suite bathrooms, and space to prepare food / cooking and study. The applicants have provided an indicative layout showing the rooms furnished, which shows a reasonable layout fit for purpose. The national average size of purpose built student accommodation studio rooms outside of London is 20.6 sq m.

5.35 There are no national space standards or guidance in respect of communal amenity space for purpose built student accommodation. It is noted that Leeds City Council have draft local guidance which recommends 1 sq m per bedspace amenity space. That guideline would be exceeded within this scheme.

5.36 The communal area by the entrance will provide 86 sq m amenity space and there are communal rooms on each floor which are each approx. 25 sq m. As such the scheme would provide some 160 sq m communal amenity space. In addition the outside space will be landscaped and available for student use.

Public open space

5.37 The NPPF in section 8 advises that planning decision should aim to create healthy and inclusive places. Paragraph 98 states ‘access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate’.

5.38 Policy GI6 (new open space provision) of the Publication Draft Local Plan states ‘all residential development proposals should contribute to the provision of open space for recreation and amenity’... ‘The precise type of on-site provision required will depend on the size and location of the proposal and the existing open space provision in the area. Where there are deficiencies in certain types of open space provision in the area surrounding a proposed development, the Council will seek variations in the component elements to be provided by the developer in order to help to overcome them’. The policy goes on to state that ‘the Council will encourage on-site provision where possible but off-site provision will be considered acceptable in the following circumstances’.

5.39 An open space contribution towards amenity open space has been agreed, calculated using local supplementary guidance. A Planning Obligation would secure a contribution of £8,607. In accordance with the Open Space and Green Infrastructure Update 2017, the amenity space to be enhanced would be within 720m of the site.

Highway Network Management

5.37 The NPPF states that in assessing applications for development, it should be ensured that –

- Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location. Paragraph 107 advises that when setting car parking standards consider accessibility, development type, public transport, local car ownership, and facilitation of electric charging.

- Applications for development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas.
- Safe and suitable access to the site can be achieved for all users.
- Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.38 Given the type of development proposed, and its location, an essentially car free development accords with the NPPF policies and objectives. It is also consistent with the approach taken at other city centre sites with purpose built student accommodation, which has successfully integrated into its locality.

5.39 The site depends on the existing access adjacent Barbican Court. Tracking drawings demonstrate this can safely accommodate waste collection (which could enter and leave onto Fawcett Street in a forward gear). There is also space for servicing and deliveries, along the access road and in-front of the building.

5.40 Modelling for this type of development shows no harm on the highway network, this is re-enforced by review of other city centre sites for purpose build student accommodation now established. Other types of development would likely lead to more trips by private car. Sustainable travel is promoted in that the existing public footpath local to the site (currently too narrow) is widened. Covered and secure cycle provision is provided – 48 covered and secure spaces and 6 visitor spaces outside. Evidence from travel plans at other sites shows this is a reasonable level of provision for student accommodation.

5.41 Management details in outline have been provided in respect of student arrivals/departures at the beginning and end of term and a document specific to the site operator could be secured through condition. The management would allocate slots to avoid congestion and direct persons to local car parks, such as the Q Park on Kent Street, should they wish to remain in the city for longer periods.

PUBLIC PROTECTION

Air quality

5.42 The development falls within City of York Council's City Centre Air Quality Management Area (AQMA), based on historical breaches of the health based nitrogen dioxide annual mean objective. The council undertake monitoring of nitrogen dioxide on Fawcett Street to the north (75m away) and south (30m) of the site, near junctions with Kent Street and Escrick Street respectively. While pollution

levels monitored at these sites in recent years have indicated that levels of nitrogen dioxide are well within health based standards, the sites are not strictly representative of the location of the development. Air quality will be at its worst at ground level.

5.43 To address air quality the façade is set back from the street and no living accommodation is provided in ground floor rooms facing the street. Ground floor windows facing Fishergate will be non-opening (with alternative ventilation provided). Overall the development will potentially make a positive contribution to air quality, by being essentially car free, and containing trees and soft landscaping. Also bearing in mind the existing premises include a substantial car parking area. On schemes of this scale and type it is standard for air quality impacts from demolition and construction to be dealt with via condition, and through a construction management plan.

Noise

5.44 A condition is proposed to ensure noise levels within living / bedrooms are adequate and meet World Health Organisation standards. Public Protection have flagged up the proximity of the fire station as a possible noise source. However when that site was developed, noise from operations was considered and it was deemed to have an acceptable effect on existing residents.

6.0 CONCLUSION

6.1 The proposals are acceptable in principle when applying NPPF and local plan policy. No harm to Designated Heritage Assets has been identified. The presumption in favour of sustainable development, as set out in NPPF paragraph 11 therefore applies. There is evident demand for purpose built student accommodation and the NPPF requires planning decisions give “substantial weight” to the value of using suitable brownfield land within settlements for housing (which includes student accommodation). The re-use of a brownfield site, to provide housing, carries substantial weight when applying the NPPF and is also therefore a public benefit that weighs in favour of the scheme. Technical matters can be addressed through planning conditions.

6.2 The previous application was refused due to the lack of amenity space within the proposed building. This scheme has a revised layout that provides communal rooms on each floor and has increased the amount of internal amenity space by some 75 sq m. This amendment, and the loss of three student rooms, is considered to address the reason for refusal of the previous scheme.

6.3 Approval is recommended subject to completion of a Planning Obligation towards amenity open space. The contribution would be £8,607. In accordance

with the Open Space and Green Infrastructure Update 2017, the amenity space to be enhanced would be within 720m of the site.

7.0 RECOMMENDATION:

i That delegated authority be given to the Head of Development Services to APPROVE the application subject to:

- a. The completion of a Section 106 Agreement to secure a planning obligation to provide a contribution of £8,607 (index linked) towards amenity open space.
- b. The conditions set out below

ii The Head of Development Services be given delegated authority to finalise the terms and details of the Section 106 Agreement.

iii The Head of Development Services be given delegated authority to determine the final detail of the planning conditions

Conditions:

1 TIME2 Development start within three years

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

Proposed Site Plan - 1613-102 Rev L
Floor plans - 1613 - 103 Rev F / 104 Rev C
Elevations - 1613-105 Rev B / 201 A
Refuse / Cycle Store - 1613-106 Rev B

Sections 1613-109 Rev C

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

3 Construction management

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

- Dilapidation survey

A dilapidation survey of the highways adjoining the site which shall be jointly

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undertaken with the Council's highways department and the results of which shall be agreed in writing with the Local Planning Authority.

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

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

4 Times of construction

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

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

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Reason: To protect the amenities of adjacent residents.

5 Archaeology

A programme of post-determination archaeological evaluation and an appropriate scheme of mitigation is required on this site.

No development (apart from demolition of above ground structures) shall take place until the following details have been approved and implemented on site.

- a) No archaeological evaluation or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. The WSI shall conform to standards set by LPA and the Chartered Institute for Archaeologists. It shall be submitted for approval prior to any groundworks.
- b) The site investigation and post-investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication (if required) and dissemination of results and archive deposition will be secured.
- c) A copy of a report on the evaluation and an assessment, of the impact of the proposed development, on any of the archaeological remains identified in the evaluation shall be deposited with City of York Historic Environment Record to allow public dissemination of results. The report shall be issued within 4 weeks of completion or such other period as may be agreed in writing with the Local Planning Authority.
- d) Where archaeological features and deposits are identified, proposals for the investigation, recording and recovery of archaeological remains, and the publishing of findings, shall be submitted as an amendment to the original WSI. A report on the archaeological works detailed in Part D shall be deposited with City of York Historic Environment Record within 2 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: In accordance with Section 16 of NPPF as the site lies within an Area of Archaeological Importance. An investigation is required to identify the presence and significance of archaeological features and deposits and to ensure that archaeological features and deposits be recorded appropriately.

6 LC1 Land contamination - Site investigation

7 LC2 Land contamination - remediation scheme

- 8 LC3 Land contamination - remedial works
- 9 LC4 Land contamination - unexpected contamination
- 10 South boundary wall

Prior to demolition of the warehouse at the rear (east) side of the site a scheme for making good the south boundary wall shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.

The scheme shall illustrate - the height of the boundary wall, include details on capping and the height in context with brick piers on the south side of the wall. Any rebuilding required shall use reclaimed bricks where practical.

Reason: In the interests of local distinctiveness and residential amenity.

11 Drainage

Prior to the commencement of construction site specific details of foul and surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

INFORMATIVE: If SUDs methods can be proven to be unsuitable (i.e. direct connection to watercourse or soakaway) then in accordance with City of York Councils Sustainable Drainage Systems Guidance for Developers (August 2018) peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas).

Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 30% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas not proven then Greenfield sites are to limit the discharge rate to the pre developed run off rate. The pre development run off rate should be calculated using either IOH 124 or FEH methods (depending on catchment size).

12 Sustainable design & construction

The development hereby permitted shall achieve a reduction in carbon emissions of at least 28% compared to the target emission rate as required under Part L of the Building Regulations 2013.

Prior to commencement of construction, details of the measures undertaken to secure compliance with this condition shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To fulfil the environmental objectives of the NPPF and support the transition to a low carbon future, and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018.

13 Materials

The external materials to be used shall be as annotated on the approved drawings.

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

Reason: In the interests of the character and appearance of the conservation area, visual amenity and local distinctiveness, in accordance with paragraph 130 of the NPPF.

14 Large-scale details

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

Typical sections for elevations (in full) at 1:10 or 1:20

Reason: In the interests of the character and appearance of the conservation area, visual amenity and local distinctiveness, in accordance with paragraph 130 of the NPPF.

15 Air quality screening assessment

Should the scheme include a gas fired boiler, an air quality screening assessment shall be carried out to assess the likely impact on local air quality. The assessment shall be carried out prior to installation and the development shall occur in accordance with the approved details thereafter.

Reason: to ensure that any proposed gas fired boiler does not cause an unacceptable impact on local air quality.

16 Landscaping scheme

The development shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a detailed hard and soft landscaping scheme. Notwithstanding the approved plans the scheme shall illustrate the following -

- a) The number, species, height and position of trees and shrubs. Which shall include trees within the public open space and adjacent the street (the latter where practical)
- b) Details of all boundary treatment / means of enclosure. To include low boundary wall at the front of the site (it is recommended the wall leaves a narrower gap to that shown on the site plan by the cycle stands).
- c) Crime prevention measures, to include access control measures (i.e. boundary treatment) private / semi-private spaces.
- d) Hard surfacing to roads, shared spaces, parking areas and footpaths.
- e) Planting and maintenance schedule for the cycle / bin store roof.

The approved landscaping scheme shall be installed prior to first occupation.

Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority. The areas of landscaping, as shown on the approved plans, shall be maintained as such at all times.

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

17 Delivery / service areas

The development shall not be occupied until -

- Provision has been made within the site for accommodation of delivery/service vehicles in accordance with tracking detailed on drawing 600137-HEX-00-GEN-DR-

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C-0110 Rev P04. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

- All existing vehicular crossings not shown as being retained on the approved plans shall have been removed by reinstating kerbing and footway; to match adjacent levels.

Reason: To ensure that delivery/service vehicles can be accommodated within the site and to maintain the free and safe passage of highway users in accordance with section 9 of the NPPF and in the interests of good management of the highway and road safety

18 Highway works - footpath widening

The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with the approved plans, or arrangements entered into which ensure the same.

Highway works - widening of the footpath between the shared access and 5 Fawcett Street as shown on the approved site plan.

Reason: In the interests of good design, to promote pedestrian movement and the safe and free passage of highway users.

19 Windows to be as shown on plan to prevent overlooking

Windows shall be obscure glazed, in accordance with the annotation on the approved elevations. The obscure glazing shall be maintained as such at all times. The specification of such shall be approved in writing by the Local Planning Authority prior to installation and the works carried out accordingly.

Reason: To avoid undue overlooking of neighbouring residents.

20 Noise insulation to dwellings

The building envelope of all student rooms/apartments shall be constructed to achieve internal noise levels in habitable rooms as follows -

Daytime (07:00-23:00 hrs)

- No greater than 35 dB LAeq (16 hour)

Night (23:00-07:00 hours)

- 30 dB LAeq (8 hour)

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- LAFMax level should not exceed 45dB(A) on more than 10 occasions in any night time period in bedrooms and should not regularly exceed 55dB(A).

These noise levels shall be observed with all windows open in the habitable rooms or if necessary windows closed and other means of ventilation provided.

Reason: To protect the amenity of people living in the new property from externally generated noise and in accordance with the NPPF paragraphs 127 and 180.

21 Cycle and bins provided and retained

The cycle and bin storage, shall be provided, in accordance with the approved plans prior to first occupation. The facilities shall be retained for such use at all times.

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

22 External lighting

Any external lighting on-site shall not exceed the recommended lighting levels for Environmental Zone E3 (suburban) as specified in the ILP Guidance Notes for the Reduction of Obtrusive Light (Table 2 - Obtrusive Light Limitations for Exterior Lighting Installations - General Observers).

Reason: To avoid light pollution in the interests of the character of the area and general amenity, in accordance with paragraph 180 of the NPPF.

23 Travel Plan

The development shall be carried out and the operation of the use hereby approved shall be in adherence with the Interim Travel Plan reference 600137-HEX-00-TP-RP-X-0002-V06.

Reason: To promote sustainable travel in accordance with section 9 of the NPPF.

24 Site management

Prior to first occupation of the development hereby permitted a management and occupation plan for the site shall be submitted to the Local Planning Authority for approval. The development shall operate in accordance with the approved management and occupation plan at all times. The plan shall detail the following -

- Single occupancy only for the studio rooms as shown in the approved scheme.
- Management of the outside amenity space in the interests of avoiding noise

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disturbance.

- Arrangements for management of student arrivals and departures at the beginning and end of term. To ensure that private car travel does not have an adverse effect on the highway network.

Reason: In the interests of amenity and highway safety.

25 Student Accommodation only

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

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

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

26 Front windows

Ground floor windows on the west elevation (facing Fawcett Street) shall be non-opening and shall be retained permanently as such. The relevant rooms shall be provided with alternative means of ventilation.

Reason: In the interests of air quality and the amenity and health of future residents.

27 Communal uses

The development hereby permitted shall include the amenities for occupants (living area, workroom, laundry, reception area), in accordance with the approved floor plans.

Reason: In the interests of good design and amenity.

28 Waste management

The development hereby approved shall have a management company who shall be responsible for placing waste and recycling bins out for collection on the relevant day. The waste bins shall be stored in the refuse store at all other times.

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

8.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

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

Contact details:

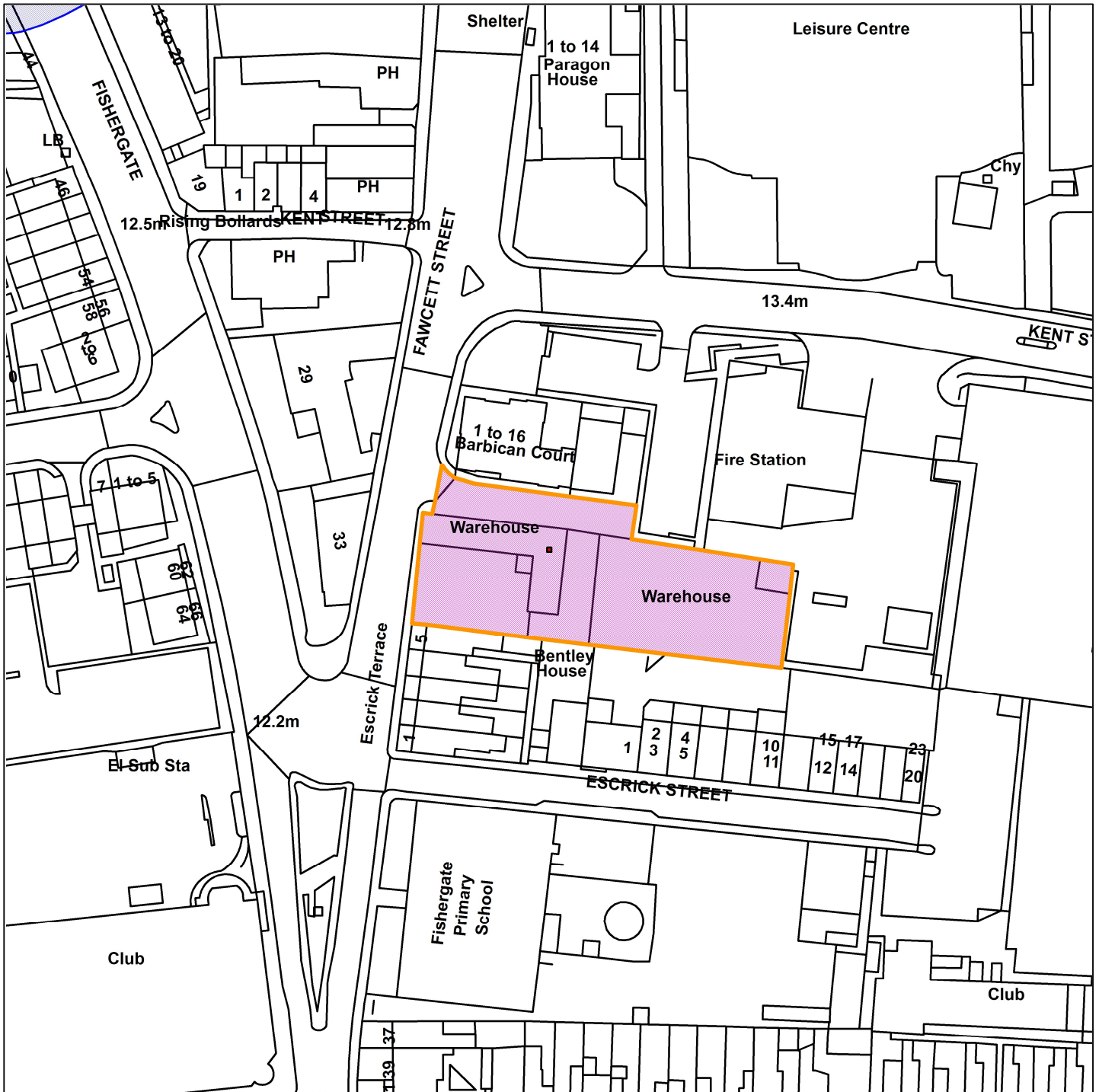
Case Officer: Jonathan Kenyon

Tel No: 01904 551323

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Plumbase, Fawcett Street, YO10 4AH

21/01570/FULM



Scale : 1:1099

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	20 August 2021
SLA Number	

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21/01570/FULM

Former Plumbase Waterloo House Fawcett Street

Site Location Plan

FAWCETT STREET, YORK



FAWCETT STREET SITE LOCATION PLAN - Scale 1:1250



Planning Committee Meeting - 2 September 2021

FAWCETT STREET SITE CONTEXT PLAN - Scale as bar



NOTES
ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE BUILDING REGULATIONS AND THE REQUIREMENTS OF THE LOCAL AUTHORITY.

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REV DESCRIPTION BY CHD DATE



254 PARK SQUARE WEST, LEEDS, LS1 2PW
T: 0113 233 7755
W: www.loroc.co.uk

3RD FLOOR, 84, 85 FAUL STREET, LEONARD, LE12 4BE
T: 0203 675 3333

CLIENT

KMRE GROUP LIMITED

PROJECT

FAWCETT STREET YORK

TITLE

PLANNING INFORMATION
General Arrangement
EXISTING SITE PLAN

DRAWING NO. 103-100 REVISION

SCALE 1:1250 @ A3 DATE AUG 2020

DRAWN BY [initials] CHECKED BY [initials]

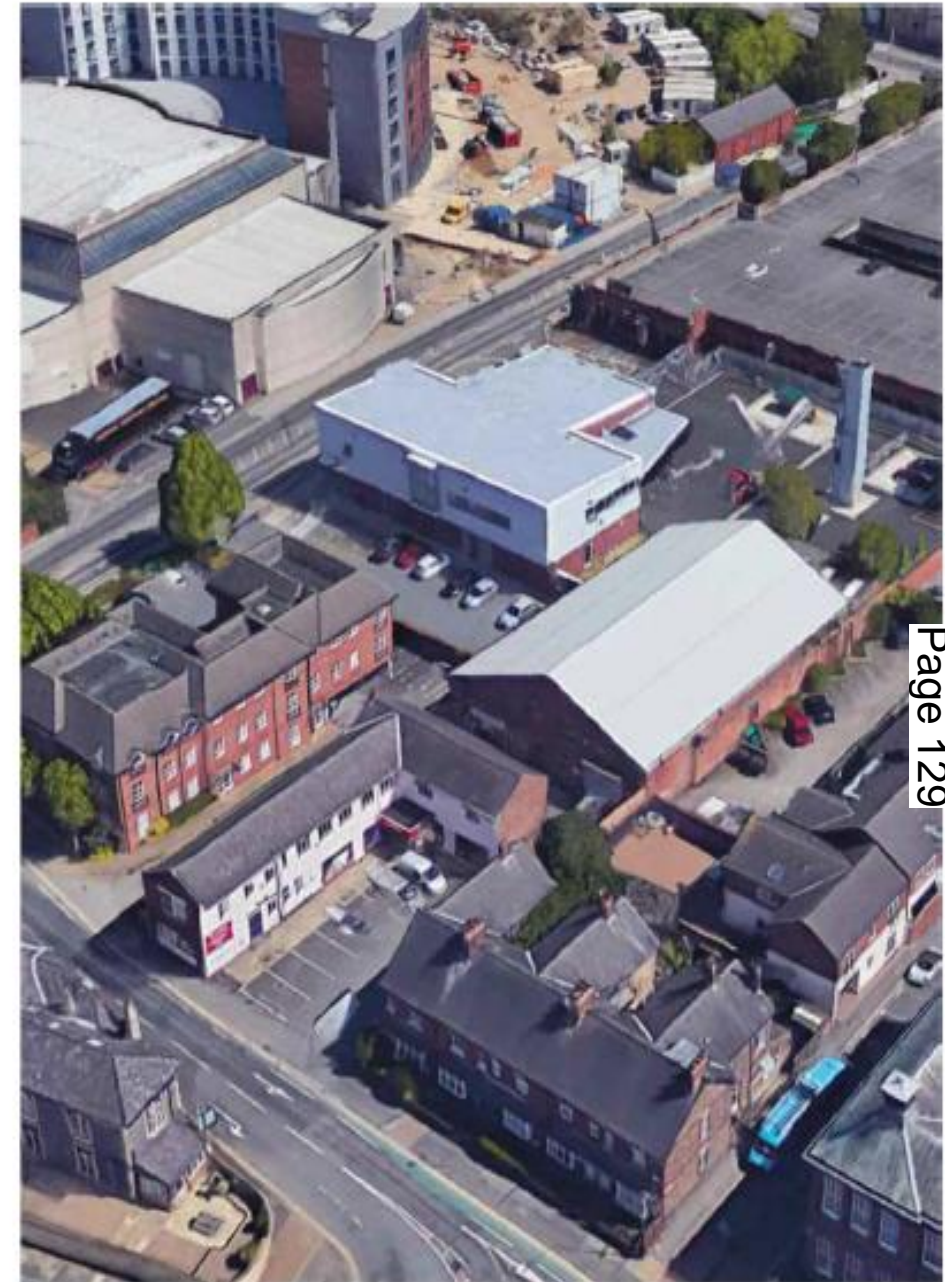
PURPOSE OF ISSUE

- PLANNING
- BUILDING REGS
- TENDER
- COMMENT
- INFORMATION
- CONSTRUCTION

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Existing Building and Aerial Context



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Existing building



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Streetview – Fawcett Street



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Streetview – Existing Building



Streetview –
Existing building



View from Fishergate



View from City Walls/Paragon Street



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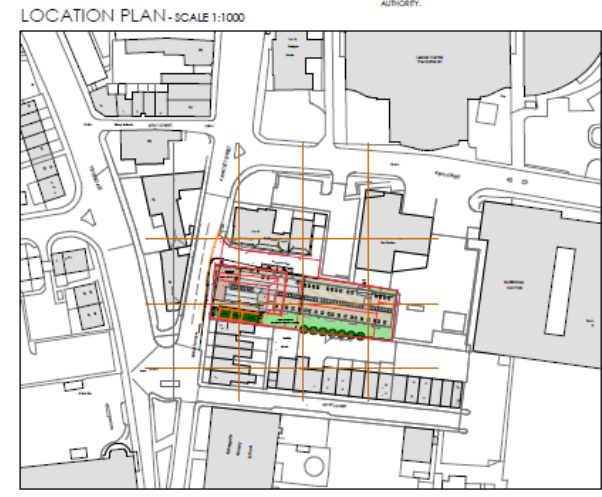
Barbican Court (1)



Barbican Court (2)



Proposed Site Plan



- 1. Existing ground level to Higher Council
- 2. Existing ground level to Proposed Street
- 3. Proposed ground level to Proposed Street
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- 49. Proposed ground level to Proposed Street
- 50. Proposed ground level to Proposed Street



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CLIENT: KARE GROUP LIMITED

PROJECT: FAWCETT STREET, YORK

TITLE: PLANNING INFORMATION
General Arrangement
PROPOSED SITE PLAN

DRAWING NO: 1613-102 REVISION: 1
SCALE: 1:200 DATE: 14/08/2021
DRAWN BY: M CHECKED BY:

PURPOSE OF DRAWING:
 PLANNING BUILDING REGS TENDER
 COMMENT INFORMATION CONSTRUCTION

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Proposed Elevations

FRONT (NORTH) ELEVATION - facing the access road



REAR (SOUTH) ELEVATION - facing Escrick Street



SIDE (WEST) ELEVATION - fronting Fawcett Street



SIDE (EAST) ELEVATION - towards Fire Station



A: SCHEME UPDATED TO SAFE DISCUSSIONS WITH MURC IR 21.01.21
YORK PLANNERS

REV	DESCRIPTION	BY	CHKD	DATE
1				

LOROC
ARCHITECTS

DRY FARM (SILVER) WEST, 1505, L11 0JH
01753 322870
M: 07730 528204

180 FAWCETT ST, 10-11, YORK
YO1 1EP
T: 01904 615501

CLIENT: KIMBLE GROUP LIMITED

PROJECT: FAWCETT STREET, YORK

TITLE: PLANNING INFORMATION GENERAL ARRANGEMENT TYPICAL PROPOSED ELEVATIONS - COLOUR

DRAWING NO: 11/21/01 REVISION: A

SCALE: 1:100 (R/A) DATE: JUNE 2021

DRAWN BY: W CHECKED BY:

PURPOSE OF ISSUE:

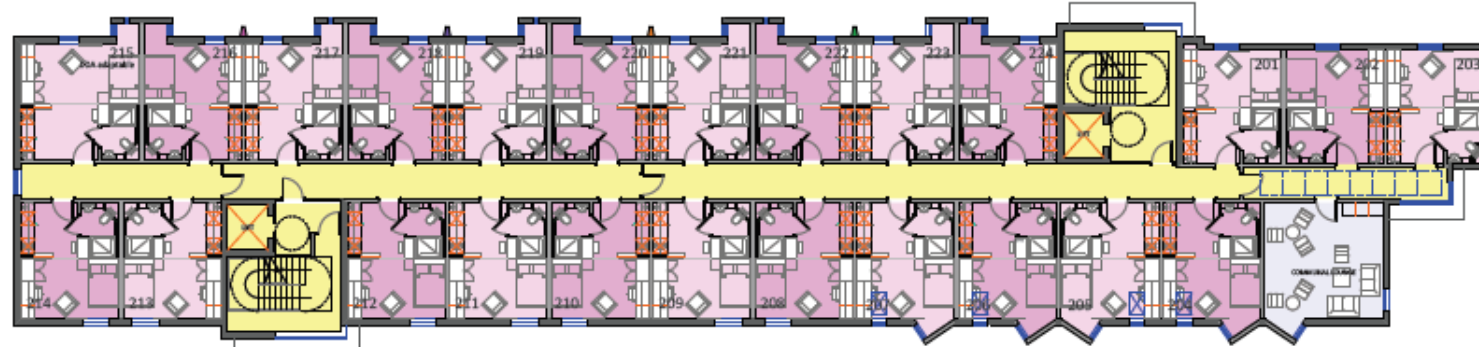
PLANNING BUILDING EDGE TENDER

INFORMATION CONSTRUCTION

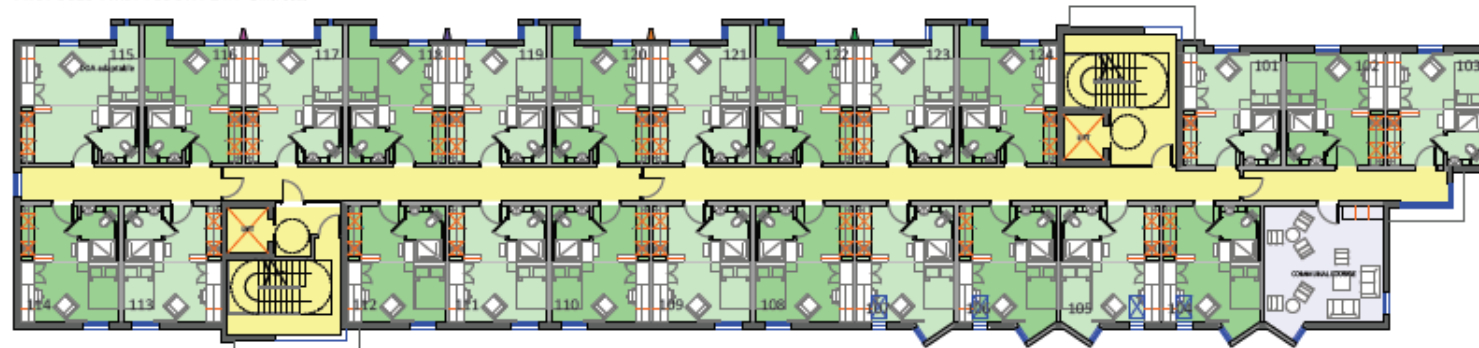
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Ground, first and second floorplans

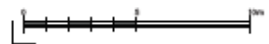
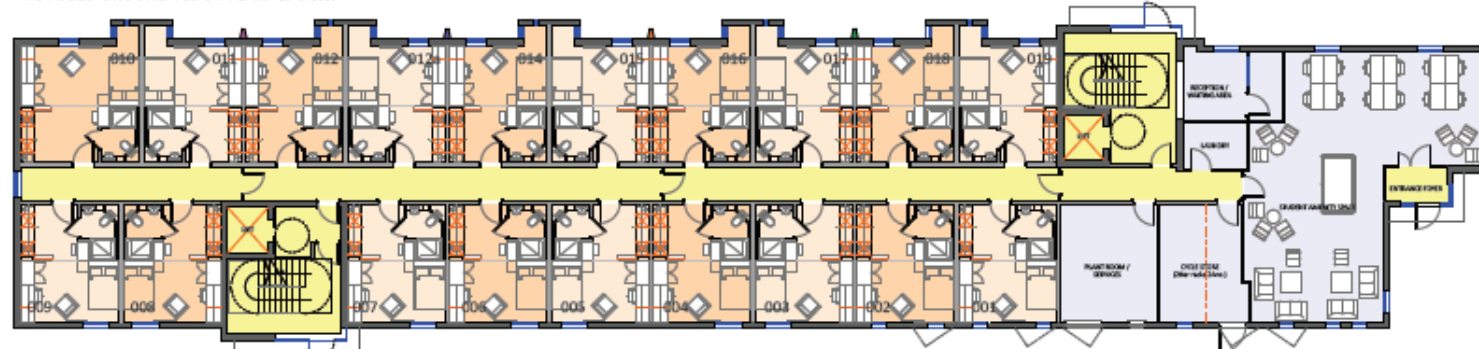
PROPOSED SECOND FLOOR PLAN - 24no. beds



PROPOSED FIRST FLOOR PLAN - 24no. beds



PROPOSED GROUND FLOOR PLAN - 19no. beds



NOTE:
ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE BUILDING REGULATIONS AND THE REQUIREMENTS OF THE LOCAL AUTHORITY.

Circulation Area
 Amenity / Shared Areas

• Structural steelwork (including connections)	• 1000
• Structural concrete (including foundations)	• 1000
• Structural masonry (including walls)	• 1000
• Structural aluminium (including cladding)	• 1000
• Structural steelwork (including connections)	• 1000
• Structural concrete (including foundations)	• 1000
• Structural masonry (including walls)	• 1000
• Structural aluminium (including cladding)	• 1000
• Structural steelwork (including connections)	• 1000
• Structural concrete (including foundations)	• 1000
• Structural masonry (including walls)	• 1000
• Structural aluminium (including cladding)	• 1000

REV **DATE** **BY** **CHKD**
 01 15/09/2021 JLD JLD

LOGO ARCHITECTS

100 FAWCETT STREET
 YORK YO1 1PE
 01904 616161

NAME GROUP LIMITED
 PROJECT FAWCETT STREET
 TITLE PROPOSED IMPROVEMENTS
 PROPOSED FLOOR PLANS (LEVELS 000-015)

DRAWING NO: 100-015 REVISION: 1
 SCALE: 1:500 DATE: 15/09/2021
 DRAWN BY: JLD CHECKED BY: JLD

PARTIAL OF: 100-015

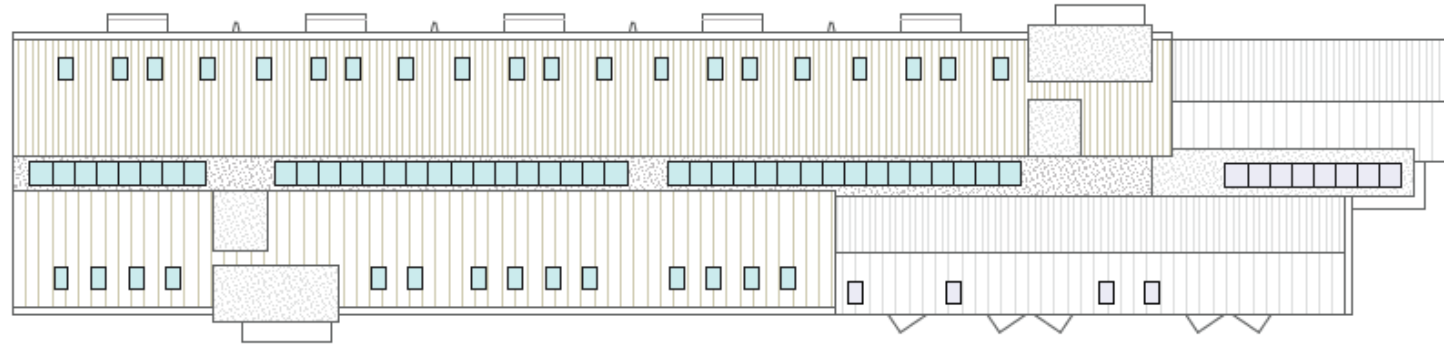
PLANNING BUILDINGS HIGHWAYS
 CONSULT INFORMATION CONSULTANTS

THIS DRAWING IS A PROPOSED PLAN AND IS NOT TO BE USED FOR CONSTRUCTION. ALL DIMENSIONS ARE TO BE TAKEN FROM THE PROPOSED PLAN UNLESS OTHERWISE SPECIFIED.

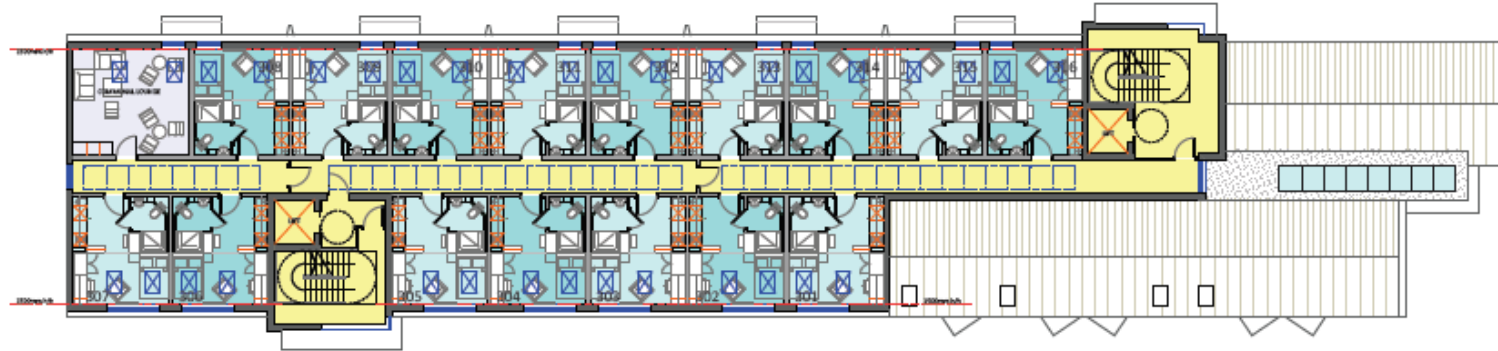
Circulation Area

Third floor and roof plans

PROPOSED ROOF PLAN



PROPOSED THIRD FLOOR PLAN - 16 no. beds



1. Room 1000 (1000 sq ft)	1. 1000
2. Room 1001 (1000 sq ft)	2. 1001
3. Room 1002 (1000 sq ft)	3. 1002
4. Room 1003 (1000 sq ft)	4. 1003
5. Room 1004 (1000 sq ft)	5. 1004
6. Room 1005 (1000 sq ft)	6. 1005
7. Room 1006 (1000 sq ft)	7. 1006
8. Room 1007 (1000 sq ft)	8. 1007
9. Room 1008 (1000 sq ft)	9. 1008
10. Room 1009 (1000 sq ft)	10. 1009
11. Room 1010 (1000 sq ft)	11. 1010
12. Room 1011 (1000 sq ft)	12. 1011
13. Room 1012 (1000 sq ft)	13. 1012
14. Room 1013 (1000 sq ft)	14. 1013
15. Room 1014 (1000 sq ft)	15. 1014
16. Room 1015 (1000 sq ft)	16. 1015
17. Room 1016 (1000 sq ft)	17. 1016
18. Room 1017 (1000 sq ft)	18. 1017
19. Room 1018 (1000 sq ft)	19. 1018
20. Room 1019 (1000 sq ft)	20. 1019
21. Room 1020 (1000 sq ft)	21. 1020

LORD ARCHITECTS

100 FAWCETT STREET, YORK, YO1 1PE
 01904 616161
 www.lordarchitects.co.uk

DATE: 10/08/2021

PROJECT: FAWCETT STREET

NO: 10000000000000000000

PROPOSED FLOOR PLAN (LEVEL 1) & ROOF PLAN

DATE: 10/08/2021

SCALE: 1:500

DRAWN BY: J. SMITH

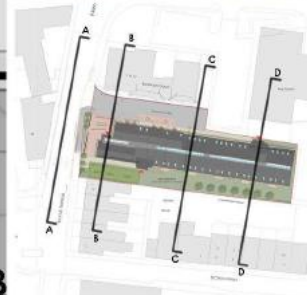
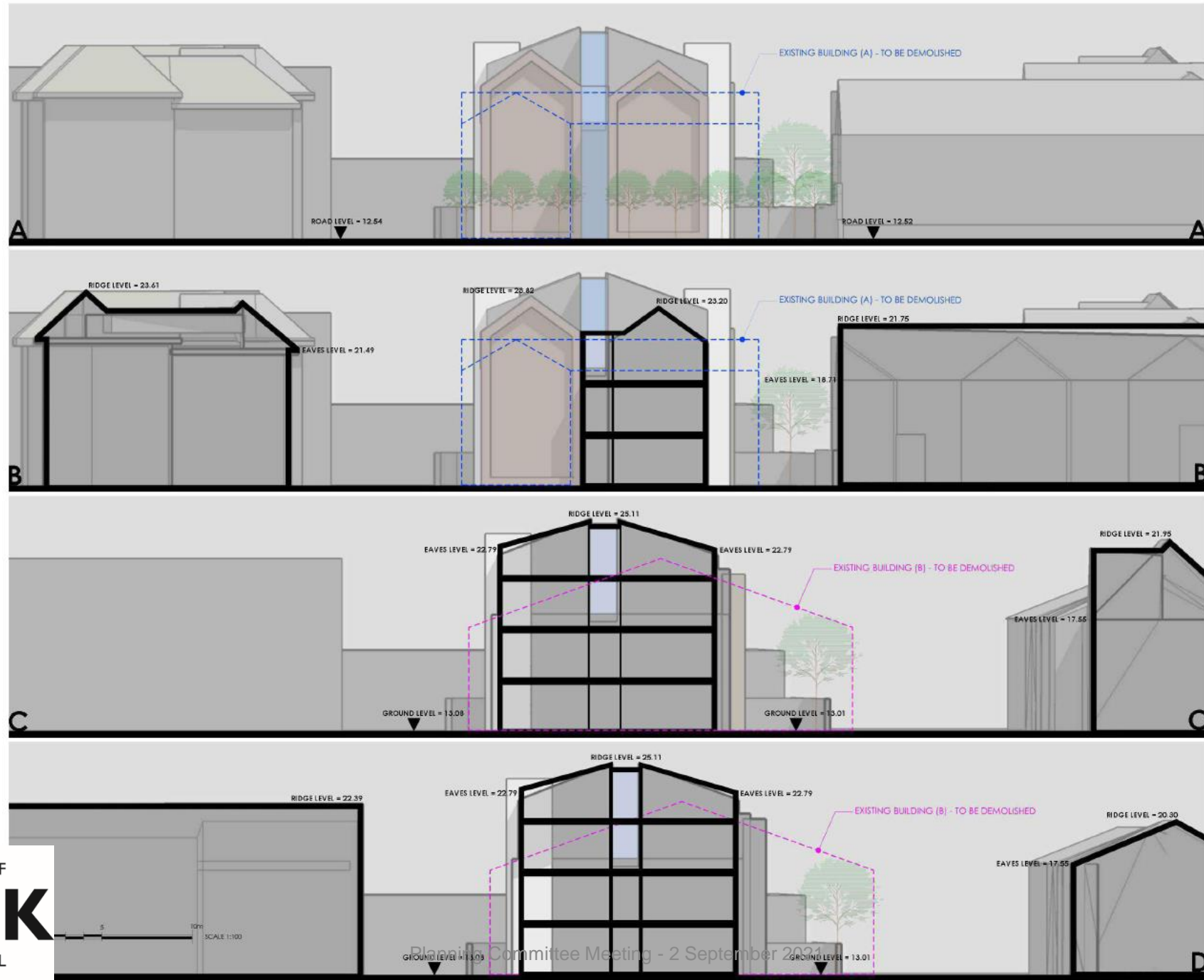
CHECKED BY: M. JONES

PROJECT OF: 10000000000000000000

PLANNING: 10000000000000000000
 STRUCTURE: 10000000000000000000
 SERVICES: 10000000000000000000

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Proposed Sections



Planning Committee Meeting - 2 September 2021

NOTES
ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH THE BUILDING REGULATIONS AND THE REQUIREMENTS OF THE LOCAL AUTHORITY.

REV	DESCRIPTION	BY	CHKD	DATE
01	ADDED RIDGE, EAVES & GROUND LEVELS TO SECTIONS	BC		06/24/21
02	UPDATED SECTIONS	BC		17/12/20
03	UPDATED SECTIONS	BC		28/11/20

LOFOO ARCHITECTS
 10, BRIDGE STREET, YORK, YO1 1AA
 TEL: 01904 616161
 WWW.LOFOOARCHITECTS.CO.UK

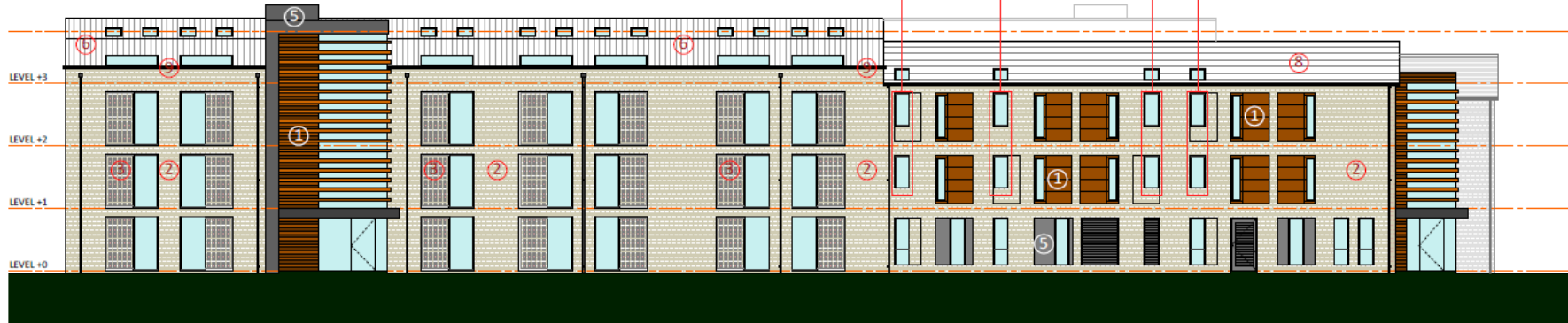
CLIENT	KAME GROUP LIMITED
PROJECT	FAWCETT STREET YORK
TITLE	PLANNING INFORMATION: GENERAL ARRANGEMENT DESIGN SECTION
DRAWING NO.	14/218
SCALE	1/8" = 1' A1
DATE	NOV 2020
DRAWN BY	BC
CHECKED BY	

PURPOSE OF ISSUE:
 PLANNING BUILDING REGS TENDER
 INFORMATION CONSTRUCTION

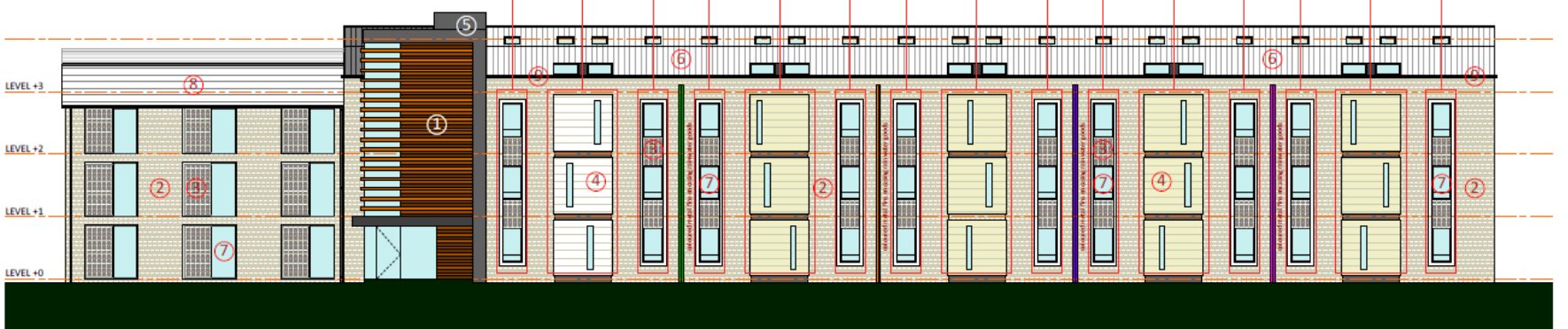
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Proposed Materials Schedule

FRONT (NORTH) ELEVATION - facing the access road



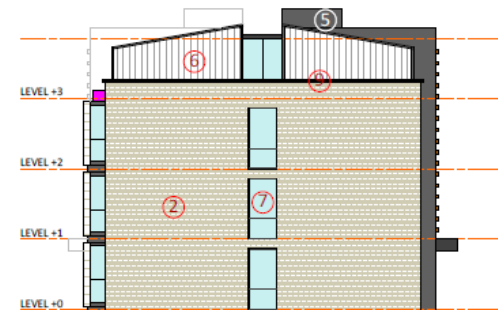
REAR (SOUTH) ELEVATION - facing Escrick Street



SIDE (WEST) ELEVATION - fronting Fawcett Street

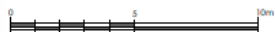


SIDE (EAST) ELEVATION - towards Fire Station



- ① Corten metal cladding
- ② Brickwork specification to be agreed (flemish bond)
- ③ Projecting brick detailing, with flush brick surrounds where applicable
- ④ Ashlar stone panels
- ⑤ Flat metal cladding, colours to be agreed
- ⑥ Vertical profiled metal cladding / rainscreen, dark grey (RAL 7016)
- ⑦ Aluminium windows, dark grey (RAL 7016)
- ⑧ Slate tiled roof
- ⑨ Stone coping

All windows to be aluminium frames, rainwater good aluminium with box section downpipes. Front section of rise and fall brackets



ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE BUILDING REGULATIONS AND THE REQUIREMENTS OF THE LOCAL AUTHORITY.

EXAMPLES OF BRICK DETAILS AS ITEM 3 ON MATERIAL SCHEDULE



Page 143



ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE BUILDING REGULATIONS AND THE REQUIREMENTS OF THE LOCAL AUTHORITY.

PREPARED BY: [] CHECKED BY: [] DATE: []
 REV: [] DESCRIPTION: [] BY: [] DATE: []

LORDO
 ARCHITECTS

20A FAWCETT STREET, YORK, YO1 1EP
 01904 333333
 www.lordo.co.uk

CLIENT: FAWCETT GROUP LIMITED
 PROJECT: FAWCETT STREET, YORK
 TITLE: PLANNING INFORMATION
 Planning Information
 PROPOSED ELEVATIONS

DRAWN BY	DATE	REVISION	BY	DATE
1108	01/11	1		

DRAWN BY: [] CHECKED BY: [] DATE: []
 SCALE: 1:100 @ A1 DATE: []
 DRAWN BY: [] CHECKED BY: []

PURPOSE OF SEAL:

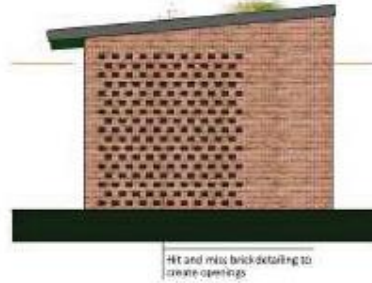
PLANNING	BUILDING REGS	OTHER
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Proposed cycle and bin store

FAWCETT STREET, YORK

SIDE (WEST) ELEVATION - fronting Fawcett Street



Hit and miss brick detailing to create openings

FRONT (NORTH) ELEVATION - facing new development



Vertical clear openings

Metal doors with solid framing and patch metal (with) to allow for ventilation

Hit and miss brick detailing to create openings

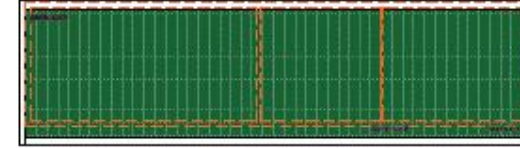
SIDE (EAST) ELEVATION - fronting Fire Station



REAR (SOUTH) ELEVATION - facing gable no.3

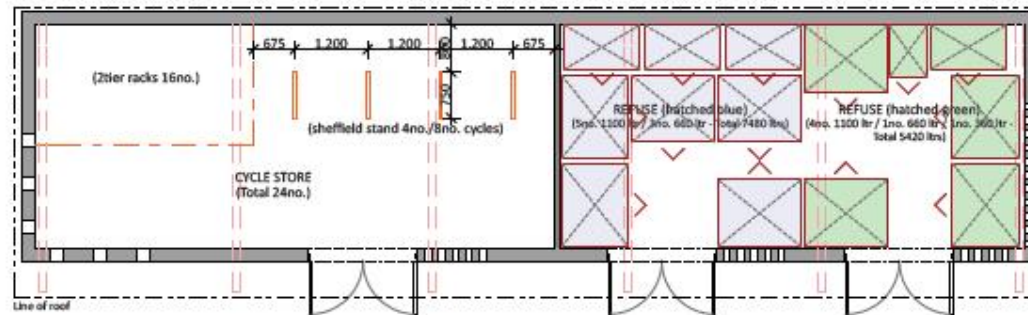


PROPOSED ROOF PLAN



NOTE
ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE BUILDING REGULATIONS AND THE REQUIREMENTS OF THE LOCAL AUTHORITY.

PROPOSED PLAN



1. Refer drawings to specification for details to be confirmed. 2. Refer to the relevant building regulations for details to be confirmed. 3. Refer to the relevant building regulations for details to be confirmed.

REV DESCRIPTION BY CHECK DATE

LOROC ARCHITECTS

204 PARK SQUARE WEST, YORK YO1 1JH
01904 220118
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290 FLOODES, ROYAL DOWRY, YORK YO1 1JH
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CLIENT	EMBE GROUP LIMITED
PROJECT	FAWCETT STREET YORK
TITLE	PLANNING INFORMATION General Arrangement PROPOSED REFUSE/CYCLE STORE (PLANS & ELEVATIONS)
DRAWING NO.	1000 001
SCALE	1/16 @ A3
DRAWN BY	AL
CHECKED BY	

- PURPOSE OF DATE
- PLANNING
 - COMMENT
 - REVISION
 - REVISION
 - TENDER
 - CONSTRUCTION

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