



Notice of a public meeting of Planning Committee

- To:** Councillors Fisher (Chair), Pavlovic (Vice-Chair), Ayre, Barker, D'Agorne, Daubeney, Doughty, Douglas, Fenton, Hollyer, Lomas, Looker, Melly, Warters and Waudby
- Date:** Thursday, 17 June 2021
- Time:** 4.30 pm
- Venue:** LNER Community Stadium, Monks Cross, York (subject to Coronavirus risk assessments)

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 1 - 12)

To approve and sign the minutes of the last meeting of the Planning Committee held on 21 April 2021.

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 remote meetings. The deadline for registering at this meeting is at **5.00pm on Tuesday 15 June 2021.**

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill out an online registration form. If you have any questions about the registration form or the meeting please contact the Democracy Officer for the meeting whose details can be found at the foot of the agenda.

Webcasting of Remote Public Meetings

Please note that, subject to available resources, this remote public meeting will be webcast including any registered public speakers who have given their permission. The remote public 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) Plumbase, Waterloo House, Fawcett Street, York YO10 4AH [20/01521/FULM] (Pages 13 - 60)

Erection of a 3 and 3.5 storey student accommodation block (providing 86 student rooms) following demolition of existing buildings [Fishergate Ward]

b) Cherry Tree House, 218 Fifth Avenue, York YO31 0PN [20-02034-FULM] (Pages 61 - 98)

Erection of three buildings to form 48no. apartments with associated works and infrastructure following the demolition of existing building [Heworth Ward]

5. Urgent Business

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

Democracy Officer

Angela Bielby

Contact details:

- Telephone: 01904 552599
- Email: a.bielby@york.gov.uk

For more information about any of the following please contact the Democratic Services Officer 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 جاسکتی ہیں۔ (Urdu)

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City of York Council

Committee Minutes

Meeting	Planning Committee
Date	21 April 2021
Present	Councillors Cullwick (Chair), Pavlovic (Vice-Chair), Barker, D'Agorne, Daubeney, Douglas, Fenton, Hollyer, Kilbane, Warters, Lomas, Fisher, Rowley (Substitute for Cllr Doughty) and Waudby (Substitute for Cllr Ayre)
Apologies	Councillors Ayre and Doughty

22. 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.

In relation to agenda item 4a Burnholme Community Hub, Mosssdale Avenue, York YO31 0HA [20/01916/OUTM], Cllr Rowley declared a personal non-prejudicial interest as a school governor at the school that agreed to release the land the application was on. Cllr D'Agorne declared a non-prejudicial interest as the council was the applicant and he was a member of the Executive. Cllr Douglas also declared a non-prejudicial interest as a Ward Councillor for that ward.

There were no further declarations of interest.

23. Minutes

Resolved: That the minutes of the last meeting held on 4 March 2021 be approved and then signed by the Chair as a correct record at a later date subject to the reason for moving deferral of the application in minute 21a to ' Cllr Warters then moved and Cllr Craghill seconded refusal on the grounds of the Condition 4 being changed from 28 days occupancy (4 weeks) to 46 weeks occupancy by virtue of the 6 week closure period.'

24. 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.

25. 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.

26. Burnholme Community Hub, Mossdale Avenue, York YO31 0HA [20/01916/OUTM]

Members considered a major outline application from City Of York Council for Erection of 83 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 at Burnholme Community Hub, Mossdale Avenue, York YO31 0HA.

Officers provided an update noting a number of amendments and clarifications to the report. This included an amendment to affordable housing for 21 (not 25) affordable homes to be policy compliant. It was clarified that the council would be required to maintain the gates opening out over the highway (as detailed in paragraph 5.21 of the committee report. There were also amendments to conditions 8 and 10. It was noted that the additional information had been assessed and the planning balance and recommendation were unchanged from the published report.

A presentation on the application was given, detailing the views from different access points, the proposed site location plan, house types and their elevations and site wide sections and 3D visuals. In response to Member questions, officers explained that:

- The breakdown in the accommodation mix for wheelchair users related to different categories in the building regulations.
- The plans marked out the disabled parking bays and they were located places nearest to accessible dwellings.
- It was not known whether the owners of the self builds would park on their own land until their applications came forward.
- The overspill parking concerns from highways officers was the reason for the second contribution in order to ensure that there could be double yellow lines/bollards where needed.
- Condition 20 covered the works to Darnbrook Drive.
- In terms of the draft Local Plan the development was classed as being in a suburban area.
- The hours of working were included in the CEMP and it was anticipated that this would apply to the self builds also.
- An update on affordable housing was given, as well as an outline of planning policy in relation to affordable housing.
- The traffic survey looked at trips at peak times.
- The council would try to achieve the highway on Mossdale Avenue being brought to an adoptable standard.
- The landscaping of three could be for the lifetime of the development.

Public Speakers

Charlie Linfoot-King, a local resident, spoke in objection to the application. He explained that the road network was not suitable for development, there were issues around road safety as there was no crossing provided. There was also damage caused to the road and pollution, and the development was on an already compact housing estate. He was asked and explained that a crossing on Bad Bargain Lane was needed to mitigate the traffic problems.

Paul Waind, a local resident, spoke in objection to the application. He suggested that consultation had not been carried out correctly. He noted that the site was an opportunity to protect green space. He explained that the plans showed a 23m high building 1m away from his property and he suggested that the tallest buildings should be put the furthest away from properties. In answer to Member questions he noted that a 1.5 storey building or bungalow should be put adjacent to his property boundary.

Cllr Webb, Ward Councillor, spoke on behalf of local residents. He began by declaring that he worked at a school due to see a contribution to the development. He explained that residents would like a deferral of the application to have their points heard. He added that there was a need to improve public transport in the area and he asked for more in bus use for disabled users and that a crossing on Bad Bargain Lane would be welcome. He recognised the need for housing whilst acknowledging residents' concerns. In response to Member questions he noted that the Ward Councillors had been working to get parking bays on Bad Bargain Lane.

Michael Jones (Applicant, City of York Council) spoke in support of the application. He gave an overview of the focus of the housing delivery programme in creating new and improved housing, reducing road space to maximise open space and in being design landscape led. He explained that it was an inclusive development and that all homes were accessible and adaptable and that all homes would have their own outdoor space. Henry Wootton and Paul Morris, colleagues of Michael Jones, were in available to answer questions with him. In response to Member questions they explained that:

- All of the one bedroom and two bedroom bungalows and four bedroom homes were wheelchair accessible
- Each house had a private back garden that opened onto a shared space that sat behind the terraced houses which it was hoped would be used for a range of activities.
- The development was delivering as many affordable houses as it could. An explanation on the viability of the development was given and assurance given that should circumstances change (such as grant funding from Homes England or lower constructions costs) the amount of affordable housing may be increased.
- With the self builds taken out, 41% of the total houses built by the council were social rent or shared ownership.
- The building heights in relation to neighbours' boundaries were explained.
- The pandemic had changed the consultation plans and the consultation carried out was detailed.
- The applicant would be happy to accept a change in delivery times in the CEMP.
- Modern methods of construction would be used, including timber frames and prefabrications which would reduce deliveries to the site.

- Darnbrook Walk was not considered as a point of access for deliveries,
- The heights on the ridge end of houses was clarified.
- The site would be promoted as a low car development and it was considered that the travel plan measures promoted low car ownership. The travel plan measures were detailed.
- There would be bus permits for residents' use and the council would be happy to work with bus operators regarding improvements to bus services
- The council would be the owner and developer
- Regarding car parking facilities on the site, no specific measures had been agreed with the operators of the gym and care home and there would be consultation with those operators as part of the travel plan.
- As part of the transport assessment a crossing on Bad Bargain Lane was not identified by the applicant or the Highways Authority as a requirement of the development
- There was a clear aspiration to reduce car parking and increase cycle use
- Regarding procurement for the contract soft market testing for contractors and been undertaken, this would begin subject to planning approval with work to begin in summer 2022 for a maximum of two years.
- The landscaping would be managed by a management company and there would be a service charge for this. It was confirmed this would apply to all residents and it would be done in the most cost effective way. The service fee had not been set yet.
- The public realm team would not adopt the spaces as the spaces were not simple enough
- The connection of the development to the cycle network was notes.
- It was felt that the scheme put forward was the best one for the site.
- There was a modest buffer zone between the development and houses and the hedge would be retained.
- The loss of any market sale homes would affect the number of market sales available.

[At 18:28 Cllr Lomas was not on camera and she confirmed she had heard all of the discussion]

[The meeting adjourned from 18:28 to 18:38]

Members then asked further questions to officers to which officers responded that:

- Further correspondence had been sent out from the planning department apologising and clarifying an error. A virtual site visit had been undertaken.
- A condition restricting access to Darnbrook Walk to pedestrians, cyclists and emergency vehicles could be added.

Following debate, Cllr D'Agorne moved and Cllr Fenton prozed approval subject to additional conditions and informative in relation to access, landscaping. In accordance with the revised Standing Orders, a named vote was taken with the following result:

- Cllrs D'Agorne, Daubeney, Douglas, Fenton, Fisher, Hollyer, Kilbane, Pavlovic, Rowley, Waudby and Cullwick voted for the motion;
- Cllrs Lomas, Myers and Warters voted against the motion;
- Cllr Barker abstained from the vote.

The motion was carried and it was

Resolved: That the application be approved subject to the conditions listed in the report, amendments to conditions 8 and 10 below and additional following additional conditions, with the final wording delegated to officers in consultation with the Chair and Vice Chair:

Amended Conditions 8 and 10

Condition 8 – drainage – amend to require approval of details prior to commencement. This is because installation of drainage infrastructure will be one of the initial phases of construction.

Add requirements for 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.

Condition 10 – amend to refer to at least 21 homes being affordable

Additional conditions

- Access restricted to pedestrian access only
- Delivery hours standard hours Saturday, 9.30am-3.00pm Monday to Friday and no deliveries on Sundays and Bank Holidays
- Landscaping and hedgerows for the lifetime of the development
- Condition 13 informative to be agreed in consultation with Ward Councillors
- CEMP condition to be agreed in consultation with Chair, Vice Chair and Ward Councillors

All Members confirmed they had heard all discussion.

Reasons:

- i. This site is allocated for housing in the Publication Draft Local Plan. The scheme has been designed to promote sustainable modes of travel, health and well-being. The latter through both the design of the housing itself and the surrounding public realm and movement network.
- ii. The housing on the western side of the site has been re-designed to address concerns over neighbours' amenity and there will be measures to retain the hedgerow at the western boundary.
- iii. 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
- iv. The NPPF states that the presumption in favour of sustainable development applies in determining this application, this means approve the development 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”.

- v. This scheme has strong sustainability credentials. Housing is to be to Passivhaus standards, and within an attractive and landscaped setting. Private car ownership is discouraged, with alternatives promoted and facilitated. 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.
- vi. The use of conditions will ensure the scheme is compliant with the economic, environmental and social objectives of the NPPF and its policies.

[The meeting adjourned from 19:15 to 19:32]

**26a Plumbase, Waterloo House, Fawcett Street, York YO10 4AH
[20/01521/FULM]**

Members considered a full application from KMRE Group (Church Fenton) Limited for the erection of a 3 and 3.5 storey student accommodation block (providing 85 student rooms) following demolition of existing buildings at Plumbase, Waterloo House, Fawcett Street, York YO10 4AH.

Officers provided an update noting that the scheme had 86 student rooms, not 85 as per the committee report. Details were given on updated conditions 11, 18 20, 21 and additional conditions related to servicing within the site and removal of a redundant crossing. It was noted that the additional information had been assessed and the planning balance and recommendation were unchanged from the published report.

A presentation on the application was given, detailing the site location plan, existing buildings, the streetview of the existing

building and city walls, the proposed site plan, elevations, cycle and bin storage and sections.

In response to Member questions, officers confirmed that:

- The site could provide 60 cycle spaces.
- The policy was for archaeological findings to be recorded and excavated if necessary.
- The widening of the footpath was where the building was.
- And the backline from the terraced houses to Barbican Court had been secured to allow the option to widen the footpath.
- There was two disabled parking spaces.
- The site was considered a retail site not an employment site and therefore no consultation with the economic development team had taken place.
- It was a shared access road and there were bollarded spaces which was where the disabled spaces would be located.
- The student numbers were based on recent figures.

Public Speakers

Gary Swarbrick, Agent for the Applicant, spoke in support of the application. He explained that the applicant presented a multi million pound development and was a high quality development with 86 bed spaces. He noted that the site was within the historic core of the city and the applicant had worked with officers and other third parties to respond to their concerns and change the design. He added that the application promoted sustainable travel. In answer to Member questions he confirmed that:

- The applicant would be happy to work with officers to maximise cycle parking.
- He could not commit to changes to delivery times and would need to discuss this with his clients.
- The plans for student arrivals.
- There was kitchen facilities in each room.
- It was known how many students could be in the communal areas.

[At 20:04 Cllr Waudby left the meeting as her internet was breaking up]

The intention was that the site would continue year round. The shared facilities included a student work room and laundry.

Members then asked further questions of officers to which officers responded that:

- Building regulations would be required for kitchen uses.
- There was nothing in the plans to show that the amenity level was unacceptable.
- Safety issues would be covered by building regulations. Fire regulations would be picked up as part of the building regulations application.
- Changes to the extended hours for construction were in place until 13 May 2021.
- The planning authority had 14 days to consider changes in writing.
- Regarding condition 12 the applicant had not asked for BREAAAM as it was a residential application.
- The rooms were just over 30m² and a one bedroom flat should be 37m².
- The demolition details could be added to the CEMP in condition 3.

[At 20:25 the Chair advised that Cllr Waudby had lost internet connection and had missed some of the discussion. Cllr Waudby then explained that because she had missed some discussion she didn't feel that she could vote and she left the meeting at 20:26].

During debate Cllr Warters proposed refusal on the grounds of the loss of employment land, loss of amenity space, lack of air quality due to closed windows, construction traffic, student arrival/departure arrangements. Further debate followed and the Chair (Cllr Cullwick) moved deferral, seconded by Cllr Pavlovic. In accordance with the revised Standing Orders, a named vote was taken with the following result:

- Cllrs D'Agorne, Daubeney, Douglas, Fenton, Fisher, Kilbane, Lomas, Myers, Pavlovic, Rowley, Warters and Cullick voted for the motion;
- Cllr Barker and Hollyer voted against the motion.

The motion was carried and it was

Resolved: That the application be deferred.

Reasons:

- i. Lack of detail on the arrangements for students moving in and out of the apartments, concern about the size of the amenity space, concern about the

impact of demolition and construction traffic on the amenity of neighbours (including the primary school), and the loss of employment land.

All Members confirmed they had heard all discussion.

Cllr C Cullwick, Chair

[The meeting started at 4.30 pm and finished at 8.48 pm].

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COMMITTEE REPORT

Date: 21 April 2021 **Ward:** Fishergate
Team: East Area **Parish:** Fishergate Planning
 Panel

Reference: 20/01521/FULM
Application at: Plumbase Waterloo House Fawcett Street York YO10 4AH
For: Erection of a 3 and 3.5 storey student accommodation block (providing 86 student rooms) following demolition of existing buildings
By: KMRE Group (Church Fenton) Limited
Application Type: Major Full Application
Recommendation: Approve

1.1 This application was deferred at planning committee 21 April 2021 as members sought clarification on the following matters -

- The suitability of the proposed student rooms
- The provision of amenity space within the scheme
- Concerns over compliance with Building Regulations and fire safety issues
- Arrangements at the beginning / end of term and impact on the highway network
- Construction management

1.2 In consideration of these matters, a further condition of approval is proposed to require management and occupation details of the following -

- Single occupancy tenancy only for rooms (as shown on the submitted plans)
- Management of outside amenity space
- Management of beginning and end of term transport arrangements

1.3 The condition would be worded as -

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 –

- a) Single occupancy only for the studio rooms as shown in the approved scheme.

- b) Management of the outside amenity space in the interests of avoiding noise disturbance.
- c) 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.

The suitability of the proposed student rooms

1.4 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.

1.5 The model of accommodation proposed provides choice in the market compared to alternatives which provide communal bathrooms and kitchen areas. The accommodation would be of a similar type to that which has been approved at Foss Studios (32 Lawrence Street) and Samuel Tuke Apartments (behind the former WMC at 29-31 Lawrence Street). The accommodation at these schemes is just below 20 sq m per studio. It is understood these facilities have been close to 100% occupancy each year since opening.

The provision of amenity space within the scheme

1.6 Following committee in April the scheme has been adjusted to provide more useable amenity space (and less circulation space). The area by the entrance will provide 86 sq m amenity space. In addition the outside space will be landscaped and available for student use.

1.7 There are no national space standards or guidance in respect of purpose built student accommodation. However it is noted that Leeds have draft local guidance which recommends 1 sq m per bedspace amenity space. This guideline would be complied with in this scheme.

Concerns over compliance with Building Regulations and fire safety issues

1.8 The applicants have confirmed the scheme will be compliant with Building and Fire Regulations, which are statutory. The means of fire escape and separation are compliant however these are matters for Building Regulations. Whilst in future it may be that fire safety matters are incorporated in the planning process (Planning Gateway One) these will only apply to high-rise buildings i.e. those taller than seven storey.

Arrangements at the beginning / end of terms and impact on the highway network

1.9 Management will require pre-booked timeslots be used by those arriving and leaving by private car. The proposed layout can accommodate at least 5 car parking spaces for drop-off. Students would be made aware of these arrangements in advance. Extra staff would be engaged at this time of year to supervise on site and direct parents/guardians to local car parks should they be spending time in the city. Contact details would be provided to local residents and business if any concerns arise through indiscriminate parking at this time.

Construction management

1.10 The applicants have advised as follows in respect of construction –

- Deliveries can be scheduled to avoid peak times.
- A construction management plan will be prepared in respect of noise and dust.

The original committee report is set out below.

1.0 PROPOSAL

APPLICATION SITE

1.1 The application 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, been Paragon Street and where the road meets Fishergate. The site is within the nationally designated City Centre Area of Archaeological Importance.

1.3 To south of the site is a terrace of 2-storey houses facing Fawcett Street. 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.

PROPOSALS

1.5 The scheme is for student accommodation, 86 student rooms with reception, communal living area and student workroom at the frontage of the building by Fawcett Street. The building would essentially be rectangular, with gable end(s) facing Fawcett Street. It would be 3-storey, stepping up to 3.5 storey on the rear section.

1.6 The building would be between 5m and 6m from the south boundary. The space between would be soft landscaped and there would be bicycle and bin storage buildings adjacent the side of 5 Fawcett Street.

1.7 The south boundary wall would be maintained at its current height (being around 1m lower than the eaves of the existing warehouse at the rear of the site).

1.8 The existing access road to the north would be used to access and service the site. Two disabled parking bays are shown on the north side of the building. To the west, along Fawcett Street, the footpath in-front of the site can be made wider.

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
- 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

3.0 CONSULTATIONS

ARCHAEOLOGY

3.1 The site is within the Central Area of Archaeological Importance. It is directly adjacent, and likely partly within, two known Roman cemeteries. It is around 60m west of the site of St Andrew's Priory and Anglian settlement of Fishergate.

3.2 An evaluation carried out by York Archaeological Trust took place in January 2021 of a single L shaped trench in the current open space at the front of the proposed development plot – it was not possible to safely excavate within the warehouse buildings to the rear. The investigation did not reveal any significant archaeological features or deposits that would require preservation in-situ.

3.3 Despite the limited information provided by the evaluation in January, extensive investigation in the vicinity suggests that it is likely that archaeological features and deposits may still be present on this site. This may include human remains and organic material.

3.4 As subsoil is relatively shallow on this site (1-2m Below Ground Level) it is likely that the vast majority if not all of archaeological deposits and features within the footprint of the proposed building will be destroyed.

3.5 An archaeological evaluation should take place following the demolition of the rear warehouse building in an attempt 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 St until the archaeology peters out. The process would be secured through condition. A watching brief will be required during any site investigation works, grubbing up of foundations following demolition and any works to the middle/rear of the site unless the strip, map and record is undertaken. The mitigation / investigation can be dealt with by condition.

CONSERVATION ARCHITECT

3.6 The front part of the site (up to the line of Plumbase), lies within York's Central Historic Core Conservation Area, (Character area 18 – Fishergate), and is surrounded by listed buildings including the Grade II listed Ivy Cottage which lies directly opposite the site. The site is also within the setting of the Grade I listed City Walls and Fishergate Bar, Fishergate Primary School and several other listed buildings and buildings of merit grouped along Fawcett Street.

3.7 Officers objected to the now superseded scheme originally submitted. There was concern over scale and bulk of the building initially proposed and how its 5 storey section with flat roof would appear 'alien' in views from the city walls.

3.8 It was recommended the proposed building better reflected the building line along Fawcett Street and it was suggested that a single gable spanning the full width of the site is unlikely to reflect local character, but a pair of smaller gables could work better.

3.9 The revised scheme has amended the scale and form of the proposed buildings in accordance with comments from the conservation architect. The building, towards Fawcett Street better respects the urban grain and is suitably reduced in scale by dual pitched roof form. The rear section (outside of the conservation area) has been reduced in height, from 5 to 3.5 storey, it has a more varied and traditional pitched roof form. The conservation architect has verbally confirmed the amendments are a significant improvement.

HIGHWAY NETWORK MANAGEMENT

3.10 Raised the following issues on the original scheme.

- There was insufficient space for the storage of cycles and bins and no safe access and egress for vehicles associated with serving the development.
- Disabled parking for students on site requested. There is limited availability of parking on street in the vicinity of the development although Blue Badge holders will be eligible to park in local Res park Zones (which are already heavily subscribed). 5 disabled spaces were requested which could double up as managed parking for start/ end of term use.

Waste collection

- Waste have confirmed that they currently collect waste from Barbican Court by reversing off the highway. This is not an ideal situation, there are safety implications for crew and pedestrians with any reversing movements, which should therefore be avoided. Traffic passing the site in both lanes have to stop whilst the manoeuvre is completed.

3.11 In response to these concerns, the layout has been changed. Servicing / waste collection can now take place within the access road, off Fawcett Street. There are 2 disabled car parking spaces on site and the bin store is of adequate size.

PUBLIC PROTECTION

3.12 A number of past industrial activities have been located nearby, which could have given rise to land contamination. A site investigation is required to find out whether contamination is present. If contamination is found appropriate remedial action will be required to ensure that the site is safe and suitable for its proposed use.

3.13 Air quality screening assessment requested to assess the likely impact of the proposed gas fired boiler plant on local air quality. The scope of the assessment should be agreed with CYC and any plant should be approved prior to installation. Recommend that ground floor windows facing Fawcett Street are non-openable due to historic air quality issues.

3.14 Noise – clarification requested what specification is recommended for each façade and that these would be sufficient, specifically regarding noise from the fire station.

WASTE

3.15 Officers provided details of waste collection vehicles that would access the site – and asked for these to be acknowledged on the associated servicing drawings. It was also advised that waste collection the point should be as near to the highway as possible.

CONSERVATION AREAS ADVISORY PANEL

3.16 Comment on now superseded scheme - Object due to the amenities offered within the proposed building. Moving the entrance to the front of the building is an improvement; however, it is neither inviting to the prospective residents, nor in its present form an enhancement to the Conservation Area. There appeared to be an inadequate entrance area, no kitchen areas and very little communal spaces. It was felt that this would not be conducive to the mental health of the students.

FISHERGATE PLANNING PANEL

3.17 Comment on now superseded scheme - The scale of the development is out of proportion with the site and is excessive. The parking, drop off and pick up arrangements are ridiculous. Over one hundred students arriving and leaving the site over a weekend would cause traffic chaos with the totally inadequate space for cars on the site. There appears to be no thought or provision for disabled parking.

NORTH YORKSHIRE POLICE

3.18 It is important appropriate designing out crime measures are incorporated into this scheme as there is a high level of crime and disorder in the area. Should permission be granted, request a crime and safety planning condition so that the 'designing out crime' advice and recommendations are addressed. Recommendations are made regarding defensible space, lighting to assist with surveillance and deter crime, and secure cycle storage.

YORKSHIRE WATER

3.19 Yorkshire Water expect separate systems for foul and surface water discharge. For surface water run off the sustainable drainage hierarchy must be followed. In this case it must be evidenced soakaway would not work before connection into the existing system can be considered. If there will be connection into a sewer the existing peak discharge rate must be reduced by at least 30%.

4.0 REPRESENTATIONS

4.1 There have been 26 representations letters received as a consequence of consultation overall. The amount of development proposed has reduced (from 105 student rooms down to 85) since the first round of consultation. Comments as follows

-

Amenity

- Increased noise (from students coming and going and traffic) and increased litter.
- Disturbance to residents of Barbican Court due to the proximity of the site entrance and scale of the scheme.
- Overlooking and loss of sunlight at surrounding dwellings and their outside amenity spaces due to the height of the building.
- Due to mix of uses in the area and entertainment venues questioned whether future residents will experience adequate noise levels.
- Inadequate space and facilities are provided for residents within the building. Areas illustrated on the plans, such as the laundry area will be inadequate to cater for a scheme of this scale.
- Proposals should include measures to improve air quality. More development means extra cars and therefore reduced air quality.

Visual impact

- Proposed building out of character with the Edwardian and Victorian architecture locally, specifically as it would be experienced in context with Escrick Terrace and Fishergate School.

Highways

- Impact on traffic / road safety – during construction, post occupation (comings and goings of students and the associated servicing) and beginning / end of term.
- This section of the inner ring road is already an extremely busy and complex junction. It is known to be unsafe for cycling and there is a campaign to improve safety in this respect.
- Concerns over safety if servicing vehicles are reversing onto, or stopping for loading on the ring road.
- Concern the access at the side of Barbican Court is too narrow to accommodate vehicles.
- Inadequate space for parking – disabled parking / servicing / deliveries / guests.
- The local footpaths are too narrow, given the amount of pedestrian traffic, bearing in mind this development and the proximity of Fishergate Primary.
- Recommendations for the main access to be direct from Fawcett Street and away

from the access road to Barbican Court (on safety and noise grounds)

Archaeology

- It is essential that a significant archaeological investigation is undertaken on this site prior to and during construction works. The site is close to the pre and post-Norman churches of All Saints and St Andrew's, where the Priory was also found - and the largest concentration of Anglian discoveries in York were made by YAT in 1985. The site fronts the Roman Road. Roman finds have been made nearby, including burials and cremations.

Proposed use

- Objection from a logistics operator who wished to use the site as hub, allowing delivery of goods by cargo bike into the more central area of the city.
- Question whether there is need for even more purpose built student accommodation

5.0 APPRAISAL

KEY ISSUES

- Principle
- Heritage assets (including archaeology)
- Design of the proposed building – function and form
- Neighbours amenity
- Highway safety and sustainable travel
- Public protection

PRINCIPLE

5.1 The site is not allocated for development in the 2018 DLP. It was formerly in commercial use, as a showroom and for retail and trade sales.

5.2 In considering the proposed use and whether it is acceptable in principle, key sections in the NPPF are 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 paragraph 59 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 key relevant text is as follows -

- Planning policies and 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 (para. 117).
- Give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs (118)
- 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 (123).

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. H7 states proposals for new student accommodation will be supported where:

- 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 acknowledges that the student rental market remains strong and that demand for purpose built student accommodation is high, particularly from international students. Both the applicants and the council's data show that around 50% of students are within purpose built accommodation. 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 Draft Local Plan maps.

HERITAGE ASSETS

5.7 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 pay special attention to 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. Section 66 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the

building or its setting or any features of special architectural or historic interest which it possesses.

5.8 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.

5.9 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.

5.10 The site is within the City Centre Area of Archaeological Importance. NPPF paragraph 189 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 63 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. The approach in respect of archaeology is set out in 5.14.

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 as a consequence of the proposals 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 conserve the conservation area 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, 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 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 127 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 NPPF paragraph 150 references the sustainability of buildings, and requires that any local standards reflect national standards. 151 promotes increasing the use and supply of renewable and low carbon energy. Local requirements 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 larger and main windows to student rooms extend outward from the main façade; 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, that 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 in this respect. The initial appraisal issued with the application only anticipated compliance with building regulations. The applicants have been advised of the local requirement and agreed (22.1.21) a condition can secure compliance.

AMENITY

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

5.25 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.

5.26 The proposed building would be no more than 2.5m higher, to both eaves and ridge height, than the existing building. Barbican Court and the front section of the proposed building would both be 3-storey and of comparable eaves and ridge height. 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.

5.27 Where the proposed building steps up in height, this is either beyond Barbican Court, further east, or on the opposite / south side of the building. The taller section 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.

5.28 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

5.29 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.

5.30 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

5.31 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.

HIGHWAY NETWORK MANAGEMENT

5.32 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. Para 105 advises that if 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.

5.33 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.

5.34 The site depends on the existing access adjacent Barbican Court. Tracking drawings demonstrate this can safely accommodate waste collection (which can 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.

5.35 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. 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.

PUBLIC PROTECTION

Air quality

5.36 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.

5.37 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. Windows in this

area will be non-opening. 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

5.38 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. 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.

6.2 In assessment of Heritage Assets, 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 also notes the number of listed buildings along the street. The scheme would preserve the character and appearance of the conservation area, and the setting of listed buildings within it, because the development would be more sympathetic to the urban grain along Fawcett Street and the building would be of appropriate scale, form and materials. No harm to heritage assets has been identified. 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.

COMMITTEE TO VISIT

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Application Reference Number: 20/01521/FULM

Item No: 4a

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

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 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.

- 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).

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 these 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 127 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 127 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) Hard surfacing to roads, shared spaces, parking areas and footpaths.
- d) 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 Windows to be as shown on plan to prevent overlooking

Windows shall have an opaque finish, in accordance with the annotation on the approved elevations. This 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.

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 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)
- 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.

20 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.

21 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.

22 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 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.

23 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.

24 Front windows

Ground floor windows on the west elevation (facing Fawcett Street) shall be non-opening and shall be retained permanently as such.

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

25 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.

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 highways and through the use of planning conditions.

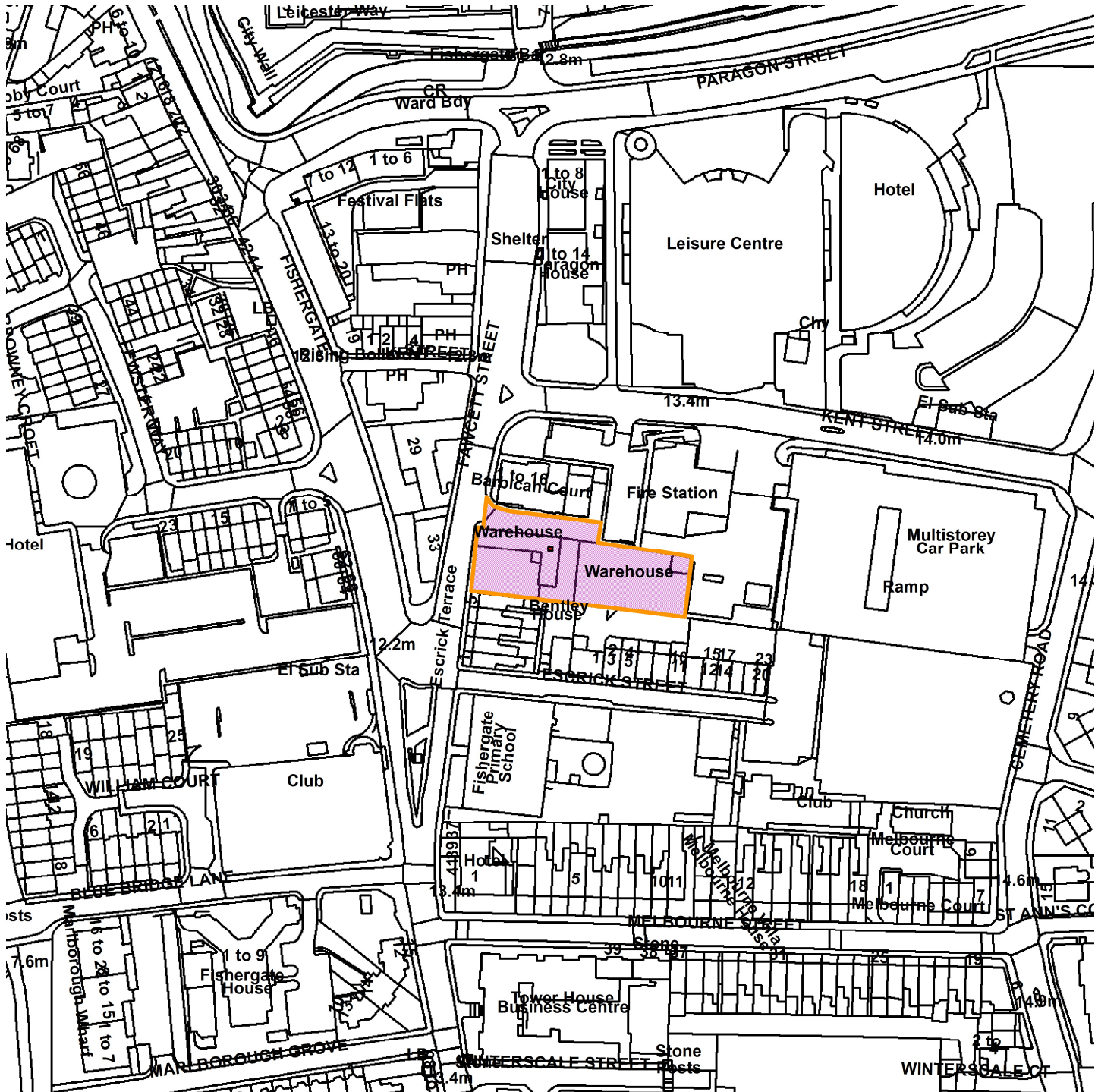
Contact details:

Case Officer: Jonathan Kenyon

Tel No: 01904 551323

20/01521/FULM

Plumbase, Waterloo House, Fawcett Street, YO10 4AH



Scale : 1:1894

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Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

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

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Planning Committee

To be held on Thursday 17th June 2021 at 4:30pm

20/01521/FULM – Plumbase, Waterloo House, Fawcett Street, York

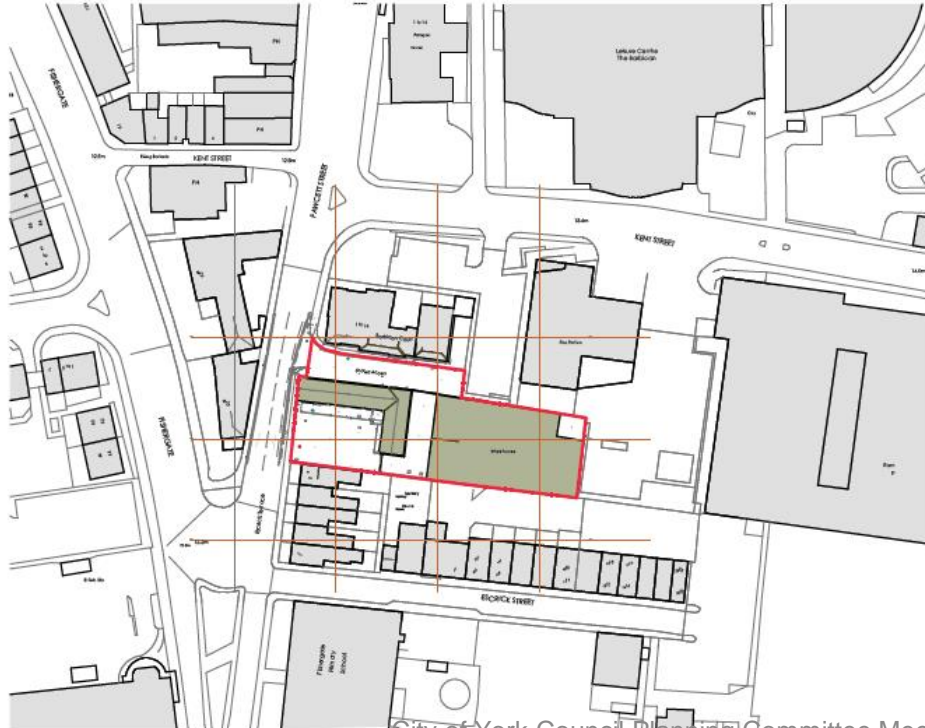
Erection of a 3 and 3.5 storey student accommodation block (providing 85 student rooms) following demolition of existing buildings

Site Location Plan

FAWCETT STREET, YORK



FAWCETT STREET SITE LOCATION PLAN - Scale 1:1250



City of York Council Planning Committee Meeting - 17th June 2021

FAWCETT STREET SITE CONTEXT PLAN - Scale as bar



Page 43

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



REV DESCRIPTION BY CHD DATE

LOROO
ARCHITECTS

234 PARK SQUARE WEST, LEEDS, LS1 2PW 3RD FLOOR, 84, 85 FAUL STREET, LEEDS, LS1 2PW
T: 0113 233 7755 I: 0113 233 7755
W: www.loroo.co.uk

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

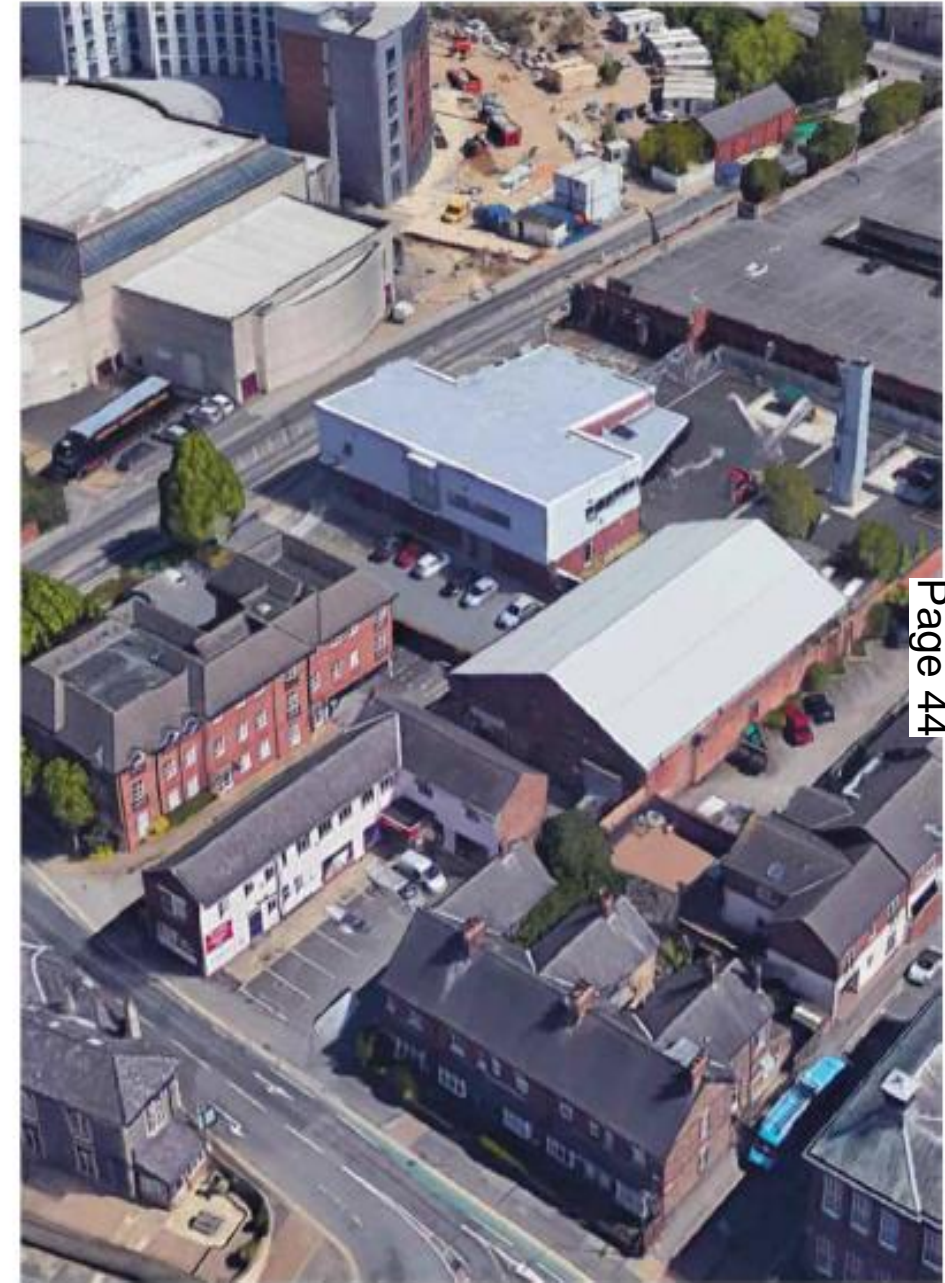
PURPOSE OF ISSUE

PLANNING BUILDING REGS TENDER
 COMMENT INFORMATION CONSTRUCTION

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Existing Building and Aerial Context



Page 44

Existing building



Page 45

Streetview – Fawcett Street



Page 46



Streetview – Existing Building



Streetview –
Existing building



View from Fishergate



View from City Walls/Paragon Street



Page 50

Barbican Court (1)

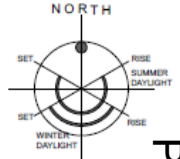
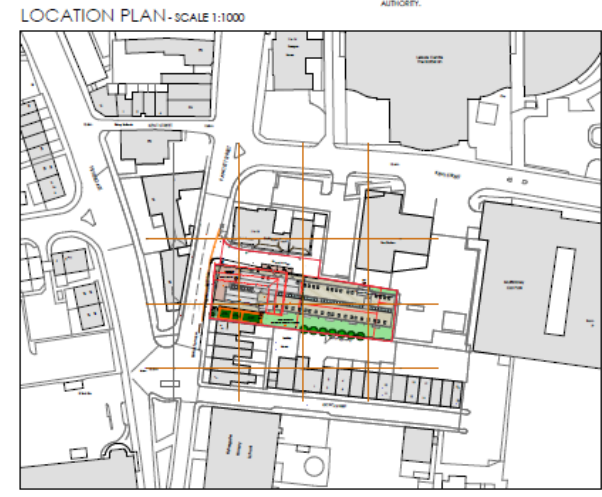


Barbican Court (2)



City of York Council Planning Committee Meeting - 17th June 2021

Proposed Site Plan



- 1. Existing ground level to be maintained
- 2. Existing ground level to be maintained
- 3. Existing ground level to be maintained
- 4. Existing ground level to be maintained
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- 19. Existing ground level to be maintained
- 20. Existing ground level to be maintained
- 21. Existing ground level to be maintained
- 22. Existing ground level to be maintained
- 23. Existing ground level to be maintained



25A FINE SQUARE WEST, LONDON E1 2PB
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 W: www.lorro.co.uk

25A FINE SQUARE WEST, LONDON E1 2PB
 T: 020 7553 0770
 W: www.lorro.co.uk

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 (A1) DATE: AUG 2020

DRAWN BY: W CHECKED BY:

PURPOSE OF DRAWING:
 PLANNING INFORMATION
 BUILDING REGS INFORMATION
 OTHER INFORMATION
 COMMENT



Proposed Elevations

FAWCETT STREET, YORK



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

FRONT (NORTH) ELEVATION - facing the access road



REAR (SOUTH) ELEVATION - facing Escrick Street



SIDE (WEST) ELEVATION - fronting Fawcett Street



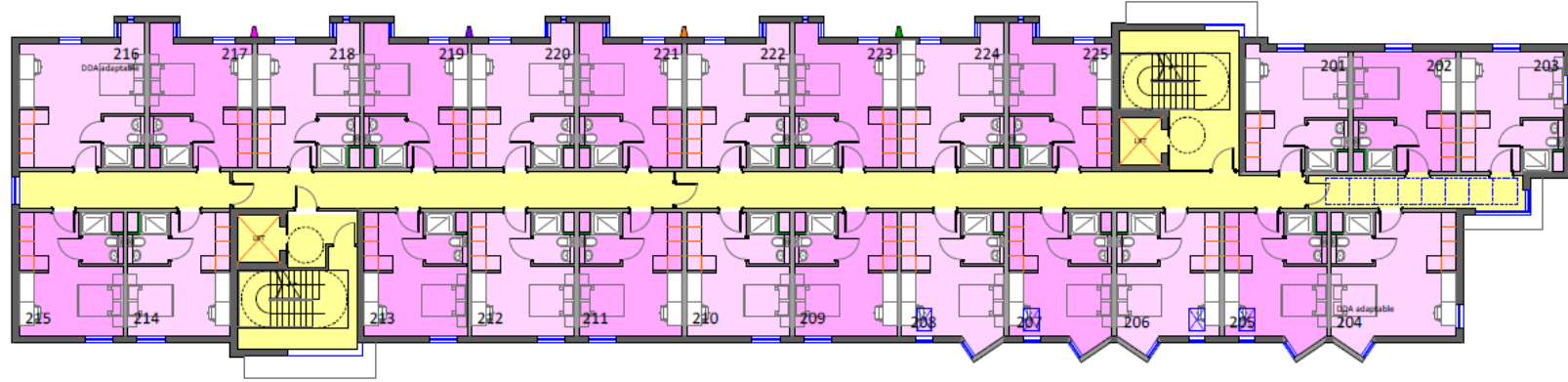
SIDE (EAST) ELEVATION - towards Fire Station



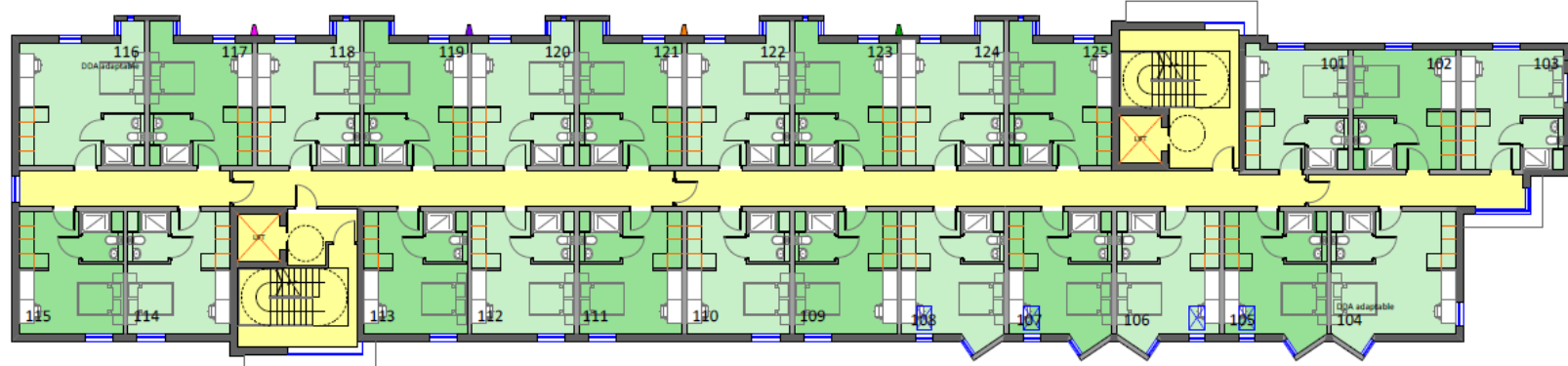
A: SCHEME UPDATED TO SAFE DISCUSSIONS WITH MURC. 18.01.21	
REV	DESCRIPTION
BY	CHKD
DATE	DATE
LOFOO ARCHITECTS	
014 434510 (LONDON) 011 234 1111 (YORK) 011 234 1111 (YORK) 10, WOODSIDE COURT, WOODSIDE, YORK, YO1 1AA	011 234 1111 (YORK) 011 234 1111 (YORK) 10, WOODSIDE COURT, WOODSIDE, YORK, YO1 1AA
CLIENT	KNIFE GROUP LIMITED
PROJECT	FAWCETT STREET, YORK
TITLE	PLANNING INFORMATION GENERAL ARRANGEMENT TYPICAL PROPOSED ELEVATIONS - COLOUR
DRAWING NO.	11/21/01
SCALE	1:100 (R/A)
DATE	JUNE 2021
DRAWN BY	W
CHECKED BY	
PURPOSE OF ISSUE	
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<input type="checkbox"/> INFORMATION	<input type="checkbox"/> TENDER
<input type="checkbox"/> CONSTRUCTION	
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Proposed Ground,
First and Second
Floor Plans

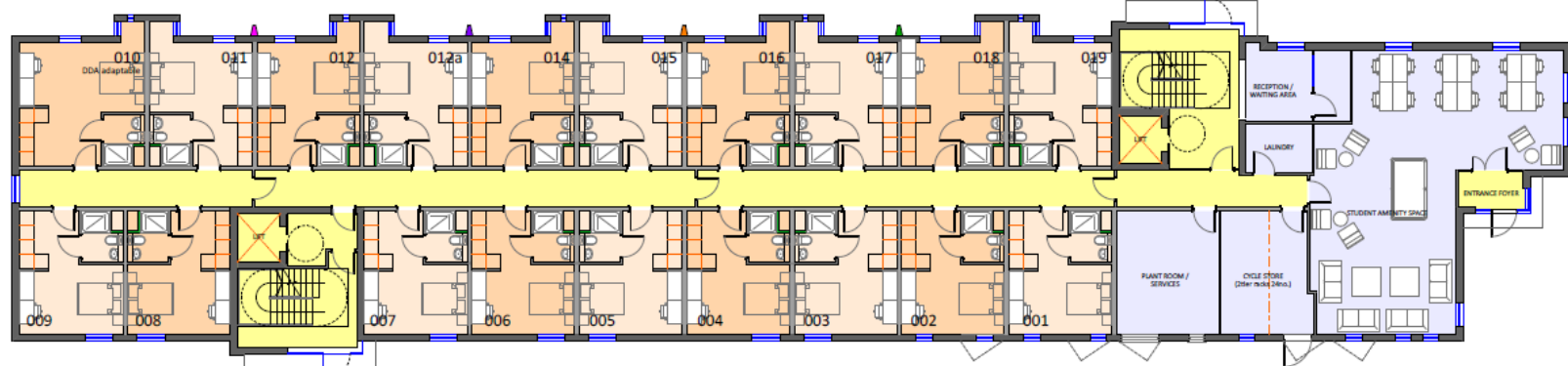
PROPOSED SECOND FLOOR PLAN - 25no. beds



PROPOSED FIRST FLOOR PLAN - 25no. beds



PROPOSED GROUND FLOOR PLAN - 19no. beds



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

■ Circulation Area
 Amenity / Shared Areas



City of York Council Planning Committee Meeting - 17th June 2021

- 1. Ground floor plan (above), include cavity space
- 2. Ground floor plan (above), include cavity space
- 3. Ground floor plan (above), include cavity space
- 4. Ground floor plan (above), include cavity space
- 5. Ground floor plan (above), include cavity space
- 6. Ground floor plan (above), include cavity space
- 7. Ground floor plan (above), include cavity space
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- 22. Ground floor plan (above), include cavity space
- 23. Ground floor plan (above), include cavity space
- 24. Ground floor plan (above), include cavity space
- 25. Ground floor plan (above), include cavity space

LORCO
ARCHITECTS

25A FINE SQUARE WEST, 1ST FLOOR, 56-58 FINE STREET, LEEDS LS1 3JF. TEL: 0113 2612222. WWW.LORCO.CO.UK

DATE: 17/06/2021

PROJECT: FAWCETT STREET, YORK

TITLE: PLANNING INFORMATION: PROPOSED FLOOR PLANS (LEVELS +0 TO +2)

DRAWING NO: 1013-001 REVISION: #

SCALE: 1:50 @ A1 DATE: 17/06/2021

PREPARED BY: [Name] CHECKED BY: [Name]

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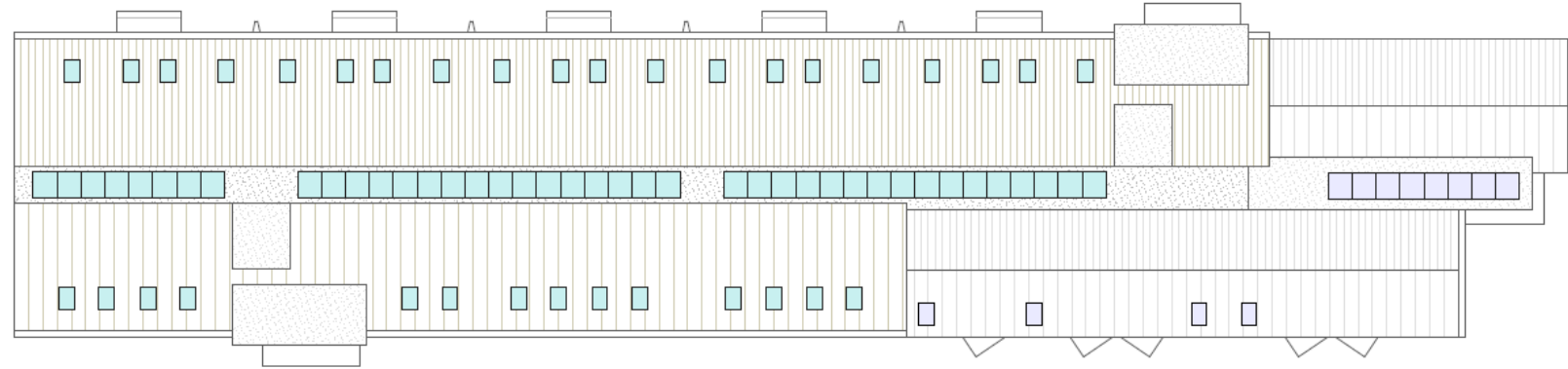
Proposed Third Floor and Proposed Roof Plan

FAWCETT STREET, YORK

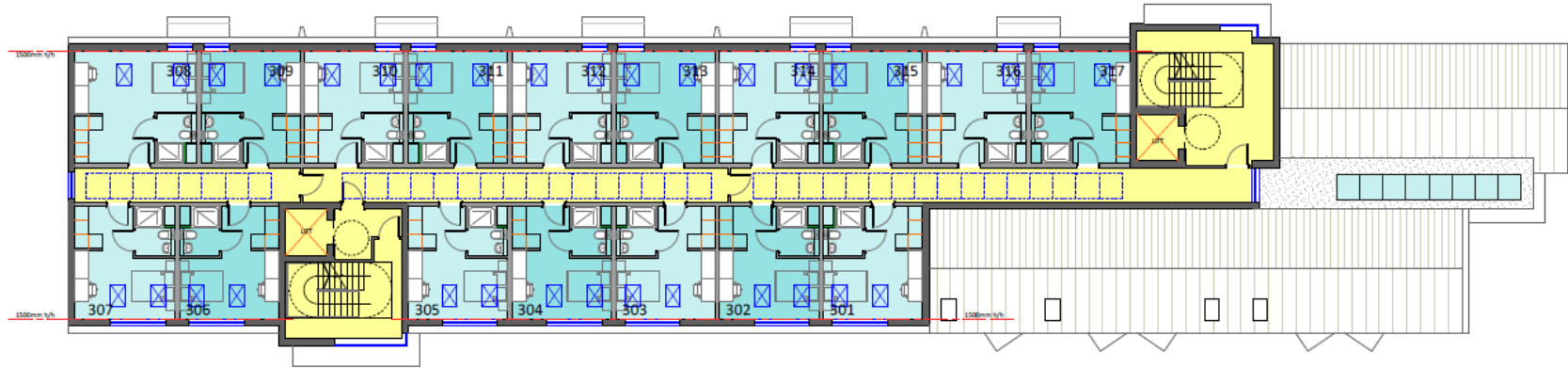
ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE BUILDING REGULATIONS AND THE REQUIREMENTS OF THE LOCAL AUTHORITY.

■ Circulation Area

PROPOSED ROOF PLAN



PROPOSED THIRD FLOOR PLAN - 17no. beds



City of York Council Planning Committee Meeting - 17th June 2021

■ Plan (also checked to self unless otherwise indicated)	■ LAYOUT	
▲ Plan (also checked to self unless otherwise indicated)	■ LAYOUT	
■ Plan (also checked to self unless otherwise indicated)	■ LAYOUT	
REV DESCRIPTION	BY DATE	
LOROC ARCHITECTS		
20A FAWCETT STREET YORK YO1 1PE 01904 771111	20A FAWCETT STREET YORK YO1 1PE 01904 771111	
CLIENT	KMBE GROUP LIMITED	
PROJECT	FAWCETT STREET YORK	
TITLE	PLANNING INFORMATION General Arrangement PROPOSED FLOOR PLANS (LEVEL 3) ROOF PLAN	
DRAWING NO.	1413-104	
SCALE	1:100 A1	
DRAWN BY	DATE	
CHECKED BY	DATE	
PURPOSE OF ISSUE		
● PLANNING	● BUILDING REGS	● REVIEW
● COMBINED	● INFORMATION	● CORRECTION

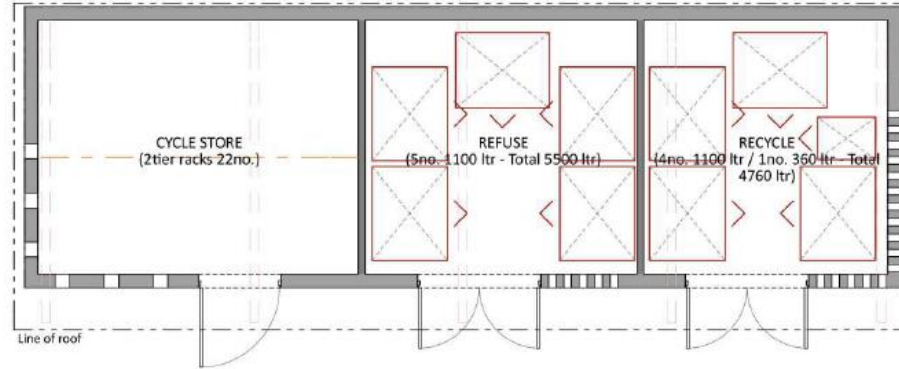
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Proposed Bin and Cycle Storage

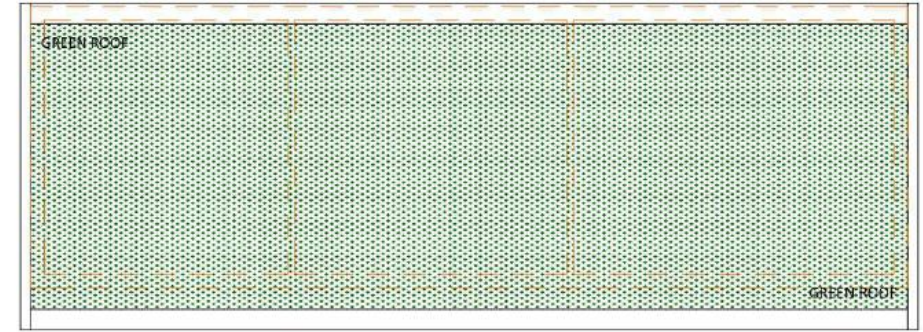
FAWCETT STREET, YORK

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

PROPOSED PLAN



PROPOSED ROOF PLAN



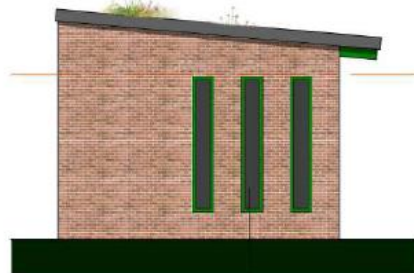
SIDE (WEST) ELEVATION - fronting Fawcett Street



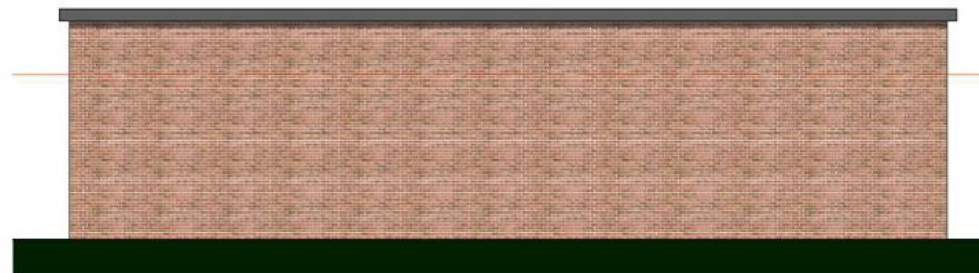
FRONT (NORTH) ELEVATION - facing new development



SIDE (EAST) ELEVATION - fronting Fire Station



REAR (SOUTH) ELEVATION - facing gable no.5



REV DESCRIPTION BP CHRD DATE

LOFOO
ARCHITECTS

25A PARK SQUARE WEST, LEEDS LS1 9PW 3RD FLOOR, 86-88 PAUL STREET, CHESHAM, EC3A 4HE
T: 0113 220 7233 W: www.lofooo.co.uk T: 0203 878 9333

CLIENT: EMME GROUP LIMITED

PROJECT: FAWCETT STREET YORK

TITLE: PLANNING INFORMATION
General Arrangement
PROPOSED REFUSE/CYCLE STORE (PLANS & ELEVATIONS)

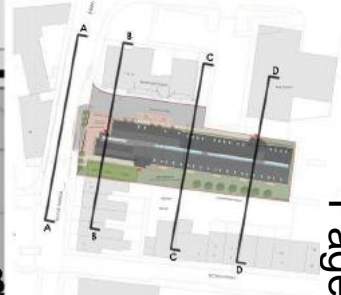
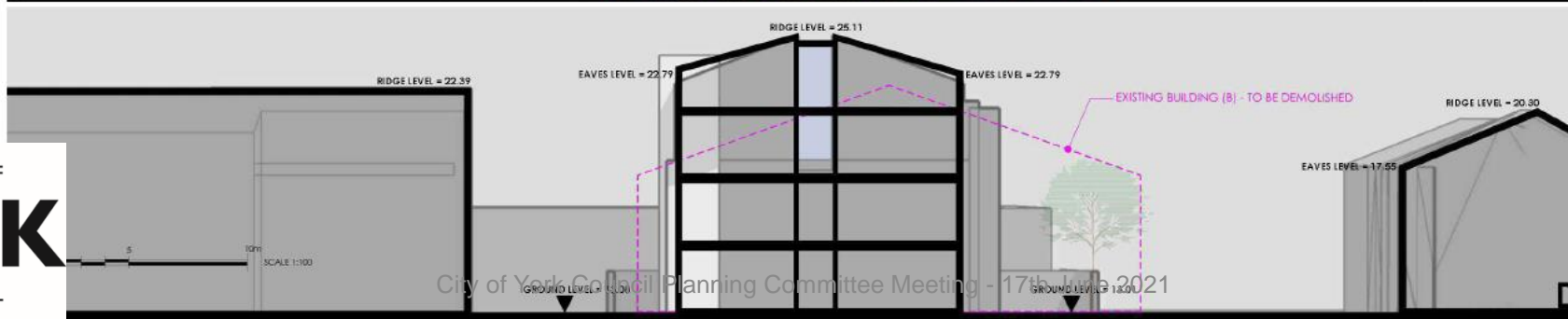
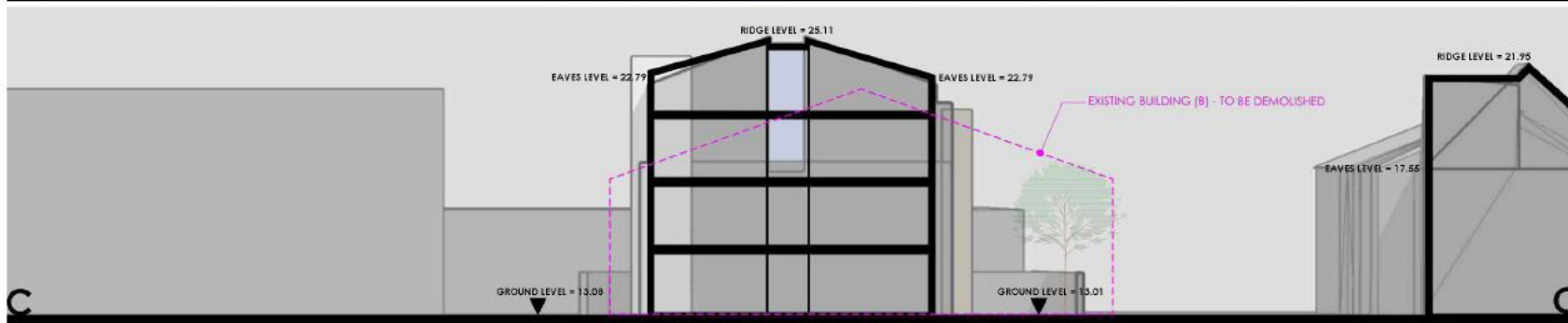
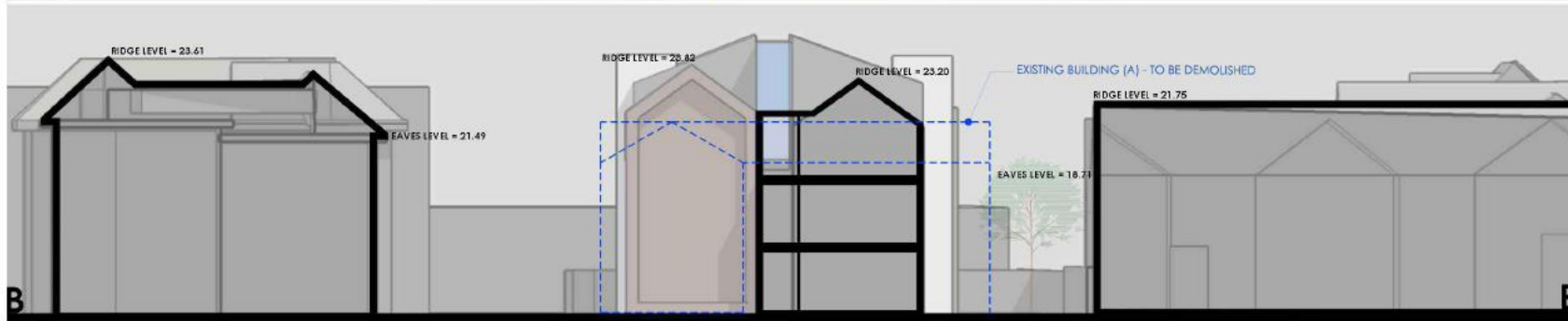
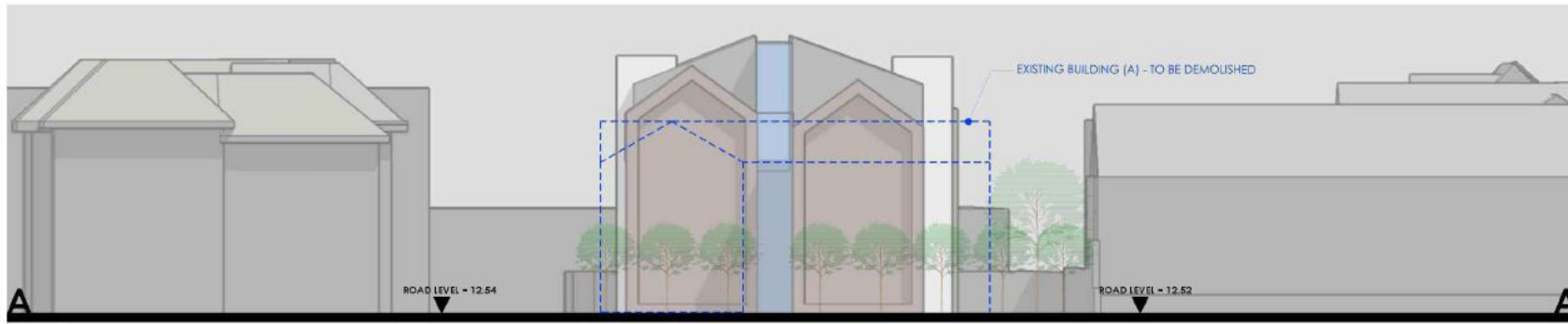
DRAWING NO. 1413-106 REVISION
SCALE 1/12 @ A3 DATE JUN 2021
DRAWN BY: W CHECKED BY:

- PURPOSE OF ISSUE:
- PLANNING
 - BUILDING REGS
 - TENDER
 - COMMENT
 - INFORMATION
 - CONSTRUCTION

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Proposed Sections



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

C	ADDED RIDGE, EAVES & GROUND LEVELS TO SECTION	BC	06/24/21
B	UPDATED SECTIONS	BC	17/12/20
A	UPDATED SECTIONS	BC	08/11/20
REV	DESCRIPTION	BY	DATE
LOROC ARCHITECT			
DRAWING ROOM: 100, THE LIONS BUILDING, 100, THE LIONS BUILDING, 100, THE LIONS BUILDING, 100, THE LIONS BUILDING		REGISTERED ARCHITECTS: 2014/0001, 2014/0002, 2014/0003, 2014/0004	
CLIENT:	KAME GROUP LIMITED		
PROJECT:	FAWCETT STREET, YORK		
TITLE:	PLANNING INFORMATION: GENERAL ARRANGEMENT: DESIGN SECTION		
DRAWING NO:	14/218	REVISION:	C
SCALE:	1/500 @ A1	DATE:	NOV 2020
DRAWN BY:	HC	CHECKED BY:	
PURPOSE OF ISSUE			
<input type="radio"/>	PLANNING	<input type="radio"/>	CONSTRUCTION
<input type="radio"/>	INFORMATION	<input type="radio"/>	TENDER
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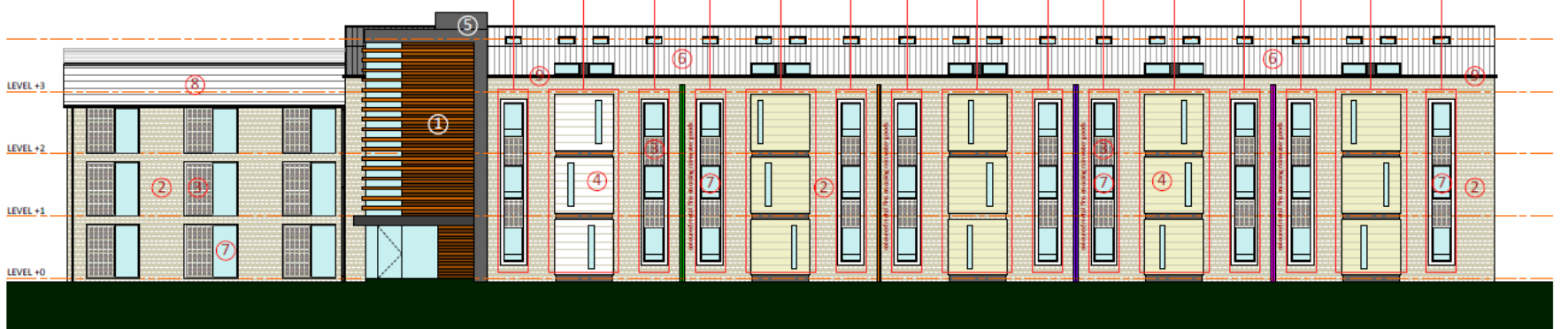
Proposed Materials Schedule

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

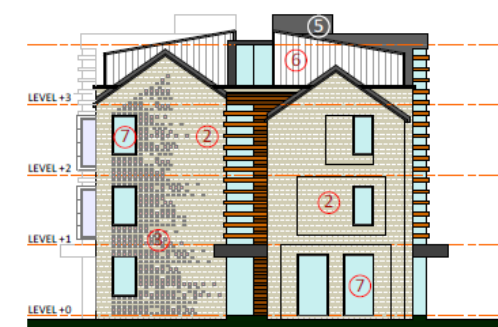
FRONT (NORTH) ELEVATION - facing the access road



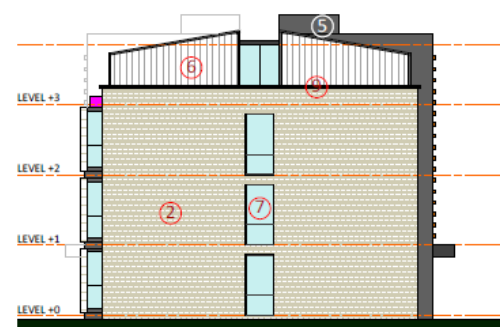
REAR (SOUTH) ELEVATION - facing Escrick Street



SIDE (WEST) ELEVATION - fronting Fawcett Street



SIDE (EAST) ELEVATION - towards Fire Station

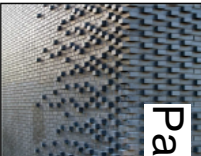


- ① Corten metal cladding
- ② Brickwork specification to be agreed (flemish bond)
- ③ Projecting brick detailing, with flush brick surrounds where applicable
- ④ Ashlar stone panels
- ⑤ Flat metal cladding, colours to be agreed
- ⑥ Vertical profiled metal cladding / rainscreen, dark grey (RAL 7016)
-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



EXAMPLES OF BRICK DETAILS AS ITEM 3 ON MATERIAL SCHEDULE



Page 59



ALL DRAWINGS AND WORK SHALL BE CHECKED FOR CONFORMANCE WITH THE BUILDING REGULATIONS AND THE REQUIREMENTS OF THE LOCAL AUTHORITY.
 ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE BUILDING REGULATIONS AND THE REQUIREMENTS OF THE LOCAL AUTHORITY.
 ALL DRAWINGS TO BE CHECKED ON SITE PRIOR TO COMMENCEMENT OF WORK AND ANY DISCREPANCIES REPORTED TO THE ARCHITECT IMMEDIATELY.

LOROC ARCHITECTS
 25A FAWCETT SQUARE, YORK YO1 1EP
 01904 322272
 www.loroc.co.uk

PROJECT: FAWCETT STREET, YORK
 TITLE: PLANNING INFORMATION
 DRAWN BY: [] DATE: []
 CHECKED BY: [] DATE: []

PURPOSE OF SEAL:
 PLANNING BUILDING REGS OTHER
 CHANGEABLE INFORMATION CONSTRUCTION

Typical Studio Layout - Visuals

FAWCETT STREET, YORK

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

TYPICAL ROOM LAYOUT



REV DESCRIPTION	BY	CHKD	DATE
Loroo ARCHITECTS			
204 FAWCETT STREET WELLINGTON	180 FAWCETT STREET WELLINGTON	01753 209 715 01753 209 715	01753 209 715 01753 209 715
CLIENT	KMSB GROUP LIMITED		
PROJECT	FAWCETT STREET YORK		
TITLE	PLANNING INFORMATION General Arrangement TYPICAL ROOM LAYOUT AND VISUALS		
DRAWING NO.	14/21-111	REVISION	
SCALE	A4 @ A2	DATE	JUNE 2021
DRAWN BY	W	CHECKED BY	
PURPOSE OF ISSUE	<input checked="" type="radio"/> PLANNING <input type="radio"/> BUILDING REGS <input type="radio"/> OTHER <input type="radio"/> COMMENT <input type="radio"/> INFORMATION <input type="radio"/> CONSTRUCTION		
<small>THE DRAWING IS THE PROPERTY OF LOROO ARCHITECTS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF LOROO ARCHITECTS. ALL CHANGES TO BE CARRIED OUT BY THE CONTRACTOR IN ACCORDANCE WITH THE ARCHITECT'S INSTRUCTIONS.</small>			

COMMITTEE REPORT

Date: 17 June 2021
Team: East Area

Ward: Heworth
Parish: Heworth Planning Panel

Reference: 20/02034/FULM
Application at: Cherry Tree House 218 Fifth Avenue York YO31 0PN
For: Erection of three buildings to form 48no. apartments with associated works and infrastructure following the demolition of existing building.
By: Cherry Tree Venture LLP
Application Type: Major Full Application
Target Date: 22 June 2021
Recommendation: Approve subject to S106

1.0 PROPOSAL

1.1 The proposal is for the demolition of the existing building and the construction of 3no. two storey buildings to form 48 apartments. The proposal includes 32 parking spaces (including 2 disabled spaces and 2 Electric Vehicle Charging Spaces) and bike and bin storage.

1.2 The existing building is a part single storey part two storey structure constructed around a central courtyard with parking to both sides. It was previously used by the NHS as a residential care facility but has become redundant following the opening of Foss Park Hospital on Haxby Road.

1.3 The site sits in a residential area and backs on to National Cycle Network Route 658/66 which follows a disused railway line. The houses in the locality are predominantly traditional semi-detached properties. To the west the site adjoins St Aelreds Church, presbytery and community centre.

2.0 POLICY CONTEXT

2.1 Emerging Local Plan (Submission draft 2018)

DP2 Sustainable Development

DP3 Sustainable Communities

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SS1 Delivering Sustainable Growth for York
H2 Density of Residential Development
H3 Balancing the housing market
H10 Affordable housing
HW5 Healthcare services
D1 Placemaking
D2 Landscape and Setting
GI4 Trees and Hedgerows
CC1 Renewable and Low Carbon Energy Generation and Storage
CC2 Sustainable Design and Construction of New Development
ENV2 Managing Environmental Quality
ENV5 Sustainable Drainage
T1 Sustainable Access

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

H4A Housing Windfalls
GP1 Design
HE11 Trees and landscape
L1c Open space

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Waste Management

3.1 Bin provision is appropriate for the number of dwellings and location of bin stores is acceptable.

Public Protection

3.2 Conditions are recommended regarding noise insulation, CEMP, hours of construction, land contamination, lighting and EVCP.

Design, Conservation and Sustainable Development (Ecology)

3.3 A revised landscape design and lighting strategy have resolved earlier concerns about protection of bat habitat. Bat boxes and a hedgehog box are both proposed.

Education

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3.4 As a result of there being only 8 eligible dwellings of 2 bedrooms or more, no education contribution is required.

Flood Risk Management

3.5 The submitted drainage details are acceptable and conditions are recommended.

Community Sports Development and Open Space

3.6 A contribution of £8456 for amenity open space, £4208 for play equipment and £11928 for sports provision is required. The amenity open space funds could be used to improve Melrosegate Field or Hull Road Park and the play equipment contribution could be used to provide more equipment at Hull Road Park. The closest voluntary sports club to this development is Heworth Tennis Club. This Section 106 contribution could be used to benefit the residents of the proposed development by enhancing the playing surface of the existing tennis courts, improving disabled access onto the East Parade site and through an electronic entry system to the Glen Gardens site to open the courts back up for public pay and play. It could also be used for improvements to Glen Gardens bowling green, or basketball court. The next closest voluntary sports clubs would be Heworth Cricket Club and then Heworth Amateur Rugby League Football Club.

Affordable Housing

3.7 An affordable housing contribution is required in accordance with Local Plan Policy H10. The policy target is 20% on site provision however para. 63 of the NPPF notes that 'where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount'. The site circumstances have been assessed against the Vacant Building Credit criteria outlined in the associated guidance on planning obligations issued by the Secretary of State. The applicant has provided floorspace details indicating a reduction of 68.48% in affordable housing obligation is required due to this government policy. This reduces the requirement from 9.6 homes equivalent to 3.03 equivalent. A contribution of £255,024 is therefore required and should be secured via S106 agreement.

Highways

3.8 Conditions are recommended and a contribution towards widening the cycle path on the east side of Melrosegate leading to the NCN route is required.

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EXTERNAL

North Yorkshire Police

3.9 From a designing out crime perspective the overall design and layout of the proposed scheme is considered good. Natural surveillance is provided by the active frontages and lighting across the site is appropriate for safety and security.

Yorkshire Water

3.10 Condition re foul and surface water drainage recommended.

4.0 REPRESENTATIONS

4.1. Two letters of representation have been received, both objecting to the proposals. The issues raised are:

- Sustainability issues around demolishing existing building to replace it
- Insufficient parking and on-site turning areas
- Impact on highway safety to all road users as a result of increased traffic
- Noise and disturbance from additional households to neighbouring properties
- Loss of privacy to neighbours

5.0 APPRAISAL

5.1 Main Issues

- principle of development;
- housing density;
- affordable housing
- design;
- amenity;
- highways and parking;
- open space and sports provision;
- drainage;
- sustainability.

LEGISLATIVE AND POLICY CONTEXT

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

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National Planning Policy Framework

5.3 The revised National Planning Policy Framework (NPPF) 2019 was published on 19 February 2019 and sets out the government's planning policies for England and how these are expected to be applied. The NPPF is a material planning consideration in the determination of this application.

5.4 The planning system should contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives.

5.5 Paragraph 11 states planning decisions should apply a presumption in favour of sustainable development and that for decision taking this means where there are no relevant development plan policies, granting permission unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

Publication Draft Local Plan 2018

5.6 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. 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

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- 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).

It is considered that given the stage of preparation of the emerging plan, nature of objections and consistency with the NPPF that all the policies listed in para. 2.1 above should be given moderate weight except H10 which should be given limited weight.

5.7 The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications. The directly relevant evidence base is:

- City of York Housing Needs Update (2019)
- Strategic Housing Land Availability Assessment and Appendices (2018)
- Strategic Housing Land Availability Assessment and Annexes (2017)
- City of York Strategic Housing Market Assessment Update (2017)
- City of York Council Strategic Housing Market Assessment (2016)
- City of York Council Strategic Housing Market Assessment Addendum (2016)

2005 Development Control Local Plan

5.8 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 development

5.9 The site sits within a residential area and has an existing use as a residential institution (C2). It was previously owned and run by the NHS and has been vacant now for approximately a year having become redundant with the opening of the Haxby Road facility. Following discussions within the NHS and with the Council it was identified that there was no health or care demand for the building and it was marketed for redevelopment. Policy HW5 notes that the Council will work with the

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NHS to understand their needs and help ensure sites are fit for purpose. Information has been provided by the NHS that this site is no longer necessary for secondary health care and has been made redundant by the improved facilities within the city and there is therefore no policy objection to the loss of the C2 use of the site; the proposal does not conflict with policy HW5.

5.10 The site appears to be incorrectly identified on the proposals map of the draft Local Plan as an educational establishment and the policies of Section 7: Education of the draft Local Plan are not considered relevant.

5.11 The development is on a brownfield site in a sustainable location with access to a range of services, shops, employment opportunities and public transport. Its use for housing is considered to be compatible with the surrounding area. Providing it can meet other material planning considerations it is considered that the proposal is acceptable in principle.

Housing density and mix

5.12 The site area is 0.36Ha and provides 48 dwellings intended for first time buyers; the proposed housing density therefore equates to 133 units per hectare. Policy H2 refers to housing density and recommends a density of 50 units/ Ha within the urban area however it also notes that within 400m of a high frequency public transport corridor then higher densities will be supported. This site falls within such an area. The NPPF also supports the effective use of land and notes that where there is a shortage of land for meeting identified housing needs that decision avoid homes being built at low densities. Providing the proposal can be shown not to result in significant harm to residential amenity as a result of the intensity of development it is considered that it meets relevant policy in this regard.

5.13 Policy H3 of the 2018 draft Local Plan seeks to balance the housing market by including a mix of types of housing which reflects the diverse mix of need across the city. The policy goes on to note that this includes flats and smaller houses for those accessing the housing market for the first time. This development includes one and two bedroom flats for first time buyers and sits within the York urban area as identified in the 2018 draft Local Plan. Within this area low-rise apartments are considered appropriate. Colleagues in Housing have indicated that there is a high local need for 1 and 2 bed properties across all tenures. Many of the large city centre developments have provided high numbers of properties aimed at a different

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market with much higher expected values. Additionally the Tang Hall area is predominantly housing and the proposed development would provide a wider choice of accommodation in the locality. It is considered that the proposed housing mix is a good match between this location, the city-wide demand/ need for 1 and 2 bed properties, employment opportunities and transport connectivity.

Affordable housing

5.14 An affordable housing contribution is required in accordance with 2018 Draft Plan Policy H10, for this proposed application comprising 48 new homes. The local policy target is 20% of the total to be provided on site as affordable housing, however in this case paragraph 63 of the NPPF mandates that “where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount”. A footnote to this paragraph suggests that this reduction should be equivalent to the existing gross floorspace of the existing buildings. Evidence has been provided that the building is vacant. Officers also note that the building is likely to be unattractive to other users as a result of its C2 residential use and the scale and form of the building.

5.15 The applicant has provided floorspace details indicating a reduction of 68.48% in affordable housing obligation is required due to vacant building credit. This reduces the requirement from 9.6 homes equivalent to 3.03 equivalent. Accordingly a commuted sum, calculated at the difference between estimated market value and affordable transfer value per home, in lieu of on-site affordable housing provision is required. This is to be fixed in a section 106 agreement and, informed by an independent valuation for typical apartment types, a contribution of £255,024 has been identified as policy compliant and is requested. This affordable housing sum can support development of much needed high quality, energy efficient affordable homes through schemes such as the council’s Housing Delivery Programme.

Design

5.16 Policy D1 of the 2018 Draft Local Plan requires that developments make a positive design contribution to the city. In this case, the proposed building is of good quality and replaces a building of little design quality. The existing building is a mix of single and two storey and appears functional in character. Access is via the two entrances on either side of the site with a long expanse of security type fencing

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between them. Windows on the existing building are generally small and the building appears to turn its back on the street.

5.17 The proposed buildings approximately follow the footprint of the existing building. The form is of three blocks, one facing the highway with the others projecting to the rear and facing on to a small courtyard. The buildings are two storey in height with hipped roofs and constructed from buff brickwork.

5.18 The front block has some projecting bay details and properties are accessed by individual doors leading off Fifth Avenue, rather than a communal entrance. The block is set back from the highway following the building line of the dwellings to the East and providing small front gardens for the ground floor flats. The detailing to the elevations is good with some brick detailing around the windows and recessed elements above the doors. This brick detailing follows through in to the rear blocks although these are generally of a simpler form.

5.19 The use of buff bricks is less a feature of the local area however the site context is mixed. The neighbouring dwellings are traditional hipped roof properties and are predominantly red brick with some having a natural render/ pebble dash finish to the first floor. To the west the site adjoins St Aelreds Church, community centre and presbytery. The community centre sits behind the presbytery and is a modern single storey building while the presbytery is a traditional large two storey red brick dwelling with a predominantly hipped slate roof. The church is more modern in character, dating from the 1950's, with a shallow pitched green copper roof, and a linked tower to the West. The elevation facing onto Fifth Avenue is finished in a buff coloured cladding. Given the variety of materials in the locality and the position of the site between traditional housing and the more unique features of the church site it is considered that the proposed buff bricks are acceptable.

5.20 In terms of its height, the proposed buildings are similar in height to the neighbouring dwellings. The main body of the building sits in line with the dwellings to the east unlike the existing building which sits slightly closer to the highway. The building will result in a more imposing impact on the streetscene than the existing because it is fully two storey along the frontage however the interest in the facades and the good separation to neighbouring properties helps to mitigate this.

5.21 In conclusion, the design of the proposal is considered to meet the requirements of policy D1. The unique qualities of the site and poor design of the

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existing building allow for a replacement development which draws on local context, enhances the quality of the area and is large, yet not out of scale with neighbouring properties.

Amenity issues

5.22 In terms of overlooking, there are no windows in the end gables of the front building which are the closest point of the development to neighbouring residents. The windows in the rear west building are 12m from the church site and those in the rear east building are 18m from the nearest dwelling, No.222 Fifth Avenue. The first floor windows in the rear buildings serve bedroom windows and these distances are considered sufficient to prevent overlooking. It is noted that the windows facing the church site look mostly onto the back of the community centre and the side of the garage of the presbytery. There is no overlooking to the front of the presbytery while its rear garden is set away from the joint boundary and some distance from the proposed buildings.

5.23 The scale of the building and its setting away from the side boundaries will ensure that there is no significant overshadowing of neighbouring properties.

5.24 Amenity for residents of the new development is considered acceptable. Ground floor flats have small areas of garden although these are very small in some instances. Those garden areas to Fifth Avenue will have limited privacy and are north facing while the ones to the rear will be overshadowed later in the day as the result of the orientation of the buildings. However, there is some provision here for private outside amenity space and this is a positive feature of the scheme. Upper flats have Juliet balconies to their living rooms; those on the rear buildings face on to the courtyard.

5.25 All flats are considered to receive sufficient levels of natural light to provide good amenity for residents. Flats facing Fifth Avenue are single aspect however all other flats have windows facing more than one direction which will help to improve natural light levels.

5.26 There are one and two bedroom flats within the development. One bedroom flats are typically between 37m² and 39m² and two bedroom flats are between 57m² and 59m². While the nationally described space standards cannot be used as they do not form part of the 2018 Draft Local Plan, the flat sizes proposed are

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reasonably comparable. The national space standard suggests 37m² for a one bedroom flat and 61m² for a two bedroom flat. It should be noted that, within this development, the slightly smaller flats are typically on the ground floor but have the benefit of private external space.

5.27 It is noted that some of the parking spaces abut bedroom windows on the ground floor flats. There are small areas of landscaping below the windows to provide some separation but there is likely to be some disturbance from headlights and noise from vehicle movements to these rooms. It is likely that this will be minimal given the size of the site and its sustainable location which is likely to encourage more sustainable modes of transport.

5.28 The existing building is in a residential use and in a residential area. The proposal retains that residential use and is therefore unlikely to cause any significant conflict through noise and disturbance of neighbours. It is accepted that the proposal results in a more intensive use of the site however the site is large and no significant impact on neighbouring amenity is anticipated. As such the requirements of policy D1 that residents are not unduly affected by noise, disturbance, overlooking or overshadowing are fulfilled.

Highways and parking

5.29 The proposal retains the two existing vehicular entrances to either side of the site. These entrances lead to parking areas on either side providing 32 parking spaces (1 space per 1.4 dwellings) in total, which is in line with the Council's maximum parking standards. Following submission of a parking survey it has been accepted that visitor parking can be accommodated on-street without having a detrimental impact on the surrounding highway network.

5.30 Fifty cycle parking spaces are provided spread across the site within secure covered enclosures. Storage is also provided for bicycle accessories and recycling and waste storage.

5.31 While the preference would be for direct access from the site on to the cycle track to the south it is recognised that the level difference makes it difficult and there is already access to the cycle track, adjacent to the church, at a distance of approximately 60m from the site entrance. A contribution of £15,000 has been

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agreed towards improvements to this cycle access to make widen it and bring it into compliance with national guidance either as a segregated or shared use cycleway.

Open space and sports provision

5.32 The NPPF advises that planning decisions should aim to create healthy and inclusive places. Paragraph 96 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’.

5.33 Policy GI6 (new open space provision) of the 2018 Draft 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 certain circumstances.

5.34 The site is within the Heworth Ward. The ward has a deficit of all types of open space, except allotments, based on the Open Space and Green Infrastructure Update (September 2017).

5.35 The Open Space and Green Infrastructure Update 2017 (referred to in the 2018 Draft Plan) identifies the levels of amenity space required. This is not typically capable of being provided on urban sites as there is not the space. As such an off-site contribution can be requested. This must however meet the Community Infrastructure Levy Regulations – be necessary to make the development acceptable in planning terms, reasonable in scale and kind and directly related to the development. National guidance on the use of planning obligations is also to be

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mindful of viability and the need to prioritise/incentivise development of brownfield land.

5.36 No on-site open space is provided. As such an S106 contribution for £8,456 is sought towards amenity open space. The contribution would provide improvements to Melrosegate field or Hull Road Park. £4,208 is also sought as an off-site contribution for additional play equipment at Hull Road Park.

5.37 A contribution towards off site sports provision is agreed, calculated as £11,928. It would be used to procure the provision of, or improvement to, sport or active leisure facilities to include (in no particular order):

- Heworth Tennis Club
- Glen Gardens Bowling Green
- Heworth Cricket Club
- Heworth Amateur Rugby League Football Club.

Drainage

5.38 The application site is located within Flood Zone 1 and the risk from flooding is low.

5.39 It has been shown that discharging surface water via infiltration will not be possible and therefore the existing surface water connection to a public surface water sewer is to be used. The brownfield run off rate has been calculated and attenuation is to be provided under the western car parking area. Conditions are proposed to protect the local aquatic environment and public sewer infrastructure.

Sustainability

5.40 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. Applicants must submit an energy statement setting out how this will be achieved, taking into consideration the impact of the scheme on other planning considerations and demonstrate any viability issues with meeting the target.

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5.41 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. The policy requirements for new residential development 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.

5.42 An Energy Statement has been submitted which concludes that the development will achieve on average at least a 22% reduction in carbon emissions by comparing the Dwelling Emission Rate to the Target Emission exceeding the requirements of policy CC2. The water consumption rate will also meet the requirements of that policy. The requirements of policy CC1 which required a reduction in CO2 emissions of at least 28% will be met through energy efficiency measures including an air source heat pump and heat recovery system within the mechanical ventilation system.

5.43 Issues related to the sustainability of demolishing an existing modern building are considered outweighed by the provision of much needed housing and benefits from the increased density of development and modern energy efficient development.

Other issues

5.44 Revisions have been made to the scheme to incorporate measures to promote biodiversity. The site boundaries, particularly the southern boundary with the cycle path, have been strengthened with additional planting as possible and the addition of native trees. The scheme includes the provision of bird, bat and hedgehog boxes as well as a lighting scheme which takes into account the impact on wildlife, particularly in relation to the southern edge of the site.

6.0 CONCLUSION

6.1 This site within a sustainable residential location has become available for redevelopment as it is no longer required by the NHS. The form of the building is

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such that its retention would not result in an optimal use of the site and so demolition and redevelopment is being supported.

6.2 Para.11 of the NPPF sets out that decisions should apply a presumption in favour of sustainable development. Para.11d notes that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes applications for housing where a 5 year housing land supply cannot be demonstrated) then applications should be granted permission. The Council cannot currently demonstrate a 5 year housing land supply and the site is not within the Green Belt or impacts on a designated heritage asset and therefore the presumption in favour of sustainable development should apply.

6.3 The scheme provides 48 new flats with good levels of amenity for future residents and without significantly harming to the amenity of neighbours. The existing building is of little architectural merit and will be replaced by a development which enhances the local area. Financial contributions towards affordable housing, amenity open space, play areas, sports facilities and upgrades to the local cycle network will also be secured via a legal agreement.

6.4 The proposal is considered to meet draft Local Plan policy and policy contained within the NPPF and is therefore recommended for approval subject to conditions and the undertaking of a legal agreement .

7.0 RECOMMENDATION: Approve subject to S106

7.1 Approval is recommended subject to completion of a S106 agreement to include the obligations below, and the recommended conditions.

- Off-site sports facilities for clubs based in Heworth £11,928
- Amenity open space improvements to Melrosegate Field or Hull Road Park £8,456
- Play equipment improvements at Hull Road Park £4,208
- Affordable housing contribution of £255,024
- Improvements to cycle track £15,000

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

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

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

Location plan

External lighting layout 1295-ME-100 B

Proposed landscape plan 4115 - PL11 P

Proposed site plan 4115 - PL 12A

Proposed ground floor plan 4115 - PL 21C

Proposed first floor plan 4115 - PL 22C

Proposed north and south elevations 4115 - PL 31B

Proposed east elevations 4115 - PL 32B

Proposed south and west elevations 4115 - PL 33B

Proposed bicycle and bin stores 4115 - PL70 A

Bird and bat box location plan Received 26th November 2020

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

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of above ground works. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

4 The site shall be developed with separate systems of drainage for foul and surface water on and off site. The maximum surface water discharge rate shall be restricted to 26.9 (twenty six point nine) litres per second.

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Reason: In the interest of satisfactory and sustainable drainage

5 No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority. The information shall include site specific details of:

- a) the surface water flow control device manhole the means by which the surface water discharge rate shall be restricted to a maximum rate of 26.9 (twenty six point nine) litres per second, and
- b) 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

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

6 Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: So that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal.

7 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must include a site specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and include a package of mitigation measures commensurate with the risk identified in the assessment. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

For noise details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site

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

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

With respect to dust mitigation, measures may include, but would not be restricted to, on site wheel washing, restrictions on use of unmade roads, agreement on the routes to be used by construction traffic, restriction of stockpile size (also covering or spraying them to reduce possible dust), targeting sweeping of roads, minimisation of evaporative emissions and prompt clean up of liquid spills, prohibition of intentional on-site fires and avoidance of accidental ones, control of construction equipment emissions and proactive monitoring of dust. Further information on suitable measures can be found in the dust guidance note produced by the Institute of Air Quality Management, see <http://iaqm.co.uk/guidance/>. The CEMP must include a site specific risk assessment of dust impacts in line with the IAQM guidance note and include mitigation commensurate with the scale of the risks identified.

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

In addition to the above the CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e.

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investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved.

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: To protect the amenity of the locality.

8 Prior to the commencement of development, ground gas monitoring and risk assessment must be undertaken to assess the nature and extent of any ground gas contamination. The assessment must be undertaken by competent persons and a written report of the findings must be submitted and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from ground gas to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9 Prior to the commencement of development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be submitted and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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10 Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

11 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

12 Prior to first occupation, a minimum of 2 parking bays shall be provided which incorporate facilities for charging electric vehicles. Electric Vehicle Recharging Points shall be provided in a position and to a specification to be first agreed in writing by the Local Planning Authority. In addition, a minimum of 2 additional parking bays shall be identified for the future installation of additional Electric Vehicle Charging Points. Such additional bays shall be provided with all necessary cabling and groundwork to facilitate the addition of Electric Vehicle Charge Points in the future. The locations of these additional bays shall also be agreed in writing by the Local Planning Authority. Within 3 months of the first occupation of the development, an Electric Vehicle Recharging Point Management Plan shall be submitted to the Local Planning Authority for approval in writing. The Electric Vehicle Recharging Point Management Plan will detail the management, maintenance, servicing and access/charging arrangements for each Electric Vehicle Recharging Point for a period of 10 years and will be fully implemented.

[Type here]

Application Reference Number: 20/02034/FULM

Item No: 4b

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

13 The development shall be constructed in accordance with the recommendations of the noise report NIA/925520/9293/v3/218 dated 14th December 2020.

Reason: In the interests of residential amenity.

14 The development shall not be occupied until the landscaping scheme on drawing 4115 - PL11 P has been fully implemented. Any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

15 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.

16 A lighting strategy based on the submitted lighting layout 1295-ME-100 B shall be submitted and approved in writing prior to first occupation. This strategy shall include a full Lighting Impact Assessment undertaken by an independent assessor detailing predicted light levels at neighbouring residential properties including a

[Type here]

description of the proposed lighting, a plan showing vertical illuminance levels (Ev) and all buildings within 100 metres of the edge of the site boundary. It shall also take into consideration the impacts on ecology, and specifically bats, with particular attention to the existing vegetation to the south and the proposed bat boxes to the south west of the site.

Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for the appropriate Environmental Zone contained within the Institute of Light Professionals Guidance Notes for the Reduction of Obtrusive Lighting.

The approved strategy shall be fully implemented prior to occupation and retained and maintained for the lifetime of the development.

Reason: In the interest of residential amenity and to protect the habitats of European Protected Species.

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

Reason: In the interests of highway safety.

18 Prior to the commencement of above ground works details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

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

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)

[Type here]

Application Reference Number: 20/02034/FULM

Item No: 4b

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:

Imposed appropriate planning conditions to make the development acceptable.

2. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228-1:2009 + A1:2014 and BS 5228-2:2009 + A1:2014, a code of practice for "Noise and Vibration Control on Construction and Open Sites".

Best practicable means shall be employed at all times in order to minimise noise, vibration, dust, odour and light emissions. Some basic information on control noise from construction site can be found using the following link.

https://www.york.gov.uk/downloads/download/304/developers_guide_for_controlling_pollution_and_noise_from_construction_sites

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

There shall be no bonfires on the site.

Contact details:

Case Officer: Alison Stockdale

Tel No: 01904 555730

[Type here]

Application Reference Number: 20/02034/FULM

Item No: 4b

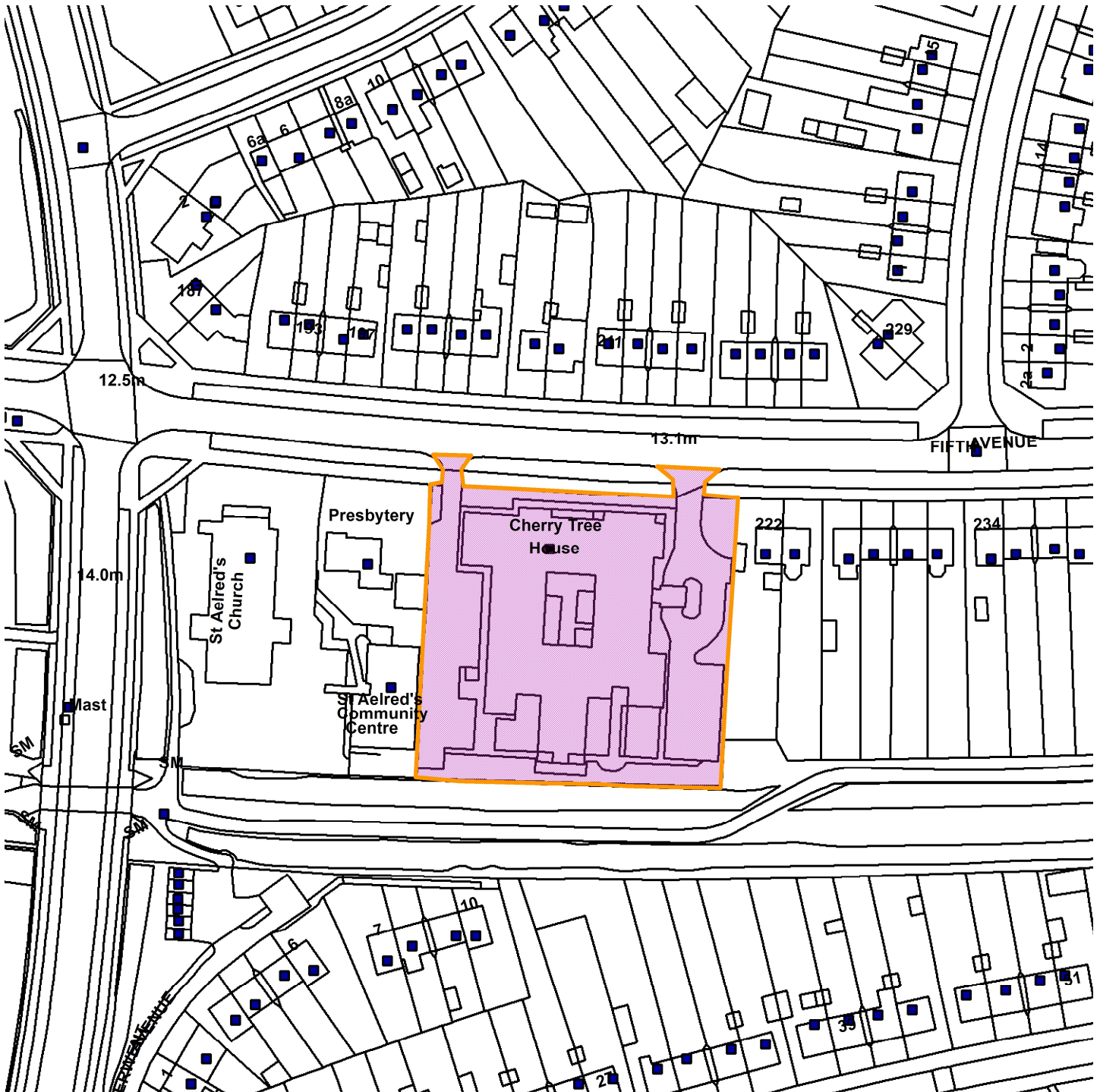
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Cherry Tree House, 218 Fifth Avenue, York YO31 0PN

20/02034/FULM



GIS by ESRI (UK)



Scale : 1:1171

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Organisation	City of York Council
Department	Economy & Place
Comments	Site Location Plan
Date	09 June 2021
SLA Number	

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Planning Committee

To be held on Thursday 17th June 2021 at 4:30pm

20/02034/FULM – Cherry Tree House, 218 Fifth Avenue, York

Erection of three buildings to form 48no. apartments with associated works and infrastructure following the demolition of existing building.

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Site Location Plan



- DO NOT SCALE -

Issued for Planning	JJH	P01	SR	15.10.2020
AMENDMENT	BY	REV	CHK	DATE

Rev P = Preliminary T = Tender C = Construction LCI = Last Construction Issue

In instances where this drawing completes or partly completes a contract, Billingham George & Partners will consider that it's product has been validated, unless in a period not exceeding 90 working days, the client advises to the contrary.



Billingham George & Partners

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Page 89



Client The Cherry Tree Venture LLP		Drawn JJH	Date Oct 2020	Checked SR	Date Oct 2020	Size A3	Scale 1:2500	Class. 90.4	Rev. P01
Project Cherry Tree House Redevelopment		Project No. 20T2134	Location CTH	Originator BGP	Volume 00	Level ZZ	Type C	Role DR	Unique No. 00900
Drawing Title Site Location Plan		File Reference CTH-BGP-00-ZZ-C-DR-90.4-00900							

City of York Council Planning Committee Meeting - 17th June 2021

Existing Site Frontage



Site from East



Page 91



Streetscene looking East



Streetscene looking West



Proposed Site Layout and Landscaping



CDM REGULATIONS

Safety, Health + Environmental Information

In addition to the hazards / risks typically associated with the type of work detailed on this drawing, please NOTE the following safety statements. These may relate to CONSTRUCTION, MAINTENANCE + CLEANING, and / or DEMOLITION; however this list is not exhaustive.

No.	Description	Date	Drawn	Checked

It is assumed that all works are to be carried out by a competent contractor working, where appropriate to an approved method statement.

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Case of construction work introduced, if any, proposed options is essential to be proposed when an existing building or new development site. A qualified ecologist must be consulted to carry out the relevant survey and provide relevant advice prior to implementing construction.

- KEY:**
- Flora
 - Landscape style street post
 - Landscape bollard
 - Tarmac
 - Limestone paving
 - Reamed soil landscape
 - New soft landscape
- PROPOSED SHRUB PLANTING**
- Amelanchier canadensis
 - Saxifraga
 - Comus Alba variegata
 - Rosa rugosa
 - Stachys media
 - Stachys media
- PROPOSED TREE PLANTING**
- Chamaecyparis
 - Prunus padus
 - Acer campestre
 - Stilix europaea
 - Betula pendula
- BOXES**
- Tree mounted tool box
 - Hedge hop rest box

No.	Description	Date	Drawn	Checked

PLANNING

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 1 Omega Monks Cross Drive
 York, YO32 9GZ

Cherry Tree House Redevelopment
 218 Fifth Avenue
 York YO31 0PN

Proposed landscape plan

No.	Description	Date	Drawn	Checked

Scale 1:200

1:200 4115 PL 11 Q

Proposed Elevations – Front Building



1 North Elevation/Road
1:100



2 Section 4/South Elevation
1:100



CDM REGULATIONS Safety, Health + Environmental Information			
<p>By regulation we will identify safety, health and environmental risks to the building project and ensure that the risks are controlled throughout the project. This information is provided to you to help you understand the risks and to ensure that you can manage the risks effectively.</p>			
CDM	Notified	Notified	Notified
<p>Safe design has been considered throughout the project and the risks have been controlled. The information provided here is for your information and to help you manage the risks effectively.</p>			

CDM 2015

Under regulation 2, the client has a duty to ensure that the building project is managed effectively. This means that the client must ensure that the risks are controlled throughout the project. The information provided here is for your information and to help you manage the risks effectively.

Under regulation 3, the client must ensure that the risks are controlled throughout the project. This means that the client must ensure that the risks are controlled throughout the project. The information provided here is for your information and to help you manage the risks effectively.

Under regulation 4, the client must ensure that the risks are controlled throughout the project. This means that the client must ensure that the risks are controlled throughout the project. The information provided here is for your information and to help you manage the risks effectively.

- MATERIALS**
1. Buff-York Handmade brick
Chetham Grey or similar approved
 2. Grey Roof tiles - Marley Ecologic
Ladlow Major, colour nimbus grey or similar approved
 3. Glazing doors and windows, Dark
Grey composite glazing system, colour
Ral 8019 or similar approved
 4. Gutters and downpipes UPVC or
similar approved
 5. Fascia and Soffit UPVC composite
colour Ral 8019 or similar approved
 6. Metallic railing PPC coated, colour
Ral 8019 or similar approved
 7. Glazed Juliette balcony, or similar
approved
 8. Projecting Glazed balcony on steel deck
frame PPC coated Ral 8019, or similar
approved



Rev	Description	Date	By	App'd
B	Issue proposed for review of the North Elevation	09/02/21		
A	Changes in Main Building layout, columns and roof structure	21/01/21		
Rev	Description	Date	By	App'd
09/02/20				

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Cherry Tree House Redevelopment
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York, YO31 6PN

Proposed North&South Elevations

Scale	1:100	Project No.	4115	Drawing No.	PL 31	Revision	B
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Proposed East Elevations – Rear Buildings



1 Section 6/East Elevation
1: 100



2 East Elevation
1: 100



CDM REGULATIONS Safety, Health + Environmental Information

In addition to the hazards / risks typically associated with the type of work detailed on this drawing, please NOTE the following safety statements. Details may relate to CONSTRUCTION, MAINTENANCE, CLEANING, and/or DEMOLITION however this list is not exhaustive.

Rev	Description	Date	Drawn	App'd
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Carry out construction work immediately if any protected species is suspected to be present within an existing building or new development site. A qualified ecologist must be consulted to carry out the relevant survey and provide mitigation advice prior to commencement of construction.

MATERIALS

1. Buff-York Handmade brick
Chetham Grey or similar approved
2. Grey Roof tiles - Marley Ecologic
Ladlow Major, colour nimbus grey or similar approved
3. Glazing doors and windows, Dar-Grey composite glazing system, Ral 8019 or similar approved
4. Gutters and downpipes UPVC or similar approved
5. Fascia and Soffit UPVC composite colour Ral 8019 or similar approved
6. Metallic railing PPC coated, colour Ral 8019 or similar approved
7. Glazed Juliette balcony, or similar approved
8. Projecting Glazed balcony on steel deck frame PPC coated Ral 8019, or similar approved



Rev	Description	Date	Drawn	App'd
B	Have proposed for review at the North Elevation	03/05/21		
A	Changes in Main Building layout, volume and roof structure	21/01/21		
Rev	Description	Date	Drawn	App'd
Original				
	MW	09/18/20		MW DS

Area: Planning



Client: The Cherry Tree Venture LLP
c/o Helmsley Securities Ltd, Colenso House 1
Omega Monks Cross Drive York YO32 9GZ
Project: Cherry Tree House Redevelopment
218 Fifth Avenue
York, YO31 0PN
Drawing: Proposed East Elevations

Scale	Project No.	Drawing No.	Revision
1: 100	4115	PL 32	B

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Proposed South and West Elevations – Rear Buildings



1 South Elevation/Court
1:100



2 West Elevation
1:100



3 Section 13/West Elevation
1:100



City of York Council Planning Committee Meeting - 17th June 2021

CDM REGULATIONS Safety, Health + Environmental Information

In addition to the hazards risks typically associated with the type of work detailed on this drawing please NOTE the following secondary information:
 Note: may relate to CONSTRUCTION, MAINTENANCE + CLEANING work or DEMOLITION however this is not exhaustive.
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All work shall be carried out in accordance with Local Authority, Statutory Authority and Health + Safety Regulations.
 Cease all construction work immediately if any protected species is suspected to be present within an existing building or new development site. A qualified ecologist must be consulted to carry out the relevant survey and provide mitigation advice prior to pre-commencing construction.

MATERIALS

1. Buff-York Handmade brick
Chetham Grey or similar approved
2. Grey Roof tiles - Marley Ecologic
Ladlow Major, colour nimbus grey or similar approved
3. Glazing doors and windows, Dark Grey composite glazing system, colour Ral 8019 or similar approved
4. Gutters and downpipes UPVC or similar approved
5. Fascia and Soffit UPVC composite colour Ral 8019 or similar approved
6. Metallic railing PPC coated, color Ral 8019 or similar approved
7. Glazed Juliette balcony, or similar approved
8. Projecting Glazed balcony on steel deck frame PPC coated Ral 8019, or similar approved



Rev	Description	Date	Dr By	App By
B	New proposal for entries at the North Elevation	21/01/21		
A	Changes in Main Building layout, volume and structure	21/01/21		
Original	MM	06/03/20	MW DS	

Plan: Planning

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Proposed South&West Elevations

Scale: 1:100 | Project No: 4115 | Drawing No: PL 33 | Frame: B

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Proposed Street Elevation - Visual



WD
Walker Dsp Architects

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1 North Elevation/Street View
No scale

B	New proposal for artwork at the North Elevation	03/02/21			
A	Changes in Main Building layout, volume and roof structure	21/01/21			
Rev	Description	Date	Dr by	App by	
Original to	MM	Date issued	10/02/20	MW DS	

Task: Planning

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Project:
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Drawing:
Proposed Street Elevation

Scale @ A1	Project No.	Drawing No.	Revision
No scale	4115	PL 50	B

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