



Notice of a public meeting of Planning Committee

- To:** Councillors D Myers, Cullwick (Chair), Pavlovic (Vice-Chair), Ayre, Barker, D'Agorne, Daubeney, Doughty, Douglas, Fenton, Hollyer, Kilbane, Warters, Lomas and Fisher
- Date:** Wednesday, 24 February 2021
- Time:** 4.30 pm
- Venue:** Remote Meeting

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. **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 Monday 22 February 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.

3. Plans List

This item invites Members to determine the following planning applications:

a) Northern House, Rougier Street, York [19/02672/FULM] (Pages 1 - 122)

Demolition of 1 - 9 Rougier Street and erection of 10 storey building, with roof terraces, consisting of mixed use development including 211 apartments (Use Class C3), offices (Use Class B1), visitor attraction (Use Class D1), with associated landscaping and public realm improvements at Northern House, Rougier Street, York [Micklegate Ward]

b) Haxby Hall, York Road, Haxby, York [20/01944/FULM] (Pages 123 - 186)

Erection of a 65 bed residential and dementia care home following demolition of 5 and 7 York Road and existing care home, and associated access and parking and landscaping at Haxby Hall, York Road, Haxby, York [Haxby And Wigginton Ward]

4. Urgent Business

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

Democracy Officer

Angela Bielby

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For more information about any of the following please contact the Democracy 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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COMMITTEE REPORT

Date: 24 February 2021 **Ward:** Micklegate
Team: West Area **Parish:** Micklegate Planning Panel

Reference: 19/02672/FULM

Application at: Northern House Rougier Street York

For: Demolition of 1 - 9 Rougier Street and erection of 10 storey building, with roof terraces, consisting of mixed use development including 211 apartments (Use Class C3), offices (Use Class B1), visitor attraction (Use Class D1), with associated landscaping and public realm improvements

By: Rougier Street Developments Limited

Application Type: Major Full Application

Target Date: 30 October 2020

Recommendation: Approve subject to S.106 Agreement

1.0 PROPOSAL**SITE DESCRIPTION**

1.1 The application site has an area of 0.65Ha and contains Northern House, Rougier House, Society Bar, the Arup offices, The Maltings pub and 15, 16 and 17 Rougier Street (Grade II listed). It sits within the Central Historic Core Conservation Area.

1.2 The site fronts on to Rougier Street and is bounded to the other sides by Tanners Moat, Tanner Row and the Aviva building. The existing buildings on site are a mixture of heights and styles. 15, 16 and 17 Rougier Street (unaltered by the application) are 3 storey terraced Victorian properties; the Arup offices form part of the entrance to the original horse repository which occupied the site and have recently been extended upwards; The Maltings is a period 2 storey building (unaltered by the application); Society Bar is a period 2 storey building; Rougier

House is a 3 storey modern infill; and Northern House rises from a mix of single and 3 storey adjacent to Rougier Street up to a maximum of 7 storeys.

1.3 Apart from the Grade II listed 15, 16 and 17 Rougier Street, there are additional Grade II and II* listed buildings on Tanner Row and George Hudson Street. All Saints Church on North Street is Grade I listed and the site also sits close to the city walls (Scheduled Ancient Monument and Grade I listed). The site falls within Character Area 22: Railway Area and abuts Character Area 21: Micklegate of the Central Historic Core Conservation Area Appraisal (CHCCAA). Northern House is identified as a detractor in the CHCCAA, no other buildings within the site boundary are specifically identified within the document.

1.4 The site sits mostly within Flood Zone 3.

PROPOSAL

1.5 The scheme involves the demolition of 3 buildings – Northern House, Rougier House and Society Bar; an archaeological dig beneath Society Bar; and construction of a building containing 30,000 sqft office space, 211 flats, a visitor attraction and public realm enhancements. No works are proposed to The Maltings and 15, 16 and 17 Rougier Street.

1.6 The new building has 2 basement floors which will house the visitor attraction and cycle/ bin storage; the ground floor contains further visitor attraction floorspace and office space. Above this is another floor of office space with upper floors containing a mix of studio, 1 and 2 bed flats. Access to the flats will be via the Arup building; access to the offices off Rougier Street; and access to the visitor attraction from the new street created to the rear of the building, Tanner Street. There are 10 fully above ground floors in total with the tallest element of the building closest to the city walls. The building steps down in height from this towards Tanner Row where it is 5 storeys on the Rougier Street side and 3 to the rear. At its maximum height the building is a similar height to the tallest point of the Aviva building and the Malmaison Hotel to either side.

1.7 The building appears to have 2 elements – the larger one covers most of the site whilst a smaller element with different materials and design details sits at the Tanner Row end. Materials for the main building are predominantly terracotta cladding with bronze coloured decorative features and, for the smaller building, red brick.

1.8 The current proposals follow significant discussions between officers and the developer. Discussions began with a pre-application enquiry in 2018 and have continued throughout the application process. The scheme currently under consideration is the third major revision since submission and seeks to resolve issues raised by officers and consultees.

PLANNING HISTORY

1.9 19/02401/ORC (Rougier House) - Proposed change of use from offices to 10 no. flats (use class C3) under Class O Part 3 Schedule 2 of Article 3 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended)– Permitted

1.10 19/02402/ORC (Northern House) - Proposed change of use from offices to 58 no. flats (use class C3) under Class O Part 3 Schedule 2 of Article 3 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) - Permitted

ENVIRONMENTAL IMPACT ASSESSMENT

1.11 The proposal constitutes Schedule 2 development under The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (“EIA Regulations”). In 2019 a screening opinion was sought from the local planning authority. The council confirmed that the development would be likely to have significant environmental effects and issued its formal opinion that the development constituted EIA development and an environmental statement was required.

1.12 The information in the submitted environmental statement is sufficient for the local planning authority to understand the likely environmental effects of the proposals and any required mitigation. A supplemental environmental statement has been submitted to update the findings of the 2019 environmental statement where there were proposed changes to the scheme. Where there is no potential for a topic to be affected by the proposed changes, the original conclusions in the 2019 environmental statement are unaffected. The EIA Regulations require this environmental information as well as representations received about the

environmental effects of the development to be taken into account in the determination of the planning application.

PRE-APPLICATION ENGAGEMENT BY THE APPLICANT

1.13 Planning policy guidance encourages developers to engage with the local planning authority and third parties prior to submitting a planning application.

1.14 The Council and developer undertook formal pre-application discussions in 2018. Following on from these the developer undertook a consultation exercise comprising of public engagement in the form of an exhibition and flyer drop to 400 city centre addresses nearest the site and also stakeholder engagement with local members and interested parties. 400 people attended the public exhibition and 78 written responses were received. Ongoing feedback has been available via a dedicated website.

2.0 POLICY CONTEXT

2.1 Local Plan (Submission Draft 2018)

DP2 Sustainable development

DP3 Sustainable communities

DP4 Approach to development management

SS1 Delivering sustainable growth for York

SS3 York city centre

EC2 Loss of employment land

EC4 Tourism

HW7 Healthy places

H2 Density of housing development

H10 Affordable housing

D1 Placemaking

D2 Landscape and setting

D4 Conservation areas

D5 Listed buildings

D6 Archaeology

D7 The significance of non-designated heritage assets

D10 York city walls and St Mary's abbey walls

GI6 New open space provision

CC1 Renewable and low carbon energy generation and storage

CC2 Sustainable design and construction of new development

ENV1 Air quality
ENV2 Managing environmental quality
ENV3 Land contamination
ENV4 Flood risk
ENV5 Sustainable drainage
T1 Sustainable access
DM1 Infrastructure and developer contributions

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

SP3 Safeguarding the historic character and setting of York
GP1 Design
GP4a Sustainability
GP4b Air quality
GP6 Contaminated land
GP7 Open space
GP9 Landscaping
GP13 Planning obligations
GP15a Development and flood risk
HE2 Development in historic locations
HE3 Conservation areas
HE4 Listed buildings
HE5 Demolition of listed buildings and buildings in conservation areas
HE9 Scheduled ancient monuments
HE10 Archaeology
T4 Cycle parking standards
H2a Affordable housing
H5a Residential density
E3b Existing and proposed employment sites
ED4 Developer contributions to educational facilities
L1c Provision of new open space in development
V1 Visitor related development

2.3 Evidence base

City of York Employment Land Review Update (2017)
Strategic Housing Market Assessment (SHMA) (2016)
Open Space and Green Infrastructure (2014) and Update (2017)
City of York Heritage Topic Paper Update (September 2014)
Education Supplementary Planning Guidance 2015 Update June 2019

3.0 CONSULTATIONS

INTERNAL

Forward Planning (on the originally submitted scheme)

3.1 Given the advanced stage of the emerging Plan's preparation, the lack of significant objection to the emerging policies relevant to this application and the stated consistency with the Framework, we would advise that the policy requirements of emerging plan policies DP2, DP3, SS3, EC2, EC4, R1, R3, H2, H3, H10, HW2, HW3, HW7, D1, D3, D4, D5, D6, D7, D10, GI6, CC1, CC2, CC3, ENV1, ENV2, ENV4, ENV5, T1 and DM1 should be applied with moderate weight.

3.2 The key policy test is the loss of employment land. Protecting and enhancing the city centre's office provision is important in supporting the city centre as the economic heart of the area. These proposals would see the loss of office stock that will not be replaced elsewhere in the city centre. We are in agreement with colleagues in the economic growth team, and raise an objection to the loss of employment space in this city centre location. Officer note – the current scheme has been amended to provide 30,000sqft office space.

Public Health

3.3 Cycle storage should not be in flats – it is not acceptable to include this in the smallest units while larger units have separate cycle storage in the basement. Cycle storage provision is at minimum levels and should be increased. Affordable housing provision is required.

Design, Conservation and Sustainable Development (Design)

3.4 The significant size of the building causes harm. Within the scope of this size, the design limits harm to a satisfactory degree (this does not mean it satisfactorily balances overall harm). The design has developed to a satisfactory overall standard, should it be approved as part of a balance of benefits assessment. Given the huge size of the building it has not been possible to satisfactorily resolve/develop numerous matters of detail and so conditions should be applied that allow for sufficient subsequent design control/detailed development. Also, it is recommended that conditions should also be applied to control matters contrary to policy, such as apartment mix.

Design, Conservation and Sustainable Development (Conservation)

3.5 Strong objections are raised to the proposals as a result of their impacts on the character of York's historic core conservation area at local and city wide levels.

3.6 Northern House is an accepted detractor within the Conservation Area, mainly in relation to its height, scale and form which are not characteristic of York.

Redevelopment of this site offers an ideal opportunity to reduce this harm.

However, the sheer scale of the current proposals can only exacerbate the current level of harm by making the worst aspects of the existing situation substantially worse.

3.7 Though sandwiched between taller buildings (Aviva and Malmaison), to the North and South Northern House is sandwiched between much smaller listed buildings – the 3 storey, grade II listed, 15, 16 and 17 Rougier Street (Krunchy's sandwich bar) and the 2 storey, grade II listed building at 17 Tanner Row (Corner Pin). The new building is over 18 times longer, and 3.5 times taller than 15 Rougier Street. A 10 storey building, 100m long is completely at odds with the historic character of the locality, and the wider character of York. The harm to the setting of the listed buildings is clearly evident, with the huge monolithic building at stark contrast to the finer urban grain the city is characterised by, at both local and city wide levels.

3.8 The proposed site lies wholly within Character Area 22 (Railway Area) of the Central Historic Core Conservation Area, the southeast boundary of the site abuts Character Area 21 (Micklegate). The cluster of medieval buildings around All Saints Church (all listed at grades I, II* or II) mark a distinct change in scale and character within York's historic core, with the low rise compact buildings hugging the narrow street leading to the river. Though the proposed building has been reduced in scale where it meets Tanner Row, its huge scale will still harm the medieval character and domestic scale which is so clearly evident in this part of the city, and the setting of the listed buildings within it.

3.9 The formation of another tall, long building so close to the other neighbouring tall buildings will create very narrow and potentially oppressive pedestrian experiences either side of the new building, with an enclosed canyon effect that is not characteristic of York.

3.10 The overall monolithic scale of the building results in a very solid and bulky form which doesn't positively reflect York's fine-grain character. Though the building steps down towards the Tanner Row end, the flat, horizontal roofline is at complete odds with the liveliness of York's characteristic skyline.

3.11 Glass will make up the majority of the principal elevations of this building, it is likely to glint in the sunlight at certain times of the day, and at night time when internally illuminated, it will increase the prominence of the building in views, especially in sensitive views from the city walls, due to its close proximity. York's buildings are generally more solid, with smaller punched openings, rather than floor to ceiling glazing.

3.12 A building of this scale will harm localised views of the proposals from all the adjacent streets (Tanner Row, George Hudson Street, Rougier Street, Station Road and Tanners Moat), through a loss of understanding of the historic scale and character of this part of the conservation area.

3.13 At a wider city level, York is characterised by a general absence of tall building which provides opportunities for significant views throughout the city. The proposed new building will be visible in some of the most sensitive / important views of the city, notably from the Minster, the city walls, Clifford's Tower, and from Lendal Bridge when looking towards the war memorial. In all of these views, the change is harmful.

3.14 The new building will be exceptionally prominent in wider views from the city walls at Station Road due to its proximity to the walls, and also on the pedestrian route from Station to Minster where it will loom tall over the listed buildings around Krunchy's, introducing very modern and very large building which will fill the gap in the sky between Aviva and Malmaison, and increase a sense of York as a high rise, high density city, which is at odds with its unique historic character.

3.15 This intensification of tall, bulky buildings, with harmful flat, monotonous rooflines will be evident in other views, including one of the most important views of the city – the exceptional 360 degree panoramic view from Clifford's Tower. All Saints church is notable for its tall spire, which rises above the neighbouring buildings to reinforce the importance of religion on the medieval city of York. In certain views from the South (including the view from Clifford's tower), the spire of the grade I listed church will no longer be visible with a back drop of sky, it will be

largely lost in the silhouette of the much larger proposed building behind it which will harm the significance of the church, but also the wider conservation area.

3.16 15, 16 and 17 Rougier Street is a terrace of Grade II listed mid C19th buildings made up of two houses and a shop on the corner plot. They are modest buildings whose setting has already been harmed by the presence of Northern House and Malmaison. However, the tallest elements of Northern House are set back away from the principal elevation of this terrace behind a three storey element attached to the building that runs along Rougier Street and retains, in part, the historic sense of scale of the street. The new proposals for 10 storey development attached to, and projecting out (nearly to ridge of the terrace) and the extension up a further 7 storeys above will completely destroy any sense of a domestic scale and the setting of the listed buildings. The listed buildings will be completely overshadowed by a monolith many times larger than it that bares no relationship with it. This lack of regard is further evidenced in the elevational treatment of the proposed raised ground / first floors which do not respond to the character of the adjacent listed buildings, despite being attached to it.

3.17 The setting of the cluster of medieval buildings around the grade I church of All Saint and surrounding grade II or grade II* listed buildings will all be harmed though the introduction of an alien scale of development as discussed previously.

3.18 The level of harm is categorised as less than substantial however for the impact on the Central Historic Core Conservation Area and 15, 16 and 17 Rougier Street, this harm is at the very upper limit of this categorisation. Legislation requires great weight be applied to conservation of heritage assets, and therefore the public benefits would need to be very convincing to outweigh the high level of irrevocable harm that would be caused to the heritage of York.

Design, Conservation and Sustainable Development (Archaeology)

3.19 The site occupies part of the former Roman Colonia at the junction of a Roman road which led to a river crossing and street running towards Tanners Moat. Roman stone warehouses/granaries are anticipated to survive fronting onto the former roadsides with potentially earlier timber structures beneath. Excavations on neighbouring sites combined with more recent investigation ahead of this application have demonstrated the potential for well-preserved, stratified archaeological

deposits dating from the Roman to the Post-Medieval periods. Many of the earlier deposits in this vicinity are waterlogged.

3.20 The below-ground impacts of the proposed development on the archaeological deposits on this site are:

- Double storey basement beneath Rougier House and Society Bar
- Single storey basement beneath Northern House
- Foundations – piling, pile caps and ground beams
- Drainage
- Potential impact on groundwater movement/drying out of deposits through the excavation of basement and use of piles through anoxic deposits

3.21 A full archaeological excavation over 2 years is proposed (28% of red line boundary) for part of the site while the remaining areas will be subject to 95% preservation in-situ of the most significant archaeological deposits. Despite the 2 year deadline to carry out the main excavation high standards will be expected throughout. Methodologies, and timetable will need to be further discussed should this proposal be approved. Further evaluation will also be required following demolition works to assist in refining the timetable and methodology. A sampling strategy and hydrological monitoring/re-watering strategy will need to be agreed with HE Science Advisor to cover the excavation period with further long-term hydrological monitoring thereafter across the whole plot. This monitoring will form a solid case study to inform future CYC strategy regarding hydrological monitoring.

3.22 Some degree of harm to archaeological deposits through redevelopment of this site is unavoidable although this would be minimised by the removal of the proposed basements. However, this is a once in a generation opportunity to carry out a large scale, set-piece investigation within this area of York which will bring many benefits to the archaeological community, academics and general public. Detailed measures have been outlined in the initial proposals that demonstrate the intention for thorough excavation, analysis, community engagement, with a long-term legacy through dissemination of information, training and provision of a visitor centre. The visitor centre will focus on the Roman period. Archaeological information from other periods will be examined and recorded in great detail during the course of the excavation but will not be able to be preserved in-situ within the agreed excavation area.

3.23 It is acknowledged that the loss of significant Roman and later waterlogged archaeological deposits amounts to substantial harm in strict policy terms. However, in this instance, it can be argued that the harm will be outweighed by the many benefits to the local community, economy, archaeological, academic and heritage management communities that a substantial excavation this side of the Ouse will generate. This is an area that the majority of the general public know very little about archaeologically –the public excavation and subsequent visitor attraction will bring this to life. The excavation will also increase archaeological understanding of the nature of the preservation in this area where a large excavation has not taken place in 30 years.

3.24 The excavation of this site fits with the research framework outlined in the Arup Study (1991, reviewed 2013) that any 30 x 30m site available in this part of the city should be archaeological excavated.

3.25 Further archaeological discussions need to take place regarding additional post-determination evaluation, flexibility to the proposed scheme to include the possibility to preserve structures or part structures in-situ (or to reconstruct in-situ once excavated), hydrological monitoring across the whole site, timescales, public participation and publication. Contingencies are also required to deal with any nationally significant post-Roman archaeology which may be revealed on the site. Conditions would be required to control archaeological works.

Design, Conservation and Sustainable Development (Ecology)

3.26 Condition suggested regarding provision of integrated features to provide bat roosting opportunities.

Public Protection

3.27 A number of past industrial/commercial uses have been located on-site or nearby and land contamination could therefore be present on site. Conditions are recommended to ensure this is appropriately addressed.

3.28 The proposed development falls within City of York Council's Air Quality Management Area (AQMA), based on breaches of the health based annual mean nitrogen dioxide objective. Concentrations of this pollutant are currently well in excess of health based standards at existing monitoring locations. An updated air quality assessment has been provided which indicates that concentrations of nitrogen dioxide are within (or borderline) with respect to health based limits as

compared with CYC monitoring that clearly demonstrates concentrations of nitrogen dioxide in excess of standards. Discrepancies of this nature are not uncommon with this type of study, particularly within canyonised city centre environments with high proportions of HDV/bus movements.

3.29 Public protection have reviewed the updated study but have reservations about the conclusions drawn which are made on the assumption that future concentrations of pollution fall off considerably in the scheme completion year (based on improvements in vehicle emissions generally). A ventilation statement submitted in support of the application states that each dwelling shall be provided with a whole house mechanical ventilation system with heat recovery. This is welcomed from an air quality perspective and will ensure that residents of the residential units do not have to rely on opening windows to ventilate their properties in an area of known poor air quality. However, Public Protection would still recommend windows to habitable rooms of residential units at lower floor levels up to and including 2nd floor level should be non-opening and a condition is recommended to secure this.

3.30 Revisions are required to the submitted draft CEMP to include appropriate dust mitigation measures. This can be achieved via condition as can anti-idling signage. Conditions are also recommended regarding noise, lighting and deliveries.

Design, Conservation and Sustainable Development (Landscape)

3.31 Supportive of landscape proposals, improved public realm on Tanners Moat and the opening up of Tanner Street. The setting back of the building on Rougier Street creates a better space and a better relationship between the built form and Rougier Street. The addition of three trees amongst the bicycle stands on Rougier Street are welcome in principle. These will incur extra maintenance costs due to watering so this needs be considered. The landscape plans are fairly detailed and the only changes which would be recommended are some additional planting in place of some of the grass on Tanners Moat and to alter some of the roof garden tree species. Conditions are recommended.

Neighbourhood Enforcement

3.32 The proposed waste storage strategy is supported.

Affordable Housing

3.33 In accordance with policy H10, 42 units of affordable housing are required. The Studio apartment type may not be suitable for affordable housing, taking into

account experience of these types of properties as affordable homes in York and elsewhere in which case an equivalent exchange would be expected. In addition to the 42 affordable properties, a commuted sum in lieu of 0.2% equivalent would also be expected.

Education

3.34 Whilst there is currently some capacity forecast in PPA6 (Knavesmire & Scarcroft Primary academies), analysis of other developments shows this may not be the case by the time the development matures from 8 years after completion. Millthorpe Secondary is expanding to cater for nearby developments and local growth and additional EY places are required for the foreseeable future, (a) within 1.5km or failing that (b) within 2km of the development. A contribution equal to 3 primary places, 1 secondary and 4 early years' places (totalling £158,958) is required.

Flood Risk Management Team

3.35 The evidence submitted in relation to the Sequential and Exception Tests should be assessed. Details in the revised Flood Risk Assessment are agreed. It is accepted that soakaways will not work in this location but foul and surface water drainage should be agreed in principle prior to determination with detailed design sought by way of conditions.

Sports and amenity open space

3.36 £35,938 required as an off-site contribution to amenity open space, £14,202 as an off-site contribution to play areas and £50,694 as an off-site contribution to sports pitches.

Economic Development

3.37 The revised scheme, which includes 30,000sqft of Grade A office space represents a significant improvement on the previous scheme from an Economic Development perspective. The provision of new high quality office space in this location fits well with our economic strategy, supporting the further development of high value employment in the city, particularly in the rail industry. The proposals for a new high quality visitor attraction are also a positive contribution to the local economy.

Emergency Planning Team

3.38 Providing all procedures are implemented according to the draft flood evacuation plan, then no objections in principal.

EXTERNAL

Micklegate Planning Panel (on the originally submitted scheme)

3.39 The building is too high in this location, there are too many small studio apartments and the cycle storage is inaccessible.

Ancient Monuments Society (on the originally submitted scheme)

3.40 The proposal would cause harm to the Conservation area, and listed buildings and ancient monuments within it, as a result of its height, mass and overbearing nature. It would also cause harm to the wider townscape of York. The developer's justification for the height and scale of the building being the costs of archaeological excavation runs counter to national heritage policy and Historic England advice, which seek to minimise disturbance to below ground archaeological deposits. The AMS disputes the developer's assertion that a possible public benefit provided through a new tourist venue would outweigh the acknowledged harm to the heritage assets. The development is considered to fail to satisfy the provisions of the Planning (Listed Buildings and Conservation areas) Act 1990, national policy, including Paragraphs 192 to 196 of the National Planning Policy Framework (NPPF), and the approved local heritage policies of York City Council.

York Civic Trust (on the originally submitted scheme)

3.41 The proposal is inappropriate in its height and massing causing an adverse effect on the city's skyline and heritage. It would also exacerbate the already poor air quality in Rougier Street by the creation of a canyon effect. Concern is raised about the impact on key views as highlighted in the Conservation Area Appraisal and the continued supremacy of the Minster in such views.

3.42 The sheer volume of the proposed building would cause substantial harm by totally overshadowing and dwarfing listed structures on the corner of Rougier St and Tanner's Moat, as well as the attractive remnants of the former Horse Repository building and other listed buildings on Tanner Row and North Street.

3.43 A sufficient case for substantial public benefit has therefore not been made to offset the harm done to the immediate built heritage, and therefore contradicts paras.195 and 196 of the NPPF.

Council for British Archaeology

3.44 Strong objections to the proposals as the sub-surface archaeology within the area is nationally important and the proposals will result in substantial harm to it. The scale and massing of the proposed replacement of Northern House will be detrimental to the character and appearance of the York Central Historic Core Conservation Area (YCHCCA) and to the setting of several designated heritage assets including, the Scheduled York City Walls (Station Road section) and the Listed Grade II 15, 16, and 17 Rougier Street, 19 and 21 Tanner Row, the Corner Pin, 7 Tanner Row; the Listed Grade II* The Old Rectory, 39 North Street; and the Listed Grade I Church of All Saints. The clear and convincing justification (paragraph 194) required by the NPPF and the substantial public benefits (paragraph 195) also required, are not, in our view evidenced sufficiently to override the NPPF requirement to conserve the heritage assets, "...in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations" (paragraph 184 NPPF).

Yorkshire Water

3.45 Details of flooding and drainage can be dealt with via condition

Environment Agency

3.46 No objection – The site sits within Flood Zones 2 and 3, the development therefore needs to pass the Sequential and Exception tests and the Local Planning Authority should satisfy itself that this has been done. A condition is recommended to ensure the development is carried out in accordance with the submitted Flood Risk Assessment.

North Yorkshire Police

3.47 From a crime and order perspective the overall design and layout are considered acceptable. Minor improvements including CCTV and details of cycle stores are recommended.

Planning Casework Unit

3.48 No comments on Environmental Statement.

Historic England

3.49 The proposed development would cause harm to the historic significance of the city of York. The proposed excavation of a third of the site would cause a high

degree of harm to the site's archaeology - harm that would be "substantial" in the language of the draft local plan. The proposed new building would cause marked harm to the character of the conservation area and to the setting of listed buildings, including the Grade I listed All Saints' Church.

3.50 The NPPF requires clear and convincing justification for such harm. The application contains no such justification. Whatever the merits of the proposed excavation and the attraction thereby created, what is proposed runs counter to well-established archaeological practice and policy. The rationale for the excavation of part of the site's archaeology and the preservation in situ of the remainder is confused and contradictory. Nor is it considered that justification has been provided for the harm consequent on the scale and design of the proposed new building.

3.51 The NPPF requires the decision-maker to balance harm to designated heritage assets against such benefits as a development would procure. While it is not for Historic England to attempt the full balancing exercise, it is noted that given the significance of the site and its environs very great weight must be given to conservation. Logically, therefore, very considerable public benefits would be needed to outweigh the harm which would be caused.

3.52 In conclusion, Historic England object to the application on heritage grounds and recommend that the Council should refuse planning permission, unless it concludes that this harm would be outweighed by public benefits procured by the proposed development.

Conservation Area Advisory Panel

3.53 Generally supportive of the revised scheme and, whilst still some concern regarding the height and massing, consider the scheme could be supported.

4.0 REPRESENTATIONS

4.1 31 letters of objection

Issues raised:

- The building is too tall in comparison to others
- Excessive size and bulk
- Existing building should be reused
- Poor design – ugly building

- Glass and metallic materials are inappropriate
- Harm to city's skyline
- More affordable housing should be required
- Overdominant on neighbouring historic buildings
- Will encourage tourists and make city more overcrowded
- Increased tourism only brings low wage local jobs
- Wind tunnel effect
- Concern about scale of building near to walls and historic buildings on Rougier Street
- Overshadowing
- Will create oppressive environment at street level - main frontage of building is closer to Rougier Street and taller
- Archaeological impact should have been assessed by independent body not YAT as developer
- Removal of archaeological deposits is contrary to policy and inadequately justified here
- Insufficient detail of 'world class' quality of Roman exhibition
- New building would form precedent for larger buildings in the future
- Flats will sell to people outside the city for letting to visitors and will push up house prices for residents
- Impacts on views to and from the Minster
- Office use should not be lost
- Light pollution increasing
- Will archaeological finds be removed from other museums to be exhibited here
- Visible in key views from around the city
- Out of keeping with York's traditional roof scape
- Harm to archaeology and the Conservation area is not outweighed by public benefits
- Flats are too small
- No need for further museums in the city
- Impact of large scale of building on Tanner Row and All Saints Church
- Question appropriateness of music venue on site
- Revised scheme does not sufficiently address concerns of national and local heritage bodies
- Finds from an archaeological dig do not need to be housed on site
- Costs of the archaeology and subsequent museum do not justify excessive scale of building

- Covid-19 pandemic may harm tourism and mean museum is no longer viable

4.2 69 letters of support:

- Tourism benefits – improved cultural offer
- Contribution towards learning about York's Roman history
- Benefits to existing businesses from increased visitor numbers to City of York Council
- Building is not much taller than neighbouring buildings
- Office workers are to be re-housed
- New music venue would be of benefit to the city
- The new building will give a better impression to visitors approaching the city from the station
- Valuable link between daytime and night-time economy
- Economic benefits both to the city and regionally
- Provision of new housing in a sustainable location
- The BID support the scheme as it brings fresh development in to an area of the city which feels on the periphery and because it's a mix of uses
- The design will improve the street's appearance
- Rejuvenates a tired part of York
- Improved public realm
- Proposal will replace ugly building with improved landmark building
- Will encourage families in to the city to visit the museum
- Economic benefits during construction phase
- Archaeological dig is a 'once in a lifetime' opportunity
- Educational and community engagement benefits from dig and museum
- Potential for breadth of social and economic benefits from archaeological dig
- Parallels drawn with Jorvik Viking Centre
- Siting of Roman museum near city walls helps to relate what visitors learn to city around them
- YAT should be supported for the work they do in inspiring people through study of local history
- Potential for deterioration of water logged deposits
- Site has good access to city centre
- No impact on views of Minster
- Revised plans are an improvement

- It is important that archaeological digs continue so that techniques improve rather than just leave everything in the ground untouched
- Economic stimulus for city which is critical in recovery from Covid-19
- Provision of world class visitor attraction
- Supports Council's aims to 'Build Back Better'
- Transformational investment
- The proposals will complement the National Railway Museum's Vision 2025 development plans in providing a cultural hub in the important redevelopment of York Central

4.3 2 general comments:

- Support use and design but building too high
- Concern about preservation of waterlogged deposits in situ
- Unfortunate if opportunity to dig site was lost

5.0 APPRAISAL

5.1 KEY CONSIDERATIONS INCLUDE

- Principle of the development: loss of employment land and demolition of buildings within the conservation area;
- Design and townscape;
- Public realm enhancements;
- Impact on heritage assets (conservation area, listed buildings, archaeology);
- Conclusion of harm to heritage assets (public benefits);
- Housing need – mix and type of dwellings proposed
- Affordable housing
- Amenity issues;
- Transport and access;
- Flood risk and drainage;
- Sustainable design and construction;
- Open space;
- Sports provision;
- Education.

POLICY CONTEXT

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

National Planning Policy Framework (February 2019)

5.3 Central Government guidance is contained in the National Planning Policy Framework ("NPPF", 2019). It is a material consideration in the determination of this application. Paragraph 11 establishes the presumption in favour of sustainable development, which runs through both plan-making and decision-taking. In decision taking this means approving development proposals without delay that accord with an up-to-date development plan. In the absence of relevant development plan policies or where they are out-of-date, permission should be granted unless policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the proposed development, or any adverse impacts of doing so would significantly or demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

Emerging Local Plan

5.4 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted to the Secretary of State for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. In accordance with paragraph 48 of the NPPF the 2018 Draft Plan policies can be afforded weight according to:

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

5.5 Relevant draft policies are set out in section 2 of this report.

2005 Draft Development Control Local Plan

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

PRINCIPLE OF THE DEVELOPMENT

Loss of employment land

5.7 Paragraph 11 of the NPPF requires decision makers to approve development proposals that accord with an up-to-date development plan without delay.

5.8 Policy EC2 of the 2018 Draft Plan requires that, where proposals involve the loss of land and/or buildings which are either identified, currently used or were last used for employment uses, the developer demonstrates that the existing land and or buildings are demonstrably not viable in terms of market attractiveness, business operations, condition and/ or compatibility with adjacent uses; and that the proposal would not lead to the loss of an employment site that is necessary to meet employment needs during the plan period. Para. 80 of the NPPF notes that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

5.9 The applicant has provided information on the current office use in Northern House, Rougier House and the Arup offices (which are to be used as the reception to the residential units). Northern House is currently occupied by 4 companies related to the rail industry. Network Rail is the largest of these and occupies approximately 45% of the floor space of Northern House. Current occupiers' leases have break clauses or expire between September 2020 and September 2022. Generally, Network Rail is seen as an anchor tenant with the other companies having a preference for being located in the same building and the benefits such close proximity can bring as well as the proximity to the station. Rougier House is currently not in office use but is being used as a site office for the Malmaison development. There are currently approximately 500 people working within the buildings on site.

5.10 A report provided by the developer has indicated that the current office space in Northern House would be assessed as well-presented Grade B offices. There are issues with the circulation core being at one end of the building meaning that floor plates cannot easily be divided and are large; low floor to ceiling heights on the upper floors; and energy efficiency requirements cannot be met as a result of the age of the building. The report notes the changing character of Rougier Street to a more hotel and leisure based use with the large Malmaison and Grand Hotels likely to provide anchors for spin off uses such as restaurants. They go on to comment that York traditionally has a small office market for its size. Most of the larger offices are outside the city wall and most office accommodation is in out of town positions. There has been little large-scale speculative office development in recent years and most new development is pre-let or owner occupied. The Hudson Quarter development (35,000sqft Grade A offices) is the first speculative office development in the city centre for 10 years and further office development is also proposed at York Central in the future. The developer has current applications for Grade A office development at The Crescent and Toft Green. There is a risk that Northern House will become empty as companies relocate to new Grade A offices leaving the city with an oversupply of Grade B office space.

5.11 Rougier House comprises approximately 7,500 sq ft NIA currently occupied by temporary occupiers. The offices are partitioned internally to create a series of smaller offices, meeting rooms and kitchens; the specification is dated and limited and would be categorised as lower Grade B. The Arup offices comprise approximately 2,500 sq ft NIA within the category of Grade B space. Although floorplates in the buildings are a reasonable size for letting activity in York City Centre, the internal configuration lends itself more to single occupancy tenants as is the current situation. Demand for Grade B office space in York City Centre is generally for smaller sized suites, i.e. less than 5,000 sq ft. with levels of demand for larger units being limited.

5.12 As with Northern House, both Rougier House and Lendal Arches are dated and of substandard specification, falling some way below the expectations of the majority of modern office occupiers actively searching for new office premises.

5.13 While this information has been provided to satisfy the requirements of policy EC2 of the emerging Local Plan, it is also acknowledged that the latest revision of the scheme includes 30,000sqft (2787sqm) of Grade A office space at ground and first floor. The existing buildings include 82,882 sqft (7700sqm), therefore the

proposal results in a loss of 52,882sqft (4913sqm) of office space, equivalent to approximately 2/3rds of the existing office accommodation. Despite this, it is accepted that the proposal results in high quality modern office accommodation which would be more flexible to meet modern requirements than the existing situation. On balance, it is considered that the information provided by the applicant regarding the market attractiveness of the existing offices, their condition and the potential for provision of additional office space at The Crescent and Toft Green, combined with the provision of new office accommodation within the site support compliance with policy EC2.

Demolition of buildings within the Conservation Area

5.14 Northern House is identified as a detractor in the CHCCAA. Its height, scale, form and massing make it harmful to the character of the conservation area. Northern House is also harmful to the setting of 15, 16 and 17 Rougier Street, again due to its height, scale and form. The demolition of Northern House is therefore supported as a replacement building offers the opportunity to enhance the conservation area and the setting of the nearby listed buildings. Rougier House makes a neutral contribution to the conservation area. It is not of particular architectural merit although its scale reflects the historic character of the area. Finally, Society Bar is not a building of merit and is much altered, but its scale and vernacular style respond positively to the character of a low scale medieval street evident in the neighbouring listed buildings at the Northern end of Tanner Row. As a result, the demolition of these buildings is also considered acceptable subject to an appropriate replacement development.

DESIGN AND TOWNSCAPE

5.15 Policy D1: Placemaking of the 2018 Draft Plan indicates that development proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment. Development proposals that fail to take account of York's special qualities, fail to make a positive design contribution to the city, or cause damage to the character and quality of an area will be refused. This echoes the requirements of para. 127 of the NPPF which seeks to ensure that development is sympathetic to local character, establishes a strong sense of place, is visually attractive as a result of good architecture and optimises the potential of the site to accommodate and sustain an appropriate amount and mix of development. At

paragraph 130, the NPPF advises against poor quality design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

5.16 The proposed building uses a podium feature at ground level with a recessed floor above to separate the base of the building from the tower, towards Tanner Row is a separately design smaller element. This architectural approach of a podium with tower block above is taken from the existing buildings where Northern House has a set-back tower over a wider podium and Society Bar and Rougier House are smaller and architecturally differentiated. In this instance, the tower is a larger and wider element visually separated into three sections by the use of different materials and design details. A recess in the floorplate adds to the clear articulation of these sections. To the Tanner Row end of the building a smaller and architecturally differentiated element seeks to bridge the gap between the larger structures on the site and the smaller buildings on Tanner Row. The height of the building is approximately 1.0m taller than the nearest part of the Aviva building and 3m lower than Malmaison. The main tower of the building is approximately 50% longer and 50% wider than Northern House although the proposed building tapers to both ends.

5.17 At the Tanner Row end a distinctively different building design is used where the height drops abruptly from nine floors to five. This integrates well with the townscape experience of Tanner Row. It is still an increase on current massing, but the five storey part will face and be comparable to the scale of the Grade II listed 19 & 21 Tanner Row, whilst to the back (towards the river) the building steps down to three floors, to have a relationship with smaller buildings like The Corner Pin (Grade II listed).

5.18 The building would be possibly the longest single phase tall building built during York's modern era (post 1900) in the city centre. This means that it is inescapable not to consider it different and, in city conservation areas where new buildings should feel contextual, a huge challenge to make it acceptable. The applicant has provided a number of indicative views of the scheme to assist in assessment of its impact on the streetscene. From these it can be noted that the building, when viewed end-on or partly masked by its neighbours, the Aviva building and Malmaison, does not appear out of scale. However glimpses of the long elevation of the building expose its dramatic bulk and length which is less in keeping with the local character.

5.19 Further to consideration of the visual impact of the building within the townscape, an assessment of its impact from street level is also necessary. Rougier Street is currently considered as a poor street experience and, while the proposal does bring some benefits, other issues like the current busy traffic experienced will remain. The podium element of the building has been designed to provide a more human scale for pedestrian experience and the proposal will result in greater footfall particularly to the visitor attraction and along the newly opened up Tanner Street. However the pedestrian experience along Rougier Street may not be greatly improved - as a result of flooding the ground floor is raised so that at the end nearest the Walls, ground floor level in the building is approximately 1.8m above the level of the pavement. While amendments have been made to provide a hit and miss brick detail along here, which would allow glimpses in to the visitor attraction, and basement areas, below this does not provide a significantly more active frontage than is currently experienced. It is also noted that currently there are a number of access points along the existing frontage at pavement level whereas there is only one access off Rougier Street to the proposed scheme and this is not at street level.

5.20 Additionally, the proposed floorplates are unusually wide (about 21m in places) and, in this context, have a negative impact on streets due to much reduced building separation compared to the existing situation. Typically, in York, streets are wider than buildings are tall. Here the situation is reversed. Building separation on Rougier Street would go down to about 17m experienced over a height of about 28m in places. Tanner Street building separation goes down even more to about 13m over most of its long elevation experienced over a similar height of 28m. Apart from issues with amenity (discussed below at para. 5.102 onwards), this will result in streets which are more canyon-like and potentially less appealing to pedestrians than the current situation.

5.21 In summary, the size of the building is considered to cause harm to the townscape and to be out of keeping with local character. This can be seen in the indicative views provided with the application and is as a result of the combination of the height, length and width of the building. This harm is identified in the poor building separation across Tanner Street and Rougier Street and locally uncharacteristic length of the Tanner Street and Rougier Street elevations. The level of harm is however limited by the design of the building which incorporates features which seek to break up the scale of the building and assimilate it in to the local context.

PUBLIC REALM ENHANCEMENTS

5.22 Public realm enhancements are proposed as part of the scheme. These include changes to Tanner's Moat to provide a public space with a distinctive and improved character. The area will be pedestrianised with limited access for service vehicles (via Wellington Row) and a retained cycle path. The area will contain simple planted areas as well as seating with its main aim to provide a focal point and gateway to the new visitor attraction access off Tanner Street. Parking currently on Tanner's Moat will be removed and replaced with 4 residents' parking bays on Wellington Row.

5.23 The scheme also includes enhancements to Rougier Street along the front of the building. These include a new taxi/ drop off lay by and reconfigured bus stop arrangements. The small triangle of land outside Society Bar will be de-cluttered and enhanced while retaining cycle parking. The footpath and cycleway to Tanner Row are retained and enhanced.

5.24 Finally, the scheme opens up the historic street to the rear of Northern House, Tanner Street and uses it as the access point for the new visitor attraction. This area will include space for performances and outdoor exhibits as well as planted areas and seating. To ensure out of hours security there are gates at either end as well as flood gates to be closed in the event of a flood.

5.25 An integrated palette of materials is proposed across the public realm. This will include natural stone and granite paving, a new surface treatment on Tanner Row. Street furniture and signage will be bespoke and integrated in to the public realm to contribute to a distinctive sense of place. Where appropriate this will include reference to the site's Roman history and the proposed visitor attraction.

IMPACT ON HERITAGE ASSETS

5.26 The site is within the York Central Historic Core Conservation Area and sits on the edge of Character Area 22: Railway Area, abutting Character Area 21: Micklegate. It is also within an Area of Archaeological Importance. The site sits adjacent to the Grade II listed buildings 15, 16 and 17 Rougier Street, 19 and 21 Tanner Row, The Corner Pin public house and the Grade II* 7a Tanner Row. It also sits in close proximity to other Grade II and II* properties on Tanner Row, North

Street and George Hudson Street, Grade II Lendal Bridge, Grade I All Saints Church and the City Walls (scheduled and Grade I listed).

5.27 The Conservation Area Appraisal assesses the important features of each character area indicating issues and opportunities which might be addressed. Character Area 22 is predominantly associated with the railway with many of the large buildings seen today developed since the arrival of the railway. Northern House is identified as a detractor although other buildings within the application site are not specifically mentioned. It is also mentioned that Northern House is rather bleak and its design is not orientated to take into account the visitor approach from the station. Strengths of the area include views of the river and walls from Lendal Bridge. The Appraisal notes that 'large buildings can be accommodated in this area as it is at a lower level than the commercial centre. They are already part of the existing character and relatively rare in the city. The main issues are the height, design and relationship to the street of buildings in sensitive locations (eg. next to the walls or river) and the impact on views'.

5.28 Neighbouring Character Area 21: Micklegate has a more varied character with the cluster of medieval buildings around All Saints Church and Tanner Row being of particular note in relation to the application site. The change in scale of buildings from the Railway Area is clearly evident.

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

5.30 The legislative requirements of Sections 66 and 72 are in addition to government policy contained in Section 12 of the NPPF. The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater weight should be. Where a development

proposal would lead to less than substantial harm to the significance of the asset, this harm should be weighed against public benefits of the proposal.

5.31 The NPPF continues by advising that Local Planning Authorities should look for opportunities within conservation areas and within the setting of heritage assets to sustain and enhance their significance. Development Control Local Plan (2005) Policy HE2 and 2018 Draft Plan Policy D4, reflect legislation and national planning guidance. In particular, Draft Policy D4 advises that harm to buildings, open spaces, trees, views or other elements which make a positive contribution to a conservation area will be permitted only where this is outweighed by the public benefits of the proposal.

Conservation Area impacts

5.32 The site is highly sensitive and significant given its gateway location between the station and city centre, siting within the conservation area and proximity to listed buildings. The significance of this part of the conservation area (character area 22) lies within its historical development alongside the railway. Buildings have a variety of ages and styles although they are linked by their generally large scale of four storeys or more. The CHCCAA identifies the potential for new large buildings in this location, while recognising the local context; it also recognises that the existing building on site is bleak in appearance and is not orientated to take into account the visitor approach from the station. The site abuts character area 21 which is significant local to the site for the cluster of small scale medieval buildings around All Saints Church and the Victorian commercial terraces along George Hudson Street.

5.33 Key views identified in the CHCCAA as being of particularly importance for allowing an appreciation of the townscape and roof scape of the city are also impacted by the proposal. These views include views from the Minster and the view from Clifford's Tower which allows a panoramic view of the city and gives the viewer opportunity to appreciate the low skyline of the city broken only by the Minster, other church steeples and a small number of industrial and more modern buildings. In the CHCCAA it is noted that no development should be permitted which would break the skyline of the historic core when viewed from this point. Finally, the view of the Minster from the city walls along Station Approach would also be impacted by the proposal. This dynamic view gives one of the best views of the Minster with the viewer's gaze being drawn along the walls and Lendal Bridge toward the Minster.

5.34 The proposed scheme is clearly a large building and as such this site would be perhaps the only one within the central historic core which could take a building of this size. The height is such that it does not sit proud of its neighbours but matches them in scale, particularly when viewed from the city walls to the North of the site. The CHCCAA also accepts that the existing building is unattractive and that this area could accommodate a large building. Despite this, it is recognised that the proposal will cause harm to the significance of the conservation area as a result of its scale and massing. As a building its massing is far greater than its neighbours as a result of its monolithic design. While architectural features have been used to break up the elevations of the building, it remains a large flat roofed block. In context with its neighbours, it is approximately double the length of Malmaison and a similar height to the Aviva building but lacking the broken up roof scape of that building which helps to reduce the visual impact of its scale and is more in keeping with the historic roof scape of the city.

5.35 The building has been designed to address the street more effectively than the current buildings. The podium element follows through at the ridge height of the adjoining listed buildings 15, 16 and 17 Rougier Street. This is lower than the existing building at this point and attempts to give a more human scale to the frontage along Rougier Street than is currently experienced. This impact is diluted by the scale of the building behind it however, combined with the public realm enhancements proposed, it is anticipated that the pedestrian experience along Rougier Street would improve.

5.36 The use of materials is considered appropriate in the conservation area. The use of red brick with a pale coloured terracotta overlay is in keeping with the number of red brick buildings in the surrounding area. Windows are large in scale however this is quite typical of the other large buildings on Rougier Street. Malmaison and Roman House both have large windows and lower solid to void ratios as do the Victorian properties along George Hudson Street.

5.37 The proposal will be visible in views from Clifford's Tower. In these views it will be seen as a flat roofed structure in the distance. Scale-wise it will sit with buildings of a similar height. The increased bulk and height of the proposal over the existing situation does however mean that the view of All Saints church spire, which currently is viewed clearly above the roof scape with a relatively development-free backdrop, would be obstructed. In heritage terms this view provides an understanding of York's historic relationship with state and church. The importance

of religion is emphasised by the clear view of the spire above neighbouring buildings. The loss of this clear silhouette results in harm to the significance of both the conservation area and listed church.

5.38 Other views from the Minster and along Lendal Bridge are less significantly impacted. From the Minster the building will be seen sandwiched between the Aviva Building and Malmaison which give some context to its scale. Similarly, within the view from the city walls towards the Minster the building will appear in context with its neighbours. This is a dynamic view experienced walking along the walls towards the city; at the points where the flanks of the building are visible along Rougier Street and Tanner Street then the scale of the building is more apparent. However it is still viewed in context and is not a major impactor on the view of the Minster given its siting off to the side.

5.39 In terms of the impacts on the Conservation Area it is considered that these represent 'less than substantial' harm, but at the upper level, in accordance with para.196 of the NPPF.

Setting of listed buildings

5.40 No's 15, 16 and 17 Rougier Street is a terrace of modest Grade II listed mid nineteenth century buildings made up of two houses and a shop on a corner plot. Their significance lies in their historic and architectural interest as large, early Victorian properties that retain their original character.

5.41 Their setting is currently compromised by the adjoining Northern House structures, both the lower element attached to 17 Rougier Street and the tower of the building behind. However the existing tower is lower, more slender and set back than the proposed building which rises up from the rear elevation of the listed properties to a total height of 10 storeys. The proposal will result in harm to the setting of these listed buildings by removing any sense of domestic scale in the adjoining new building.

5.42 Additionally, the Grade II buildings (The Corner Pin and 19 and 21 Tanner Row) on Tanner Row will also be affected by the scheme. Their significance lies in their different architectural characters reflecting their original uses.

5.43 The proposal relates well to the scale of these properties and is similar in height to the existing building at this point. The existing Society Bar building is however more sensitive in its relationship with the neighbouring buildings than the highly modern character of the proposal. For this reason, the proposal will result in some slight harm to the setting of these listed buildings.

5.44 Listed buildings grouped around All Saints Church (Grade I, other buildings Grade II and II*). The church gains its significance from its architectural interest and survival as one of a number of medieval churches in the Micklegate area. The tower is prominent in a number of views. The grouped medieval buildings give an impression of the scale of medieval development around the church and gain their significance from this relationship and their architectural interest.

5.45 There will be some change to the character of this area from the introduction of a large scale building however it is slightly more distant from these properties and clearly sited in the context of other large buildings and is therefore considered to have only a minor impact on the setting of the listed buildings directly. More harmful is the impact on wider views of the Church. The impact on views from Clifford's Tower has been detailed above at para. 5.37. Also impacted is the view of the church spire from the city walls. Currently this is visible between Northern House and the Aviva Building. The proposal will significantly reduce the gap by which the spire is visible thereby harming the setting and experience of the listed building in wider views.

5.46 The harm to the significance of the individual listed buildings has been identified above. This harm is considered less than substantial although in relation to the impacts on 15, 16 and 17 Rougier Street it is at the higher end of less than substantial harm.

Archaeology

5.47 Footnote 63 of para.194 of the NPPF states that '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'. It has been identified above that the archaeological deposits are of national significance deriving from their group value and position in the Colonia and therefore, in accordance with footnote 63, they should be treated as designated heritage assets.

5.48 The archaeological features and deposits on the application site are undesignated heritage assets of potentially national significance that lie within the designated Area of Archaeological Importance (AAI). The site occupies part of the former Roman Colonia, the civilian settlement of Roman York. It lies at the junction of a Roman road leading to the river crossing and a Roman street running towards Tanners Moat. The Roman archaeology is significant given its age, rarity, waterlogged nature, the fact that it contains a collection of related features and structures and that it forms part of a wider 'asset' the Colonia. Anglian, medieval and later medieval heritage assets are likely to be of regional and local significance. The Anglian-Medieval assets and deposits are also expected to be waterlogged.

5.49 Pre-determination archaeological investigation has taken place in the form of a desk-based assessment, ground penetrating radar, a borehole survey and hydrological monitoring. The ability to undertake intrusive investigation has been limited as a result of the extant buildings on site. Modern data has also been cross-referenced with historic data from the 1980's and 1990's from previous investigations. Initial analysis has indicated that organic preservation on site is not as good as anticipated and may have deteriorated since 1981 when a trench was excavated ahead of construction of Rougier House.

5.50 Policy D6 of the Local Plan supports development proposals that affect archaeological features and deposits where:

- i. They are accompanied by an evidence based heritage statement that describes the significance of the archaeological deposits affected and that includes a desk based assessment and, where necessary, reports on intrusive and non-intrusive surveys of the application site and its setting; including characterisation of waterlogged organic deposits, if present:
- ii. They will not result in harm to the significances of the site or its setting;
- iii. They are designed to enhance or better reveal the significance of an archaeological site or will help secure a sustainable future for an archaeological site at risk; and
- iv. Harm to archaeological deposits is unavoidable, detailed mitigation measures have been agreed with City of York Council that include, where appropriate, provision for deposit monitoring, investigation, recording, analysis, publication, archive deposition and community involvement.

5.51 The text associated with the policy notes that within the historic core, substantial harm is defined as greater than 5% disturbance to buried archaeological deposits. This enables development to take place on a site where sensitive deposits were present while limiting destruction to up to 5% of the deposits on the site. The policy has been developed using the evidence base document York Development and Archaeology Study 1991. The proposal for this application is to remove archaeological deposits over 28% of the red line boundary (or an area of 30m x 30m). The proposal therefore, in relation to its impacts archaeological deposits and in accordance with policy D6, results in substantial harm to a designated heritage asset.

5.52 The below ground impacts on the archaeological deposits include a double storey basement at the Tanner Row end of the site and a single storey basement at the Tanner Moat end; foundations including piling, pile caps and ground beams; drainage; and potential impact on groundwater movement/ drying out of deposits through the excavation of the basement and use of piles through the anoxic deposits.

5.53 The excavation of the basement at the Tanner Moat end is likely to impact largely on modern and disturbed layers of ground linked to the construction of the existing building and previous 19th century buildings which occupied the site. This area will required piled foundations and has not been archaeologically evaluated. It has however seen several phases of building works and disturbance to at least depths of 2m is expected. Pile caps may impact on post-medieval/ medieval archaeological layers while the piles themselves will penetrate below to any surviving Roman archaeology.

5.54 The impact of the piling and the harm to the longer term preservation conditions on the site is unknown. This is the case across all developments within the city. Monitoring programs have begun in other areas of the city to build a data bank of hydrological information to help inform future developments on the impact of piling/modern construction on organic archaeological deposits.

5.55 The proposed double basement will require a full archaeological excavation over 2 years. Modern deposits will be removed by machine followed by excavation by hand. Hydrological conditions will be monitored through the excavation to inform re-watering strategies if required. The detail and timescales for the archaeological

dig will be subject to further discussion between YAT, CYC and the Historic England Science Advisor.

5.56 The details of the foundation design for the single basement is currently not known and will be determined following further ground investigation and evaluation. Planning conditions will ensure that at least 95% of the most significant archaeological deposits are preserved in situ and hydrological monitoring will be required before, during and after construction.

5.57 Para.194 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.

Substantial harm to assets of the highest significance, including scheduled monuments, should be wholly exceptional. Para.195 goes on to state:

‘Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- (a) the nature of the heritage asset prevents all reasonable uses of the site; and
- (b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- (c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- (d) the harm or loss is outweighed by the benefit of bringing the site back into use.’

5.58 The archaeological deposits have been identified as being of potentially national significance and should therefore be considered subject to the policies for designated heritage assets. Harm to the significance of those designated heritage assets has been identified in the form of an archaeological dig over approximately 28% of the site. In accordance with policy D6 of the emerging Local Plan, this harm to the designated heritage asset is substantial and the proposal falls to be considered in relation to para.195 of the NPPF which states that such proposals should be refused unless substantial public benefits can be identified.

CONCLUSION OF HARM TO HERITAGE ASSETS (PUBLIC BENEFITS)

5.59 Para.193 of the NPPF requires that great weight be given to the conservation of heritage assets. The more important the asset, the greater the weight which should be given to its conservation.

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

5.61 In summary, the designated heritage assets whose significance is impacted by the proposal include:

- City Walls (Scheduled Monument and GI listed) (setting);
- York Central Historic Core Conservation Area;
- Archaeological features and deposits located within the Central Area of Archaeological Importance (AAI);
- Grade I listed All Saints church (setting);
- Grade II listed 15, 16 and 17 Rougier Street (setting);
- Grade II listed The Corner Pin (setting);
- Grade II listed buildings on George Hudson Street (setting);
- Cluster of Medieval Grade II and II* buildings around All Saints Church (setting).

5.62 The assessment concludes that the proposals will result in substantial harm to the significance of archaeological deposits and less than substantial harm to the Central Historic Core Conservation Area, Grade II listed 15, 16 and 17 Rougier Street and other identified listed buildings. In the case of the conservation area and 15, 16 and 17 Rougier Street this harm is assessed as at the upper end of less than substantial.

5.63 Para.194 of the NPPF identifies that substantial harm to assets of the highest significance, including footnote 63 non-designated assets of archaeological interest, should be wholly exceptional.

5.64 Given the differing levels of harm identified it is considered most appropriate to assess the scheme against the higher bar of substantial harm, while recognising that this is not the case for all elements of the scheme, as has been detailed above. Officers consider that as the scheme has been brought forward as a single proposal, and the elements of above and below ground works are intrinsically linked this is the

most appropriate form of assessment. Therefore the proposal is subject to the requirements of para.195 of the NPPF and the substantial harm to designated heritage assets arising from the scheme must be outweighed by substantial public benefits. If this cannot be shown then the scheme should be refused.

Public Benefits

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

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

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

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

Economic objective

5.67 The economic benefits of the scheme are substantial and significant and relate to the provision of a new visitor attraction and the creation of new jobs in the proposed offices.

5.68 The attraction itself is anticipated to bring around 500,000 visitors to the city once it is opened, creating 50 new jobs and bringing around £21million of additional spending in the City’s visitor economy. This in turn will complement existing city attractions. For reference, Jorvik attracts around 400,000 visitors to the city annually.

5.69 By 2029 it is anticipated that the development will support 497 net additional FTEs (617 gross) for York and generate a total of around £334million in cumulative GVA by 2050 (or £183m of GVA at net present values).

5.70 Of these new jobs, 155 gross FTE will be office jobs. It should be noted that the developer considers that the existing 500 FTE jobs within Northern House will be retained within the city and that the 497 FTE net jobs are therefore additional to these existing jobs. Officers would note that there is no mechanism for retaining these existing jobs within the city and other office space identified as potential sites for relocation of these jobs do not as yet have planning consent.

5.71 These figures also include an estimated 316 gross FTE jobs in the visitor economy by 2029 as a result of the development as well as jobs in construction and operation of the visitor attraction. There are likely to be some modest regeneration benefits to the area from the scheme arising from the visitor attraction although the area is already changing in character with the development at Malmaison.

5.72 Policy DP2: Sustainable Development of the emerging Local Plan identifies key principles with which development should comply. Of particular relevance, it notes that development should help create a prosperous city for all through the protection and enhancement of the visitor economy through supporting existing facilities and promoting new development. This is carried through in to policy EC4: Tourism which notes that tourism in the city contributes to a diverse economy and supports the provision of quality visitor attractions especially ones with a national/ international profile in locations which are easily accessible by a variety of transport modes and complement York's existing cultural heritage.

5.73 It is considered that the proposal fully meets the aspirations of policy EC4 in this regard. The co-applicants YAT (Yorkshire Archaeological Trust) have an international reputation as an archaeological organisation with significant experience at engaging with public, community and educational audiences. They intend that the proposed visitor attraction will reveal York's significant Roman history in a modern and immersive museum which will be of national, if not international, importance. As such the provision of the visitor attraction and the consequent benefits to the visitor economy as a result should be given great weight. Minor economic benefits will be seen during the earlier dig phase of development resulting from visitors to the site.

5.74 Policy DP2 also supports the provision of employment land for the development plan period. The proposal provides office space and intends that the jobs created as a result of this are in addition to existing jobs within Northern House. As indicated above, there are no mechanisms available to secure this and it is considered as a result that the provision of office jobs within the new development should only be given limited or neutral weight.

Social objective

5.75 The scheme will provide 211 flats within a sustainable location in the city centre. There is a recognised lack of housing supply within the local authority area and this proposal will contribute to reducing that.

5.76 Section 5: Delivering a sufficient supply of homes of the NPPF identifies the Government's objective of boosting the supply of homes. A sufficient number and range of homes is required to meet the needs of present and future generations and support strong and vibrant communities. This proposal supports that objective and the corresponding policies DP2 and DP3 of the 2018 Draft Plan and the provision of housing should be given significant weight.

5.77 Additionally, significant public benefits are identified arising from the proposed archaeological dig which will help to support communities' cultural well-being in accordance with para.8 of the NPPF. The Council's document 'York Archaeology and Development Study' encourages highly selective set-piece excavations of international interest where appropriate. The proposal brings a unique opportunity to carry out meaningful, large scale investigation in the area of the Roman Colonia which will address several research themes (including Post- Roman and medieval themes) and inform heritage management strategies.

5.78 Para.199 of the NPPF requires that local planning authorities ensure that developer record and advance understanding of the significance of any heritage assets to be lost and to make this evidence publicly accessible. It goes on to note that the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted. In the case of this application, it is intended that the archaeological dig site and some above ground floor space is to be used as a museum/ visitor attraction to exhibit and explain the findings of the archaeological dig. This will result in a long term legacy from the dig although this is a minor benefit arising from the archaeological dig and not considered sufficient on its own to

outweigh the identified substantial harm without the other benefits outlined in this section.

5.79 Given the built up nature of the city centre, such opportunities for large scale archaeological digs with a willing developer are rare. Benefits arising from the proposed dig would include opportunities to develop archaeological science; increased partnership working both nationally and internationally; increased understanding of York's Roman colonia; public engagement and participation in the excavation; unique volunteering opportunities; and educational opportunities. It is considered that the archaeological dig is a 'once in a lifetime' opportunity to look at an archaeological site within the centre of the city and will have far reaching impacts that provide substantial public benefits.

Environmental objective

5.80 The environmental objective is to protect and enhance our natural, built and historic environment.

5.81 The proposal replaces an old building with a modern energy efficient one. Conditions will ensure that the requirements of Local Plan policies CC1, CC2 and CC3 are fulfilled and the scheme will achieve improvements over Building Regulations Part L.

5.82 As identified above at para.5.22 onwards, significant public realm enhancements are proposed as part of the scheme. These include works on Tanners Moat, Rougier Street and Tanners Row. Improvements will be made to create a positive gateway to the city from the station and to enhance pedestrian links with the riverside. These will include soft and hard landscaping on Tanners Moat, improved surfacing along the frontage of the site on Rougier Street and improved street furniture. Rougier Street and Tanners Moat are areas where the poor public realm is acknowledged and which are generally unwelcoming to visitors; the proposal will enhance the area.

5.83 The need to improve this area is identified within the CHCCAA management strategy which identifies Station Approach/ Lendal Bridge and Wellington Row as priority areas for public realm enhancements. Additionally the CHCCCA: Railway Area identifies that the current parking at Tanners Moat spoils the setting of the riverside and Lendal Bridge. It also identifies that the route from the station to

Rougier Street should be improved to give pedestrians priority; the development contributes to this by opening up the junction around Rougier Street/ Tanners Moat to allow freer pedestrian and cycle movement.

5.84 The need for development which promotes social interaction, for instance mixed use developments and easy pedestrian and cycle connections, as well as the provision of shared spaces and open spaces is required in Section 8 of the NPPF. Section 12: Achieving well-designed places and Section 9: Promoting sustainable transport both encourage the need for well-designed places which are integrated for the benefit of all users.

Conclusion

5.85 The level of harm to designated heritage assets has been identified as a range from substantial harm (to the archaeological deposits), less than substantial harm (higher end) (conservation area and listed buildings at 15, 16 and 17 Rougier Street) and less than substantial harm (other listed buildings and structures). This is clearly a significant weight of harm to the city's designated heritage assets.

5.86 Substantial public benefits have been identified in the economic benefits of the development, principally those associated with the visitor attraction and associated gains to the visitor economy; significant social benefits associated with the archaeological dig and provision of housing; and environmental benefits from the public realm enhancements. While finely balanced, it is considered that, even when giving great weight to the conservation of the designated heritage assets identified above, that these substantial public benefits are sufficient to outweigh the substantial harm to those designated heritage assets.

HOUSING NEED

5.87 The mix of housing is as follows:

Studio flats	81	38%
1 bed flats	103	49%
2 bed flats	27	13%
Total	211	

5.88 NPPF paragraph 63 states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes). The national design guidance states that “well-designed neighbourhoods provide a variety and choice of home to suit all needs and ages” and that good design promotes social inclusion by: contributing to creating balanced and mixed neighbourhoods that are suitable and accessible for all; maximising the potential for social integration in the layout, form and appearance of types of development.

5.89 Policy H3 states that proposals will be required to balance the housing market by including a mix of types of housing which reflects the diverse mix of need across the city. This includes flats and smaller houses for those accessing the housing market for the first time, family housing of 2 to 3 beds and homes with features attractive to older people. The policy is considered to carry moderate weight. The test therefore with regards the type and size of housing proposed is whether this scheme, considered in its wider context, would provide an adequate mix to facilitate a balanced and sustainable community. Policy SS3: York city centre supports the delivery of sustainable homes in the city centre that provide quality, affordability and choice for all ages, including a good mix of accommodation.

5.90 The proposal represents high density accommodation with policy H2 requiring that development in the city centre achieve a density of 100 units per hectare. Higher density development can be supported for sites within 400m of a high frequency public transport corridor where development complies with other plan objectives. This site falls within 400m of a number of high frequency public transport corridors. As the site area is 0.65Ha density on site is approximately 325 units per hectare.

5.91 The Strategic Housing Market Assessment identifies that the majority of need for housing in the city is for 2 and 3 bed family accommodation. The housing mix on site clearly does not reflect this need. As a site within a highly urban location in close proximity to the city centre it is appropriate for higher density living and it is also acknowledged that delivering higher density apartment living on this site can be balanced with the provision of a suitable proportion of larger homes on the strategic

housing sites identified in the plan, out of the city centre. The mix of housing on the site is therefore considered acceptable in this location.

AFFORDABLE HOUSING

5.92 Local Plan policy H10 on affordable housing sets a target of 20% provision on urban sites where more than 15 dwellings are proposed split between 80% social rent and 20% discount sale. The policy states on sites of 15 homes and above on-site provision will be expected, unless offsite provision or a financial contribution of equivalent value can be robustly justified.

5.93 The applicants provided a viability assessment for the site setting out a position that 20% affordable housing cannot be provided. This has been reviewed independently by the District Valuer, who has confirmed that full policy compliance is not viably deliverable.

5.94 The viability assessments have been carried out using the standard inputs detailed in national guidance –

- Build costs
- Abnormal costs
- Site specific infrastructure / policy requirements (e.g. green infrastructure/ sustainable design and construction)
- Finance costs
- Professional fees
- Benchmark land value

5.95 The approx. key inputs into the appraisal and outcomes were as follows –

- Benchmark land value (takes into account the current use value of the site and its current condition) and for the purpose of the viability review was £18.28m
- Abnormal costs £22.87m
- Professional fees £3.506m
- Section S106 costs (omitting affordable housing) £0.601m
- Gross development value £68.459m
- Developer profit 16.33% GDV

5.96 It should be noted that these figures are in relation to the originally submitted scheme of a visitor attraction, restaurant/ bar and housing. Costs were not independently verified given the large development deficit identified by both the

applicant's assessment and the DVS. As a result of the scale of the deficit, it was also not considered necessary to revisit these figures for the revised scheme.

5.97 National policy states "the role for viability assessment is primarily at the plan making stage. Viability assessment should not compromise sustainable development but should be used to ensure that policies are realistic, and that the total cumulative cost of all relevant policies will not undermine deliverability of the plan".

5.98 National planning guidance explains the role of viability assessments; a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return. For land value, the benchmark land value is used, this is based upon the existing use value, allowance for a premium to the landowner (to incentive the sale and takes into account the implications of abnormal costs; site-specific infrastructure costs; and professional site fees). The guidance states that "where viability assessment is used to inform decision making under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan".

5.99 In terms of profit 15% to 20% GDV is deemed to be suitable return which can be reduced in consideration of risk and delivery of affordable housing. The viability review allows for a developer profit at the lower end of this threshold.

5.100 National guidance allows for a viability review mechanism. It states review mechanisms are not a tool to protect a return to the developer, but to strengthen local authorities' ability to seek compliance with relevant policies over the lifetime of the project".

5.101 It has been accepted that the developer has adequately shown that in present conditions no affordable housing can be provided. However, it is recommended that if the application is approved the section 106 agreement will secure an "overage" provision: that in the event of future market conditions supporting a viable development an appropriate affordable housing contribution would be required. To do this the following is required:

- An updated and fully complete District Valuer appraisal of the approved scheme mix including quantitative surveyor appraisals from suitably qualified consultants, all costs to be fully borne by the applicant
- An independent consultant is appointed by City of York Council to provide a due diligence check of the reasonableness of the cost plan
- This would form the baseline for an overage calculation to be undertaken at a suitable point subsequent to start on site but prior to completion
- The baseline would be adjusted applying specified market inputs taking into account the expected change in values of the completed scheme (across all use types) and changes to the costs of development
- Any surplus in this adjusted appraisal would be paid as a commuted sum in lieu of affordable housing.

AMENITY ISSUES

5.102 Policy D1 of the 2018 Draft Plan requires that residential amenity is considered so that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing. This is in conformity with para.127 of the NPPF which requires that development have a high standard of amenity for existing and future users.

5.103 The proposal is for a building with 10 floors above ground. It sits between two other large buildings (the Aviva building and Malmaison hotel) and is of a slightly lower height than the maximum height of either of these buildings. The building is however much larger in footprint and bulk than the existing, despite having been significantly reduced from the original submission. Having said this, the siting between two similarly sized buildings both in non-residential use helps to ensure that there is no significant impact on amenity to these sides. The properties along Tanner Row are however smaller in scale than their immediate neighbours to the North and there is potential for loss of amenity here. The reduction in scale at the Tanner Row end has improved this relationship and it is recognised that the rear corner of the proposed building nearest the Corner Pin public house is now of a comparable scale to the existing building. As such, and given the urban nature of the area, it is considered that the impacts of overshadowing on the existing properties on Tanner Row are acceptable.

5.104 Overlooking to the only impacted residential properties on Tanner Row will also be minimal given the use of the lower levels of the building as offices and a

visitor attraction. Higher levels containing residential units with associated balconies and terraces will sit above the eaves line of the existing properties and therefore result in little overlooking.

5.105 Amenity of future residents of the building is considered good and appropriate to this urban location. There is a mix of studio, 1 bed and 2 bed flats within the development, the majority of the smaller units having a single aspect. The footprint of the building is such that the access corridor runs along the centre with flats on either side, this results in the units having a narrow and long footprint. To ensure all living accommodation receives adequate daylight, where necessary, the flats are designed with living space adjacent to the window, bedrooms in the middle and bathrooms and storage to the rear and adjacent to the entrance to the unit.

5.106 To the rear of the building, the new flats will face on to the Aviva building at a distance of between 13m and 14m. In the case of the flats on the lower level the side of the Aviva building will rise between 15m and 20m above them.

5.107 Flat sizes are considered good with studio flats ranging from 30m² – 37m²; 1 bed flats from 41m² to 60m²; and 2 bed flats from 63m² to 77m². All flats include cycle storage (with electric bike charging point) and some have private balconies.

5.108 The proposed development falls within City of York Council's Air Quality Management Area (AQMA), declared on the basis of breaches of the health based annual mean nitrogen dioxide objective. Public Protection undertake monitoring of nitrogen dioxide at a number of locations along Rougier Street and annual mean concentrations of this pollutant are currently well in excess of health based standards. The two monitoring locations closest to the proposed development facade (located adjacent to 16 Rougier Street) show no evidence of air quality improvement (in terms of annual average concentrations) over the last 5 years.

5.109 An updated air quality assessment has been provided by the applicant. This has presented some further sensitivity analysis with respect to the anticipated improvement in vehicle emissions over time. The assessment considers potential impacts of existing air quality (arising from traffic emissions and background concentrations of pollutants) on new sensitive receptors proposed by the development, which has been modelled and assessed. Public Protection officers have reservations about the conclusions drawn, which are made on the assumption that future concentrations of pollution fall off considerably in the scheme completion

year (based on improvements in vehicle emissions generally). The study suggests that concentrations of pollution are unlikely to breach health based standards at the new building façade in the scheme opening year of 2024 if vehicle emissions are to improve in line with current predictions. However, the sensitivity analysis undertaken suggests that this is very much dependent on vehicle emissions and resultant on-street pollution concentrations improving year on year. This is not reflected in CYC's local monitoring data in the vicinity of the proposed development, where concentrations of nitrogen dioxide have remained relatively static in recent years.

5.110 A ventilation statement submitted in support of the application states that each dwelling shall be provided with a whole house mechanical ventilation system with heat recovery. This is welcomed from an air quality perspective and will ensure that residents of the residential units do not have to rely on opening windows to ventilate their properties in an area of known poor air quality. As a precautionary approach it is still considered that it would be prudent to ensure that the windows to habitable rooms of residential units at lower floor levels up to and including 2nd floor level should be non-opening. This can be secured via planning condition.

5.111 A wind microclimate report was commissioned to assess the pedestrian and terrace level wind microclimate relating to the proposals. This related to the originally submitted (and larger) scheme and found that following completion of the development wind conditions are expected to rate as safe within and around the proposed development for all users. Additionally wind conditions throughout the ground level are expected to be suitable for pedestrian activities. Wind conditions at the rooftop amenity spaces are generally expected to be tolerable for occupant use but would benefit from raised balustrades to improve these conditions further and extend periods of time suitable for more sedentary activities.

TRANSPORT AND ACCESS

5.112 Paragraph 109 of the NPPF advises that 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.

5.113 The proposal is for a car-free development. Currently there are 28 parking spaces on site. Car ownership is low in the ward and, given the very central location and good level of access to sustainable transport modes, it is most likely that 20-

25% of households would have access to a car and require local parking. This level of parking could be accommodated in local car parks. The risk of cars being parked in local residential streets is limited as areas around the site are generally covered by parking restrictions and resident parking schemes. A condition would be required to ensure that the development remains car-free in perpetuity.

5.114 The proposal also includes the removal of ten Pay & Display and residents' parking spaces on Tanner's Moat. Four residents' parking spaces will be provided at the junction of Tanner's Moat and Wellington Row. The applicant will be required to fund the costs of modifying existing TROs to enable the development. An additional contribution of £20,000 is required through Section 106 to enable the local highway authority to implement further changes to restrictions should this be required once the development is in use. This is likely to include loading restrictions on Wellington Row and Tanner Row, management of access onto Wellington Row, management of resident and blue badge parking.

5.115 The taxi pick up/ drop off point on Rougier Street is to be slightly reduced and a double bus stop, instead of the 2 currently on site, is proposed. The existing 20 cycle parking spaces at the Tanner Row junction are to be replaced. A delivery bay is to be provided on Tanner Row close to the junction with Rougier Street.

5.116 Cycle parking proposed for the office space and attraction staff is broadly compliant with our guidance (Appendix E) and BREEAM. This is provided through a mix of Sheffield type stands (46 spaces) and two-tier (26 spaces) within the building, accessed by a ramp from the front

5.117 The majority of the cycle parking provision is within the units themselves but there is a cycle store provided in the basement, providing parking facilities for up to 72 bikes, including a mix of 40 spaces provided at Sheffield type stands and 32 spaces on two-tier racks and lockers for bike helmets etc. This provision has been discussed at length with the developer and although not in the best location as users have to come through the reception area and use lifts to get to the store, it provides a good quality facility for residents.

5.118 A Contribution is required for sustainable travel incentives for the residential development: £400/unit for bus or cycle vouchers and £200/unit for car club incentives. A contribution is also required to ensure the implementation of the residential travel plan for a 5 year period after residential occupation (£300/unit).

This is not being requested for the attraction and office space as a travel plan coordinator and travel planning budget should be managed by the occupiers for these uses (as per the Travel Plan).

FLOOD RISK AND DRAINAGE

5.119 Policy ENV4 of the 2018 Draft Plan is in accordance with Paragraph 163 of the NPPF which states that when determining applications the LPA should only consider development appropriate in areas at risk of flooding where, informed by a site specific flood risk assessment, it can be demonstrated that:

- Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location;
- And development is appropriately flood resilient and resistant;
- It incorporates sustainable drainage systems, unless there is clear evidence that would be inappropriate;
- Any residual risk can be safely managed;
- And safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

5.120 The proposed development is located within the floodplain of the River Ouse (Flood Risk Zone 3) and therefore has a high probability of flooding.

SEQUENTIAL TEST

5.121 The LPA needs to be satisfied in all cases that the proposed development would be safe and not lead to increased flood risk elsewhere. The aim of the sequential test is to steer new development to areas at the lowest probability of flooding (Zone 1). The NPPG states that when applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken: "the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases it may be identified from other Local Plan policies, such as the need for affordable housing within a town centre, or a specific area identified for regeneration. For example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives". In this case, the York city centre area has been used as the agent has indicated that the uses proposed are town centre uses (this was originally submitted

in relation to a scheme for restaurant/ bar with residential above but is equally true for the office use now proposed) also the type of accommodation proposed is specifically urban being high density apartments with no parking provision.

5.122 Three sites were identified within the search area which were suitable to accommodate a development of this scale – Piccadilly, Hungate and York Central. Piccadilly was discounted as most sites in the area already have planning consent or are pending determination; the area is also prone to flooding. Hungate is nearing completion and has flooding constraints. Finally, York Central has planning consent but development of the site relies on major infrastructure works that have not yet started.

5.123 The proposal as a whole would result in an increase in the vulnerability classification from 'Less Vulnerable' to 'More Vulnerable' in that it results in a change from predominantly office accommodation to predominantly residential accommodation. However the ground floor of the new building will still be in office use ('less vulnerable') while the basement levels are the visitor attraction (assembly and leisure uses also being 'less vulnerable'). The site has historically been developed; the existing buildings cover the majority of the site.

5.124 It is also noted that the visitor attraction and archaeological dig are site specific and relate to the anticipated below ground Roman deposits. Such a site is probably unique in the city centre; given the existing heritage and building constraints, the opportunity to undertake a significant dig is exceedingly rare. The visitor attraction and the dig are intrinsically linked and site specific.

5.125 For these reasons it is considered that the proposals pass the sequential test.

EXCEPTION TEST

5.126 For the Exception Test to be passed it must be demonstrated that a) the development provides wider sustainability benefits to the community that outweigh flood risk; and b) a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall (para. 160 of the NPPF).

5.127 The wider sustainability benefits provided by the scheme relate to the economic benefits arising from the visitor attraction, an energy efficient building

meeting BREEAM Excellent, public engagement and education benefits from the dig and visitor attraction, public realm enhancements and provision of 211 dwellings.

5.128 The proposed development is not considered to increase flood risk elsewhere. There is an existing building on site of a similar footprint so compensatory flood storage is not required.

5.129 The site lies within Flood Zone 3. Flood risk is from the River Ouse and a site specific flood risk assessment has been provided with the application. There is no residential accommodation on the ground floor which contains offices and visitor attraction; despite this floor levels are raised to be above the current 1 in 100 year flood level. The area benefits from recent improvements in flood defences at Riverside Gardens/ Wellington Row.

5.130 Basement level entrances to the visitor attraction will be protected by flood barriers at either end of Tanner Row. An emergency evacuation plan has been prepared and agreed by Emergency Planning.

5.131 Whilst the site is clearly in Flood Zone 3 the residual risk is relatively low - the NPPF recognises that an understanding of residual risk is important behind flood defence infrastructure and it is considered that the applicant has addressed this in their approach.

5.132 The Environment Agency does not have an objection to the application, subject to the mitigation set out in the FRA taking place, part of this mitigation includes a Flood Evacuation Plan being in place. The Emergency Planning Team consider the Submitted Flood Evacuation plan is acceptable. In view of the above it is considered that the proposed development passes the exception test. There is adequate evidence that the sequential and exception tests can be passed. The measures within the FRA would be secured through a planning condition, as recommended by the Environment Agency.

SUSTAINABLE DESIGN AND CONSTRUCTION

5.133 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.

5.134 Policy CC2 sets out the sustainable design and construction requirements that all new development (by type) must adhere to and demonstrate in a Sustainability Statement. In summary, the policy requirements are:

- For new residential development – 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).
- For Non-residential development over 100sqm internal floor area - meet BREEAM 'excellent' standard (or equivalent).

5.135 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. Non-residential development must meet BREEAM 'excellent' standard. BREEAM is a recognised sustainability assessment method for master-planning projects, infrastructure and buildings. BREEAM requires assessment and certification of a scheme's environmental, social and economic sustainability performance, using standards developed by BRE. It recognises and reflects the value in higher performing assets across the built environment lifecycle, from new construction to in-use and refurbishment.

5.136 Through Policy CC3 (District Heating and combined heat and power networks) the Plan strongly supports the use of decentralised energy in new developments, and particularly (C)CHP distribution networks, with the aspiration that this will help achieve the targets set in the Climate Change Action Plan for York. Where development sites fall within heat priority areas, as shown at Figure 11.1 of the Plan, the provision of new (C)CHP distribution networks should be considered feasible unless it can clearly be demonstrated otherwise for financial, technical or sustainability reasons. The application site falls within a heat priority area.

5.137 An Energy Statement has been submitted which concludes that a range of sustainability strategies will be pursued including a central gas boiler plant, mechanical ventilation with heat recovery and insulation levels achieving

improvements over Building Regulations Part L. BRREAM Excellent award is being targeted for the building. Conditions are recommended to secure the requirements of policies CC1, CC2 and CC3.

OPEN SPACE

5.138 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’.

5.139 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.

5.140 The site is within the Micklegate Ward. The ward has a surplus of amenity green space, allotments and children’s play areas but a deficit in all other types of open space based on the Open Space and Green Infrastructure Update (September 2017).

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

5.142 No on-site open space is provided. As such an S106 contribution for £335,938 is sought towards amenity open space. The contribution would provide additional seating and improved landscaping in North Street Gardens and War Memorial Gardens. £14,202 is also sought as an off-site contribution for additional play equipment at Scarcroft Green play area.

SPORTS PROVISION

5.143 A contribution towards off site sports provision is agreed, calculated as £50,694. It would be used to procure the provision of, or improvement to, sport or active leisure facilities to include (in no particular order):

- York RI, Queen Street – support the development of Queen Street;
- York RI, New Lane – support the development of an Artificial Grass Pitch;
- York Clifton Alliance Cricket Club – support the development of a 2nd team pitch;
- Development of York Hospital Bootham Park sports pitches;
- York City Rowing Club – Development of existing boat house; and
- Or within 3km from the Development.

EDUCATION

5.144 NPPF para. 94 states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications”. The draft Education contributions supplementary planning guidance explains how the need for extra education spaces are determined and the relevant planning obligations.

5.145 The need arising from the development would be as follows;

Primary 3 places Knavesmire / Scarcroft Primary
Secondary 1 place Millthorpe Secondary
Early Years 4 places within catchment (1.5km)

5.146 The anticipated need is on the basis that, while there is currently some capacity in local primary schools, analysis of other development shows this may not be the case by the time the development matures from 8 years after completion. Milthorpe Secondary is expanding to cater for nearby development and local growth while additional early years' places are required for the foreseeable future.

5.147 The cost of providing these places is £158,958; contribution will be sought through the S106 agreement.

6.0 CONCLUSION

6.1 The scheme involves the demolition of 3 buildings within the Central Historic Core Conservation Area. None of the buildings are of significant architectural value, and one is identified as a detractor, therefore no objection is raised to their replacement. An archaeological dig will then take place across 28% of the site followed by construction of a 12 storey (2 basement storeys plus 10 above ground) building consisting of a visitor attraction related to the archaeological dig, 30,000sqft (2787sqm) office space and 211 flats. The site, as well as being in the conservation area and Area of Archaeological Importance, is within Flood Zone 3 and adjacent to, or in close proximity to, a variety of listed buildings. In accordance with paragraph 11 of the NPPF, the more restrictive heritage assets and flood risk policies in the NPPF apply.

6.2 The proposal results in the loss of office space within the existing buildings. An assessment of the existing floorspace has shown that it is less attractive to the modern business as a result of its layout and low energy efficiency. Additionally there has been a change in character along Rougier Street to a more leisure based emphasis. While there is some replacement office space in the new building, approximately 40% of the existing office floorspace, it is acknowledged as a more energy efficient and practical floorspace than the existing. For these reasons, the proposal is considered to comply with policy EC2 of the emerging Local Plan.

6.3 As a result of the large scale and massing of the proposed building harm has been identified to the townscape. It also results in harm to the conservation area and the setting of a number of listed buildings, most particularly 15, 16 and 17 Rougier Street. This harm to designated above ground heritage assets has been assessed at less than substantial, although at the upper end of the scale.

6.4 The archaeological dig is an intrinsic part of the scheme. It is anticipated that the archaeological deposits found will be of national importance and they should therefore be considered subject to the policies for designated heritage assets. Local Plan policy D6 identifies that where archaeological deposits of more than 5% of the site are disturbed then this equates to substantial harm to the heritage asset.

6.5 The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The harm resulting from the scheme is considered to be substantial however substantial economic, social and environmental benefits have been identified. These benefits relate to the significant economic benefits of the visitor attraction, public engagement and educational benefits of the archaeological dig, provision of housing, modern energy efficient building and public realm enhancements.

6.6 The substantial harm to the designated heritage assets has been afforded great weight in the planning balance however there are also significant public benefits. While it is clearly a finely balanced decision, these public benefits are considered sufficient to outweigh the harm identified to those heritage assets even when such harm has been afforded considerable importance and weight in the overall planning balance.

6.7 As set out in section 5, other identified potential harms to flood risk, highway safety, visual and residential amenity and other environmental matters could be adequately mitigated by conditions.

7.0 RECOMMENDATION: Approve subject to S106

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

- Viability review mechanism
- Education contributions
 - Primary £56,928
 - Secondary £26,126
 - Early years £75,904
- Off-site sports facilities for clubs based in the city centre and Clifton £50,694

- Off-site amenity space at North Street Gardens and War Memorial Gardens £35,938
- Children's play space at Scarcroft Green play area £14,202
- Off-site highways works
 - £20,000 to implement changes to loading restrictions on Wellington Row and Tanner Row, access onto Wellington Row and parking restrictions if required
- Sustainable travel £400 per dwelling toward bus pass or cycle equipment, £200 per dwelling for car club incentives and £300 travel plan monitoring
- S106 monitoring fee £23,484.

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

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

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

Location plan

- 17088-VB-XX-XX-DR-A-(03)01- Demolition Plan
- 17088-VB-XX-XX-DR-A-(03)02- Proposed Site Plan-P3
- 17088-VB-XX-B2-DR-A-(03)03- Proposed Basement -02 Plan-P5
- 17088-VB-XX-B1-DR-A-(03)04- Proposed Basement -01 Plan-P5
- 17088-VB-XX-00-DR-A-(03)05- Proposed Level 00-P6
- 17088-VB-XX-01-DR-A-(03)06- Proposed Level 01-P5
- 17088-VB-XX-02-DR-A-(03)07- Proposed Level 02-P5
- 17088-VB-XX-03-DR-A-(03)08- Proposed Level 03-P5
- 17088-VB-XX-04-DR-A-(03)66- Proposed Level 04-P1
- 17088-VB-XX-05-DR-A-(03)67- Proposed Level 05-P1
- 17088-VB-XX-07-DR-A-(03)59- Proposed Level 06-07 - P3
- 17088-VB-XX-08-DR-A-(03)60- Proposed Level 08-P3
- 17088-VB-XX-09-DR-A-(03)09- Proposed Level 09-P5
- 17088-VB-XX-12-DR-A-(03)12- Proposed Roof Plan-P3

- 17088-VB-XX-XX-DR-A-(03)13- Proposed Section A-A-P3
- 17088-VB-XX-XX-DR-A-(03)14- Proposed Section B-B-P3
- 17088-VB-XX-XX-DR-A-(03)15- Proposed Section C-C-P3
- 17088-VB-XX-XX-DR-A-(03)16- Proposed Section D-D-P3
- 17088-VB-XX-XX-DR-A-(03)17- Proposed Section E-E-P3
- 17088-VB-XX-XX-DR-A-(03)18- Proposed Contextual Elevations-P3
- 17088-VB-XX-XX-DR-A-(03)19- Proposed Contextual Elevations-P4
- 17088-VB-XX-XX-DR-A-(03)20- Proposed Contextual Elevations-P3
- 17088-VB-XX-XX-DR-A-(03)21- Proposed Tanners Moat Elevation (North West)-P3
- 17088-VB-XX-XX-DR-A-(03)22- Proposed Roman Road Elevation (North East)-P3
- 17088-VB-XX-XX-DR-A-(03)23- Proposed Tanners Row Elevation (South East)-P3
- 17088-VB-XX-XX-DR-A-(03)24- Proposed Rougier Street Elevation (South West)-P4
- 17088-VB-XX-XX-DR-A-(03)25- Proposed Tanner Street - Visitor Attraction Entrance-P3
- 17088-VB-XX-XX-DR-A-(03)26- Proposed Rougier Street - Podium Details 01-P3
- 17088-VB-XX-XX-DR-A-(03)27- Proposed Rougier Street - Entrance-P3
- 17088-VB-XX-XX-DR-A-(03)28- Proposed 3D Bay Study- P3
- 17088-VB-XX-XX-DR-A-(03)29- Proposed Typical Bay Study-P3
- 17088-VB-XX-XX-DR-A-(03)30- Proposed Typical Balcony Study-P3
- 17088-VB-XX-XX-DR-A-(03)31- Proposed Typical 9th Floor Balcony Study-P3
- 17088-VB-XX-XX-DR-A-(03)32- Proposed 2nd Floor Detail Study-P3
- 17088-VB-XX-XX-DR-A-(03)58 - Proposed Rougier Street - Podium Details 02- P3
- 17088-VB-XX-XX-DR-A-(03)59- Proposed Tanners Moat Balcony (Level 05-07)-P2
- 17088-VB-XX-XX-DR-A-(03)60- Proposed Tanners Moat Balcony (Levels 07-09)-P2
- 17088-VB-XX-XX-DR-A-(03)62- Proposed Typical Bay Study (Level 07-09)-P2
- 17088-VB-XX-XX-DR-A-(03)64- Proposed Internal Shutters
- 17088-VB-XX-XX-DR-A-(03)68- Tanner Row Bay Details-P1
- 17088-VB-XX-XX-DR-A-(03)69- Tanner Row Bay Details-P1
- 17088-VB-XX-XX-DR-A-(03)33- Proposed Typical Studio Apartment - Type 01-P3
- 17088-VB-XX-XX-DR-A-(03)34- Proposed Typical Studio Apartment - Type 02-P3
- 17088-VB-XX-XX-DR-A-(03)35- Proposed Typical 1 Bed Apartment - Type 01 - P3
- 17088-VB-XX-XX-DR-A-(03)36- Proposed Typical 1 Bed Apartment - Type 02-P3
- 17088-VB-XX-XX-DR-A-(03)37- Proposed Typical 2 Bed Apartment - Type 01-P3
- 17088-VB-XX-XX-DR-A-(03)38- Proposed Typical 2 Bed Apartment - Type 02-P3
- 17088-VB-XX-00-DR-A-(03)50- Proposed Cycle Strategy - Level 00-P4
- 17088-VB-XX-B1-DR-A-(03)51- Proposed Cycle Strategy - Basement Level 01-P3
- 17088-VB-XX-ZZ-DR-A-(03)52- Proposed Cycle Strategy - Typical Floors-P3

17088-VB-XX-00-DR-A-(03)53- Proposed Refuse Strategy - Level 00-P4
17088-VB-XX-B1-DR-A-(03)54- Proposed Refuse Strategy - Basement Level 01-P3
17088-VB-XX-ZZ-DR-A-(03)55- Proposed Refuse Strategy - Typical Floors-P3
17088-VB-XX-00-DR-A-(03)65- Level 00 - Flood Evacuation Strategy-P3

L-0001 Rev. PL01 Illustrative Landscape Masterplan
L-0002 Rev. PL02 Illustrative Communal Roof Terrace Masterplan
L-0003 Rev. PL01 Illustrative Site Sections
L-0004 Rev. PL01 Planting Strategy

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

3 No more than 50% of the residential units hereby approved shall be occupied prior to the visitor attraction first coming into operation.

Reason: To ensure that the public benefits ascribed to the scheme are fully engaged.

4 The floorspace indicated on the approved plans 17088-VB-XX-00-DR-A-(03)05- Proposed Level 00-P6 and 17088-VB-XX-01-DR-A-(03)06- Proposed Level 01-P5 as office space shall be used for office accommodation and for no other purpose, including any other purpose in Class E in the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: So that the Local Planning Authority may re-assess alternative uses which, without this condition, may have been carried on without planning permission by virtue of Article 3 of the Town and Country Planning (Use Classes) Order 1987.

5 No archaeological evaluation shall take place following the demolition of Rougier House/Society bar until a written scheme of investigation (WSI) for archaeological evaluation, and provision for the production of a grey literature report, has been submitted to and approved in writing by the local planning authority. The

WSI should conform to standards set by LPA and the Chartered Institute for Archaeologists.

Reason: The site lies within an Area of Archaeological Importance. Evaluation is required to further confirm the character and nature of archaeological features and deposits known to exist beneath Rougier House/Society Bar to better define the programme of excavation. This condition is imposed in accordance with Section 16 of NPPF.

6 Prior to any ground disturbing works, other than site investigation and evaluation beneath Rougier House/Society Bar, a detailed Archaeological Remains Management Plan (ARMP) shall be submitted to and approved in writing by the LPA. The ARMP shall include details of anticipated mitigation measures across the entire site including the set-piece excavation, evaluation following demolition of Northern House, mechanisms for dealing with unexpected events, timetabling, contingencies, periodic reporting (following evaluation and throughout the main excavation), detailed public engagement programme, post-excavation analysis and archiving strategies. The development must be carried out in accordance with the approved details throughout all stages of archaeological work. This key document will be updated and reviewed following any archaeological evaluation and periodically during the life of the project.

Reason: To ensure that appropriate measures are implemented in relation to archaeological remains on the site.

7 Prior to commencement of construction on the site of Northern House a foundation design and statement, for the Northern House footprint of the site, relating to working methods (including a methodology for identifying and dealing with obstructions to piles which no destruction or disturbance shall be made to archaeological deposits except for that caused by the boring or auguring of piles for the building foundation) which preserve at least 95% of the most significant archaeological deposits beneath the basement has been submitted and approved in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved details.

Reason: The site lies within an Area of Archaeological Importance which contains significant archaeological deposits. The foundation for the new build within the area currently occupied by Northern House must be designed to preserve at least 95% of

the most significant archaeological deposits within the footprint of the building. This condition is imposed in accordance with Section 16 of NPPF and City of York Historic Environment Policy HE10.

8 Wet, organic-rich archaeological deposits survive on and around this site. An archaeological programme of hydrological and water quality monitoring is required to assess the impact on preservation of organic deposits inside and outside of the agreed area of excavation. The archaeological programme comprises 4 stages of work. Each stage shall be completed and approved in writing by the Local Planning Authority. The works shall then take place in accordance with the approved details.

A) No development shall commence until a detailed Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority which sets out how appropriate hydrological and water quality monitoring will be introduced across the site (and outside the red line boundary if possible) and how it will be assessed and reported upon at suitable intervals in an agreed form. This will need to include a mechanism for ensuring preservation of any deposits which appear to be deteriorating during excavation and/or construction phases wherever possible. The WSI should conform to standards/guidance outlined by CYC, Historic England Preserving Archaeological Remains and the Chartered Institute for Archaeologists.

B) Installation of hydrological and water quality monitoring devices shall be completed in accordance with the programme set out in the WSI approved under part (A)

C) Evidence of provision for regular monitoring (TBC with CYC in part A) of, and analysis and reporting on data from the hydrological and water quality monitoring devices during excavation, construction (interim report and raw data (as above)) and for a maximum period of 5 years (annual interim report and raw data (as above)) following construction shall be submitted in accordance with a scheme agreed within the WSI.

D) A copy of a final report on hydrological monitoring across the whole site and any remaining raw data will be deposited with City of York Historic Environment Record within six months of the completion of the monitoring period or such other period as may be agreed in writing with the Local Planning Authority.

Reason: The site lies within an Area of Archaeological Importance which contains nationally significant non-designated heritage asset (waterlogged organic archaeological deposits) which will be affected by development. The effect on these deposits must be monitored and reported upon throughout the archaeological excavation, construction period and post-construction.

9 A programme of archaeological building recording on the Society Bar and external historic walling to Tanner Row is required. Specifically a written description and photographic recording of the standing building to Historic England Level of Recording 2.

The archaeological scheme comprises 3 stages of work. Each stage shall be completed and approved in writing by the Local Planning Authority.

A) No demolition 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 should conform to standards set by CYC and the Chartered Institute for Archaeologists.

B) The programme of recording 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, dissemination of results and digital archive deposition with ADS will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report shall be deposited with City of York Historic Environment Record and digital archive images with ADS to allow public dissemination of results within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: The buildings on this site are of archaeological interest and must be recorded prior to demolition.

10 The buildings shall not be brought into use until a report detailing the results of the archaeological fieldwork has been produced and evidence for the provision of a report in the form of a suitable publication in an agreed journal/outlet has been submitted to and approved in writing by the Local Planning Authority.

Reason: The publication of the results will allow further dissemination of information to the wider public of the work undertaken. This is in accordance with Section 16 of the NPPF.

11 Notwithstanding the approved drawings or documents, design proposals are to be submitted to, and approved in writing by, the LPA, for the following prior to commencement of above ground works (excluding works to protect the archaeological dig whether temporary or permanent) of any building part impacting on the relevant component:

- (i) Elevation drawings produced for the purpose of definitive description of all wall material types and possible sub-types (ie glazed & non-vision). For this drawings might need multiple instances for walling layers and fragment elevations for hidden areas, and sub-types including standard referencing systems consistent with material specification referencing.
- (ii) Elevation drawings for the purposes of illustrating window and door opener types.
- (iii) Elevation drawings for the purpose of illustrating maximum height of various parts.
- (iv) A proposal to provide street animation to the plinth on Rougier St, including glimpsed views into the basement visitor attraction.
- (v) A proposal to minimise the visual obtrusiveness of edge guarding to upper levels. This will include further edge setbacks for guarding position and lower height than currently shown for some locations.
- (vi) Proposals for how the building will be routinely cleaned, and maintained for isolated occurrences of damage, to minimise visual obtrusiveness and minimise disruption to street activity.

Reason: In the interests of visual amenity.

12 Prior to the commencement of above ground development (excluding works to protect the archaeological dig whether temporary or permanent), 1:20 annotated and dimensioned drawings in plan, section, elevation and possible 3D (as necessary to describe complexity) for the following detail types, are to be submitted to, and approved in writing by, the Local Planning Authority. Drawings should be provided once specialist contractor input has been provided to ensure they are sufficiently

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

- (i) Interfaces of proposed development (building or hard landscape features) against existing buildings.
- (ii) Typical podium bay, for both enclosed and open structure types.
- (iii) Pedestrian entrance experience areas (typically a bay and any recesses) including new and refurbished areas.
- (iv) Typical bay drawings for each wall type, where varying in design, and/or wall material. To include interfaces at ground level, any set back floors, any parapets, and any roofs.
- (v) All types of parapet, guarding and balconies.
- (vi) Any exposed soffits and their transitions.
- (vii) Proposals for any restrictions to movement on Tanner Street, such as flood barriers, and gates, and proposals for the proposed timing of any closures of free movement.
- (viii) All other external boundary treatment.

Reason: In the interests of visual amenity.

13 Prior to the commencement of above ground works (excluding works to protect the archaeological dig whether temporary or permanent), materials are to be submitted to, and approved in writing by, the LPA for the following:

- (i) On-site sample panels of bricks, in each type of brick, in each type of bond, including chosen mortar and pointing, and including any special brick features are to be constructed. The sample panel should be 2x1.2m minimum overall. If multiple combinations of brick and/or bond are proposed each type to be minimum 1x1.2m.
- (ii) On-site sample panels for any other small unit wet bonded walling system such as stone, concrete, terrazzo etc. Requirements as for brick sample panels.
- (iii) The agreed panel is also to represent a minimum standard for the quality of workmanship that the development should achieve, and the panel should remain on site for the duration of the relevant works package.

The development should then be constructed in accordance with the approved materials.

Reason: In the interests of visual amenity.

14 Notwithstanding any proposed materials specified on the approved drawings or other documents submitted with the application, samples of all proposed external building materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority, prior to the commencement of the construction of the building envelope. For clarity, this includes vision and any non-vision glazing, flat or pitched roofs. 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. Samples should be provided of sufficiently large size to be able to appropriately judge the material (including joints/fixings where an important part of the visual quality of the material), and to be provided together where materials are seen together.

Reason: So as to achieve a visually cohesive appearance.

15 On-site mock-up sample constructions are to be constructed, and subsequently approved in writing by the Local Planning Authority (LPA), prior to their full construction. The mock up should be 1:1 scale but shortened overall sizes of elements can be included. The contents and size of the mock-ups are shall be agreed by the LPA in advance of their construction.

- (i) Typical upper level projecting plane glazed wall bay including overhanging soffit transition.
- (ii) Typical upper level recessed plane glazed wall bay and return blank facade.
- (iii) Typical upper level recessed balcony within the projecting wall plane.
- (iv) Typical balcony and surrounding wall components of the smaller building part (grids 16-19).
- (v) Podium levels curtain walling including decorative spandrels and interfaces with other materials.
- (vi) General edge guarding types in-situ.

Reason: To explain the construction interfaces in three dimensions and impart an overall impression of quality of the proposed construction systems at important locations and/or for highly repeated features, in order to ensure the achievement of an overall satisfactory standard of construction quality.

16 Prior to the commencement of above ground development (excluding works to protect the archaeological dig whether temporary or permanent), 1:20 drawings in plan and elevation for any external plant room enclosures shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details. This shall include a maximum height of any plant equipment within the enclosure.

Note:

For flat roofs, in situations without a solid roof parapet (1m or higher, as shown on permitted drawings): Service protrusions are not allowed within 2m of any building edge. Any service protrusions lower than 1m above roof finish level elsewhere are allowed. Any proposals for service protrusions higher than 1m above flat roof level elsewhere are to be submitted to and approved by the Local Planning Authority, but should generally be expected not to be permitted.

For flat roofs in situations with a solid roof parapet (1m or higher, as shown on permitted drawings): service penetrations should not be higher than top of parapet. Any such proposals above parapet level are to be submitted to, and approved in writing by, the Local Planning Authority.

For pitched roofs: service penetrations are not permissible, unless subsequently agreed by the Local Planning Authority through submission of drawings.

Permanent external wall fixed equipment used to service the building are not permissible, unless subsequently agreed by the Local Planning Authority through submission of drawings.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the character and appearance of the Conservation Area.

17 Brick window reveals are to be set back a minimum 200mm (approx. one full brick deep) before the plane of a window. Brick feature recessed wall planes are to be set back a minimum 100mm (approx. ½ brick deep) from the main wall plane.

Reason: To impart an overall high quality and robustness of construction systems and to provide visual relief on a façade.

18 The development shall be carried out in accordance with the submitted flood risk assessment (Dudley's, dated 29th May 2020, reference REP01 (4)) and the following mitigation measures it details:

- i) finished floor levels of the ground floor shall be set no lower than 11.27 metres above Ordnance Datum (AOD)
- ii) sleeping accommodation is located at first floor level and above.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons: To reduce the risk of flooding to the proposed development and future occupants

19 No above ground works (excluding works to protect the archaeological dig whether temporary or permanent) shall take place until details of the hydraulic and demountable flood barriers, have been submitted to and approved by the Local Planning Authority. The information shall include site specific details of:

- iii) how surface water falling on the dry side of the hydraulic flood barrier is dealt with once deployed;
- iv) how surface water from the building is dealt with once the flood barriers are deployed; and
- v) how foul water will be dealt with once the flood barriers are deployed.

The approved flood barriers shall be installed prior to first use of the visitor attraction and retained and maintained for the lifetime of the development.

Reason: To protect the building from river, foul and surface water flooding once the barriers are deployed.

20 Prior to the development being brought into use a flood evacuation plan shall be submitted to and approved in writing by the Local Planning Authority. The measures detailed within the approved flood evacuation plan shall be adhered to thereafter throughout the lifetime of the development.

Reason: To ensure the development is safe for its users in accordance with NPPF paragraph 163.

21 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

22 There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-

- vi) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- vii) evidence of existing positive drainage to public sewer and the current points of connection;
- viii) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change; and
- ix) all manholes shall have sealed covers and outlets to have non-return valves fitted

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage

23 Following demolition of the building in each phase of development, an investigation and risk assessment (in addition to any assessment provided with the planning application) shall be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons. A written report of the findings shall be produced, submitted to and approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
 - human health,

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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.

24 Following demolition of the building in each phase, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be submitted to and approved in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall 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.

25 Prior to first occupation or use, the approved remediation scheme shall 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.

26 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.

27 All windows to habitable rooms (bedrooms / living areas) facing Rougier Street, up to and including second floor level, should be non-opening, with ventilation provided through continuous mechanical supply and extract. The location of the supply should be submitted and approved in writing by the Local Planning Authority prior to the commencement of above ground works and the supply should be located as approved and retained and maintained for the lifetime of the development.

The continuous mechanical supply and extract ventilation system should incorporate heat recovery (MVHR), and should be designed to meet current Building Regulations with respect to the provision of fresh air and the extraction of stale air. Prior to first occupation, the developer should provide a maintenance schedule for such ventilation systems, and clarify responsibility for running costs and maintenance works, for approval by the Local Planning Authority and the systems should be retained and maintained in accordance with the agreed schedule in perpetuity. In addition, no external balcony space should be provided at the aforementioned floor levels in connection with any residential unit.

Reason: To reduce exposure of future occupants of the residential units to pollution levels currently exceeding long term health based standards.

28 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, archaeological dig, 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.

Notes

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 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. 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.

29 Prior to first occupation, anti-idling signage should be installed at the taxi pick-up / drop-off facility. Details and location of the proposed signage shall be submitted and approved in writing with the local planning authority prior to installation, and retained and maintained as approved for the lifetime of the development.

Reason: To prevent unnecessary vehicle idling at the taxi pick-up / drop-off facility to protect local air quality.

30 Except in case of emergency no demolition and construction works or ancillary operations, including deliveries to and dispatch from the site which are audible beyond the boundary of the site shall take place on site other than between the hours of 08:00-18:00 Monday to Friday and between 09:00-13:00 on Saturdays. There shall be no work on Sundays or Bank Holidays. The Local Planning Authority

shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason: To protect the amenity of local residents.

31 Details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, shall be submitted to the local planning authority for approval. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142:2014+A1 2019, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area.

32 Upon completion of the development, delivery vehicles and waste removal vehicles to the development shall be confined to the following hours:

Monday to Friday 07:00 to 18:00 hours

Saturday 09:00 to 13:00 hours and not at all on Sundays and Bank Holidays

Reason: To protect the amenity of occupants of the nearby properties from noise.

33 Prior to commencement of above ground works a scheme of noise insulation measures for protecting the residential flats from externally generated noise shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation and retained and maintained for the lifetime of the development.

INFORMATIVE: The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels in habitable rooms of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) and LAFMax level during the night (23:00-07:00 hours) 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 National Planning Policy Framework.

34 Prior to the development being occupied, a scheme for external lighting (building and public realm) shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall detail the locations, heights, angle, design and lux of all external lighting and shall include plans and elevations as necessary and technical and non-technical documentation, in order to explain the quality of the lighting proposal and to demonstrate non-intrusive impact of the proposal to both expert and non-expert. The development shall be carried out in accordance with the approved lighting scheme. Any subsequent revisions or alterations to the lighting scheme shall be submitted to and approved in writing by the Local Planning Authority.

Note: The lighting scheme shall be informed and accompanied by a full Lighting Impact Assessment undertaken by an independent assessor detailing predicted light levels at neighbouring residential properties including a 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.

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 table taken from the Institute of Light Professionals Guidance Notes for the Reduction of Obtrusive Lighting.

Reason: So as to achieve a visually cohesive appearance. To ensure that the development is well lit, providing natural surveillance and make it safe for users. The site is within a conservation area and within the setting of a listed buildings and ancient scheduled monument. Night time illumination may potentially impact on the

night time ambience of the conservation area. To ensure that the proposed development is not unduly prominent within the conservation area and wider views of the city.

35 The lighting illuminance levels for any illuminated signs shall conform to the E4 Zone levels as prescribed by the Institute of Lighting Professionals in their Professional Lighting Guide 05:2014, "The Brightness of Illuminated Advertisements."

Reason: To protect the amenity of the nearby residents and the surrounding area.

36 No gate shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

37 A three stage road safety audit carried out in line with advice set out in GG119 Road safety audit (formerly HD 19/15), and guidance issued by the council, will be required for the public realm improvements on Tanner's Moat (to include the junctions with Rougier Street and Wellington Row). Reports for Stages 1 and 2 must be submitted to and agreed in writing by the LPA prior to works commencing on site. The Stage 3 report must be submitted to and agreed in writing by the LPA prior to occupation.

Reason: To minimise the road safety risks associated with the changes imposed by the development.

38 The development shall be carried out in adherence with the submitted Framework Travel Plan (version 1.1 dated December 2019).

Residential and workplace travel plans are to be updated and submitted in writing for approval by the local planning authority within 12 months of first occupation. Following that annual surveys are to be undertaken and travel plans reviewed annually.

The measures shall be implemented in accordance with the approved details.

Reason: In order to achieve the agreed targets for achieving sustainable travel, in accordance with paragraphs 109, 110, 111 of the NPPF.

39 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 details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

- Tanner's Moat proposed scheme. Please note that the proposed design will need to be revised to include a direct, segregated cycle route between Rougier Street and Wellington Row
- Rougier Street, including two new bus stops and associated shelters, cycle parking and taxi pick-up/drop off
- Alterations to Tanner Row and Tanner Street
- Changes to TROs and signage/lining as required by changes to local highway and public realm resulting from the proposed development

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

40 Above ground works, excluding demolition and works to protect the archaeological dig whether temporary or permanent shall not begin until details of the junctions at Tanner's Moat, Tanner Row and Tanner Street have been approved in writing by the Local Planning Authority, and the development shall not come into use until those junctions have been constructed in accordance with the approved plans.

Reason: In the interests of road safety.

41 Prior to the commencement of the use hereby approved, provision shall be made within the site for accommodation of delivery/service vehicles in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To ensure that delivery/service vehicles can be accommodated within the site and to maintain the free and safe passage of highway users.

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

Reason: In the interests of the safety and good management of the public highway the details of which must be recorded prior to the access to the site by any construction vehicle.

43 Prior to the commencement of each phase of development, details of construction access and egress, routes into and out of the city centre for construction vehicles including arrangements for deliveries and loading (with holding areas off site if required) and locations for contractor parking shall be submitted and approved in writing with the local planning authority. The approved details shall be adhered to throughout the relevant construction period.

Reason: In the interests of highway safety.

44 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 details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

Measures to remove the site from the Residents Parking R19SC (North Street) zone.

Reason: The proposed development would have an impact on residents parking bays which are heavily oversubscribed in the vicinity of this property. It is considered that it is necessary to remove the site from the resident's parking zone prior to occupation so that it will not be placed under further pressure.

45 Within three months of commencement of above ground works (excluding works to protect the archaeological dig whether temporary or permanent), a detailed landscape scheme for all of the external areas, shall be submitted to and approved in writing by the Local Planning Authority in accordance with the approved series of

illustrative landscape drawings. The details of landscaping shall include, but not be limited to, the following:

- Species, varieties, stock size, density (spacing), and position of trees, shrubs, bulbs and other plants; and seed mix, sowing rate, and mowing regimes where applicable.
- Details and specifications of ground preparation.
- Details of tree pits/trenches/containers, soil volumes, means of support, protection and watering. The proposed tree planting shall be compatible with existing and proposed utilities.
- Locations and types of all proposed hard landscape works, including paving materials, low walls, steps, ramps.
- Locations and types of street furniture.

The development shall be carried out in accordance with the approved landscape scheme, which shall be implemented within a period of six months of the practical completion of the development. Any trees or plants which die, are removed or in the opinion of the local authority become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species and other landscape details across the site, since the landscape scheme, is integral to the amenity of the development and the public realm.

46 Within three months of commencement of above ground works (excluding works to protect the archaeological dig whether temporary or permanent), the design, construction details, and sample materials for all street furniture shall be submitted to and approved in writing by the Local Planning Authority. The details for the street furniture shall include, but not be limited to, the following:

Seating, planters, low walls, handrails, bollards, lamp columns & light fittings, wayfinding, et al.

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

Reason: To safeguard the character, function, and visual amenity of the development and the public realm.

47 Prior to the commencement of above ground works (excluding works to protect the archaeological dig whether temporary or permanent) details and samples for the retaining wall on Tanner Street shall be submitted to and approved in writing by the Local Planning Authority. The details for the retaining wall shall include, but not be limited to, the following:

- type of rendering for the 'projection walls'
- the 'green wall' construction and irrigation system, and planting.

The retaining wall shall be finished in accordance with the approved details.

Reason: To safeguard the character and visual amenity of the development and the public realm.

48 Prior to first occupation or use of the development hereby approved four integrated features providing a roosting crevice for bats must be constructed within the fabric of the new buildings facing a south-west to south-east aspect and placed at least 4m high.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraph 175 d) of the NPPF (2019) to encourage the incorporation of biodiversity improvements in and around developments, especially where this can secure measurable net gains for biodiversity.

49 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. Prior to first use, 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.

50 The development hereby permitted shall achieve a BREEAM rating of at least excellent.

A Post Construction Assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate submitted to the Local Planning Authority within 12 months of first use (unless otherwise agreed). Should the development fail to achieve a 'Excellent' BREEAM rating a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a 'Excellent' rating. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.'

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.

51 Prior to first occupation, a residential management plan covering, but not restricted to, balcony and terrace usage, cycle store allocation and recycling provision shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be shared with all residents prior to first occupation and implemented for the lifetime of the development.

Reason: In the interests of residential and visual amenity.

8.0 INFORMATIVES

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:

Requested amendments to the scheme to address issues including, impact on heritage assets, scale, design, loss of employment land.

2. INFORMATIVE:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Works in the highway - Section 171 - Vehicle Crossing - Section 184 - (01904) 551550 - streetworks@york.gov.uk
Pavement Cafe Licenc - Section 115 - Annemarie Howarth (01904) 551550 - highway.regulation@york.gov.uk

Contact details:

Case Officer: Alison Stockdale

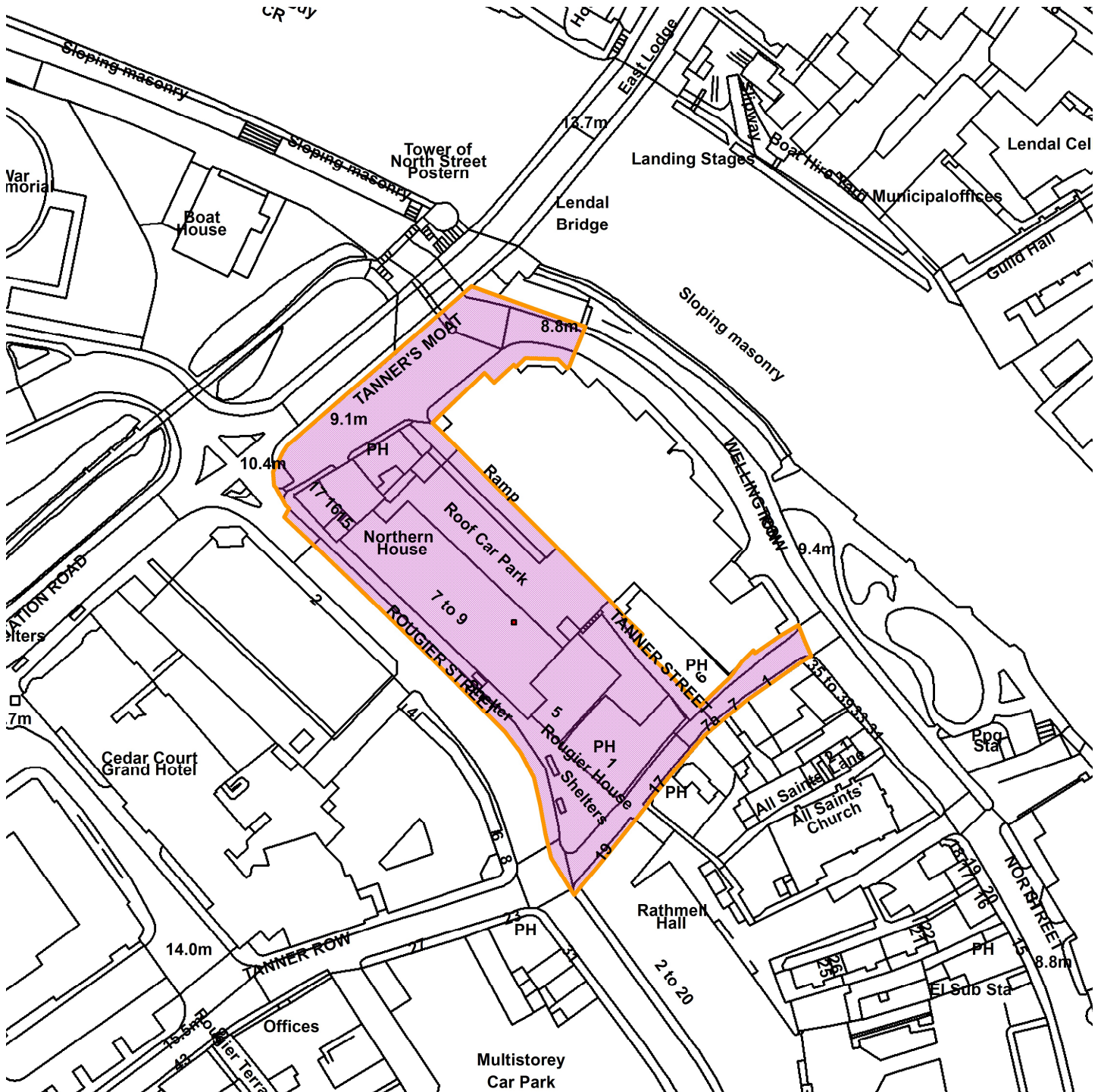
Tel No: 01904 555730

Northern House, Rougier Street, York

19/02672/FULM



GIS by ESRI (UK)



Scale : 1:1435

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Organisation	City of York Council
Department	Economy & Place
Comments	Site Location Plan
Date	15 February 2021
SLA Number	

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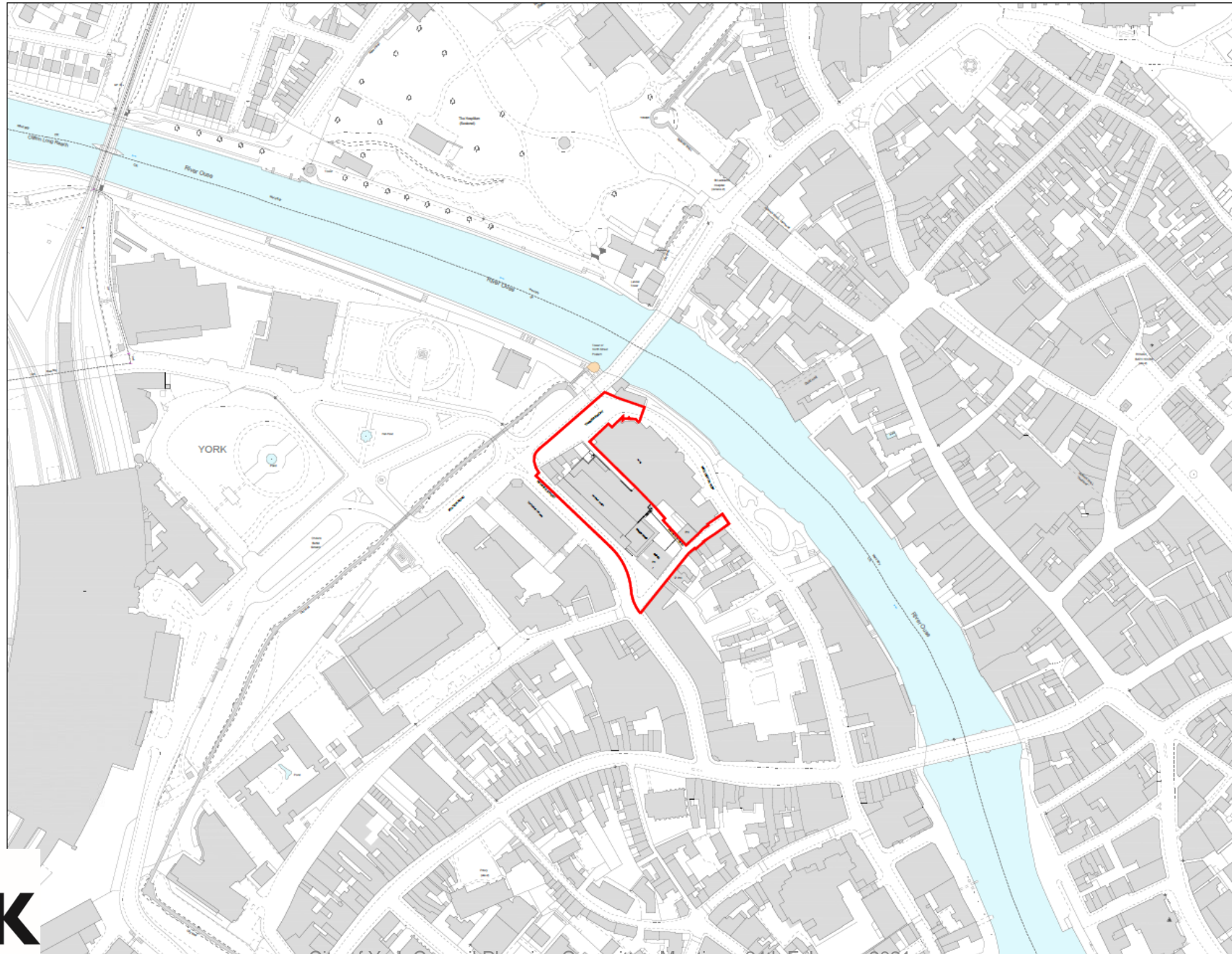
Planning Committee

To be held remotely on 24th February 2021 at 4:30pm

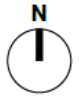
19/02672/FULM - Northern House, Rougier Street, York

Demolition of 1 - 9 Rougier Street and erection of 10 storey building, with roof terraces, consisting of mixed use development including 211 apartments (Use Class C3), offices (Use Class B1), visitor attraction (Use Class D1), with associated landscaping and public realm improvements

Location Plan



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 Work and materials must comply with the current building regulations and any relevant codes of practice, and must be read in conjunction with the building specification and any other contracts or sub-contractor information.



— Site boundary



Location Plan

City of York Council Planning Committee Meeting - 24th February 2021

revision date description
Vincent & Brown
 Studio 12, Middlethorpe Business Park
 5th Bell Lane, Middlethorpe, York, YO23 2BB
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 project:
Roman Quarter
 Rougier Street, York

Location Plan

date	status	drawn by	checked by
18/11/19	Planning	LT	NB

scale:
 1:1250 @ A1

job number	signature	date	type	revision	drawing number	revision
17088-	VB-	XX-	XX-	DR-	A-	(00) 01

Existing View
from City Walls



Page 86

Existing View – Rougier Street



Existing View –
Rougier Street
North West End



Existing View –
Tanner’s Moat
from City Walls



Existing View –
View of All Saints
from Station
Road/City Walls



Existing View from
Lendal Tower



Existing View from Museum Street



Existing View from
City Screen



Page 93



Existing View
from North Street



Existing View from
Tanner Row



Existing View
from George
Hudson Street



Page 96

Existing View
towards All Saints
and Tanner Row
from Rougier
Street



Page 97

Existing View
from Rougier
Street

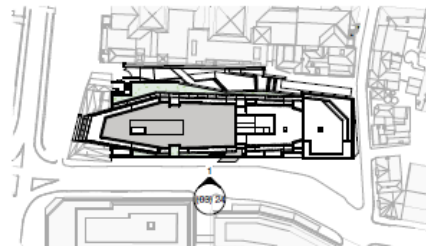


Proposed Elevation – Rougier Street



Rougier Street Elevation
1 : 200

revision	date	description
P4	09/02/2021	Staff cycle view revisions
P3	22/01/2021	Office incorporation with development, Level 10 profile & floor levels altered
P2	04/12/2020	Scheme moved to incorporate knockout to Tanner flow
P1	24/04/2020	Allowed building design to incorporate planning constraints



Key Plan
1 : 1000

Materials Key

- ① Terracotta Cladding
- ② Anodised Bronze Decorative Panel
- ③ Anodised Bronze Vertical Balustrading
- ④ Anodised Bronze Curtain Walling - Deep Reveals
- ⑤ Anodised Bronze Clad Column
- ⑥ Anodised Bronze Windows
- ⑦ Glass Spandrel
- ⑧ Red Brick
- ⑨ Living Wall
- ⑩ Anodised Bronze Louvres
- ⑪ Brick Detailing



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project:
Roman Quarter
Rougier Street, York
drawing:
Proposed Rougier Street Elevation

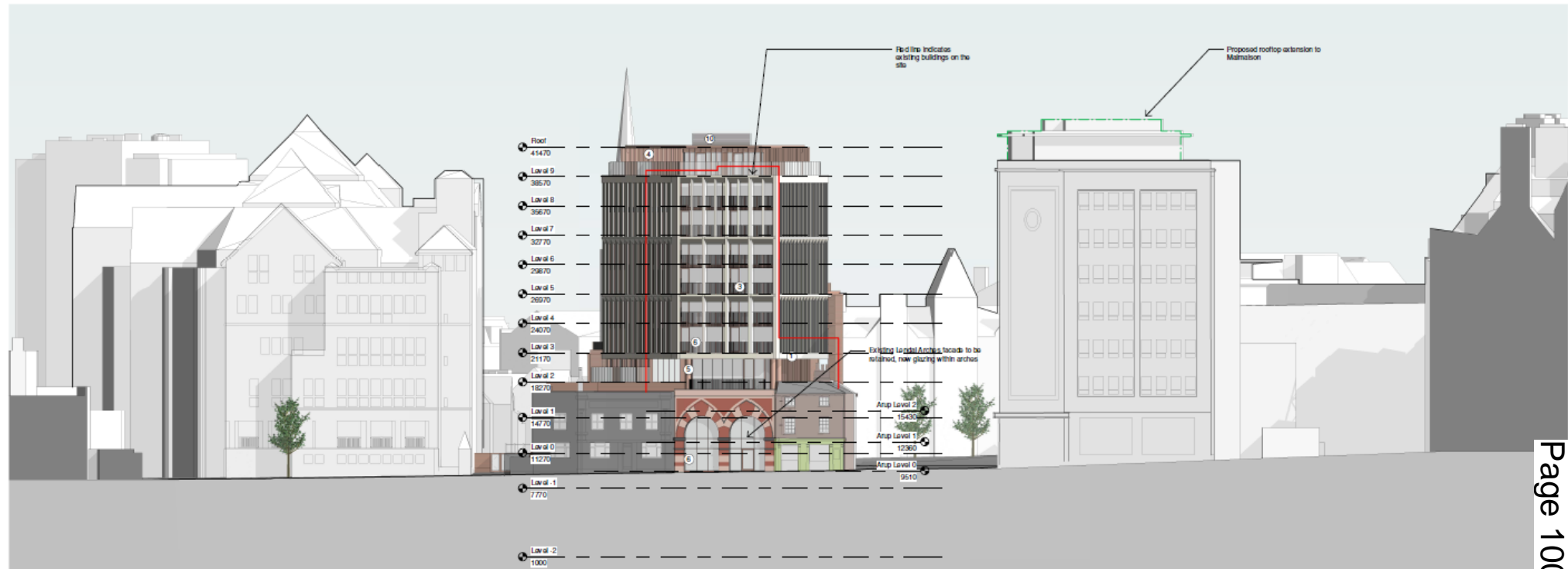
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06/09/19	Planning	RM	NB

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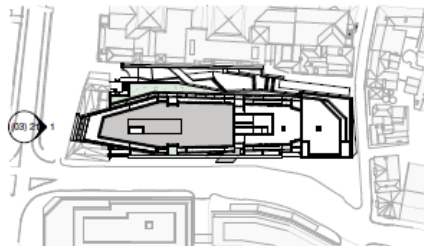
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17088-	VB-	XX-	XX-	DR-	A-(03) 24	P4



Proposed Elevation – Tanners Moat



Tanners Moat Elevation
1 : 200



Key Plan
1 : 1000



revision	date	description
P3	22/01/2021	Office incorporation with development, Level 10 omitted & Roof levels altered
P2	04/12/2020	Scheme amended to incorporate 'touchdown' to Tanners Row
P1	24/04/2020	Amend building design to incorporate planning constraints

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- Materials Key**
- ① Terracotta Cladding
 - ② Anodised Bronze Decorative Panel
 - ③ Anodised Bronze Vertical Balustrading
 - ④ Anodised Bronze Curtain Walling - Deep Reveals
 - ⑤ Anodised Bronze Clad Column
 - ⑥ Anodised Bronze Windows
 - ⑦ Glass Splayed
 - ⑧ Red Brick
 - ⑨ Living Wall
 - ⑩ Anodised Bronze Louvers
 - ⑪ Brick Daisling

project
Roman Quarter
Rougier Street, York

drawing
Proposed Tanners Moat Elevation

date	status	drawn by	checked by
09/11/19	Planning	RM	NB

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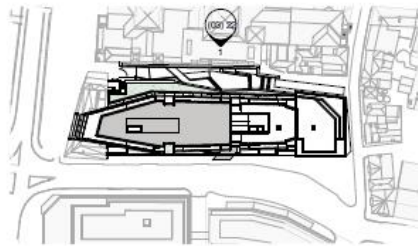
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Proposed Elevation – Tanner Street



Tanner Street Elevation
1 : 200



Key Plan
1 : 1000

revision	date	description
P3	22/01/2021	Client incorporation with development, Level 10 omitted & floor levels altered.
P2	04/02/2020	Scheme revised to incorporate Tanner to Tanner Row
P1	24/02/2020	Approved building design to incorporation planning constraints

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Rougier Street, York

drawing:
Proposed Tanner Street Elevation

date	status	drawn by	checked by
06/11/19	Planning	RM	NB

scale	sheet size
1:200	A1

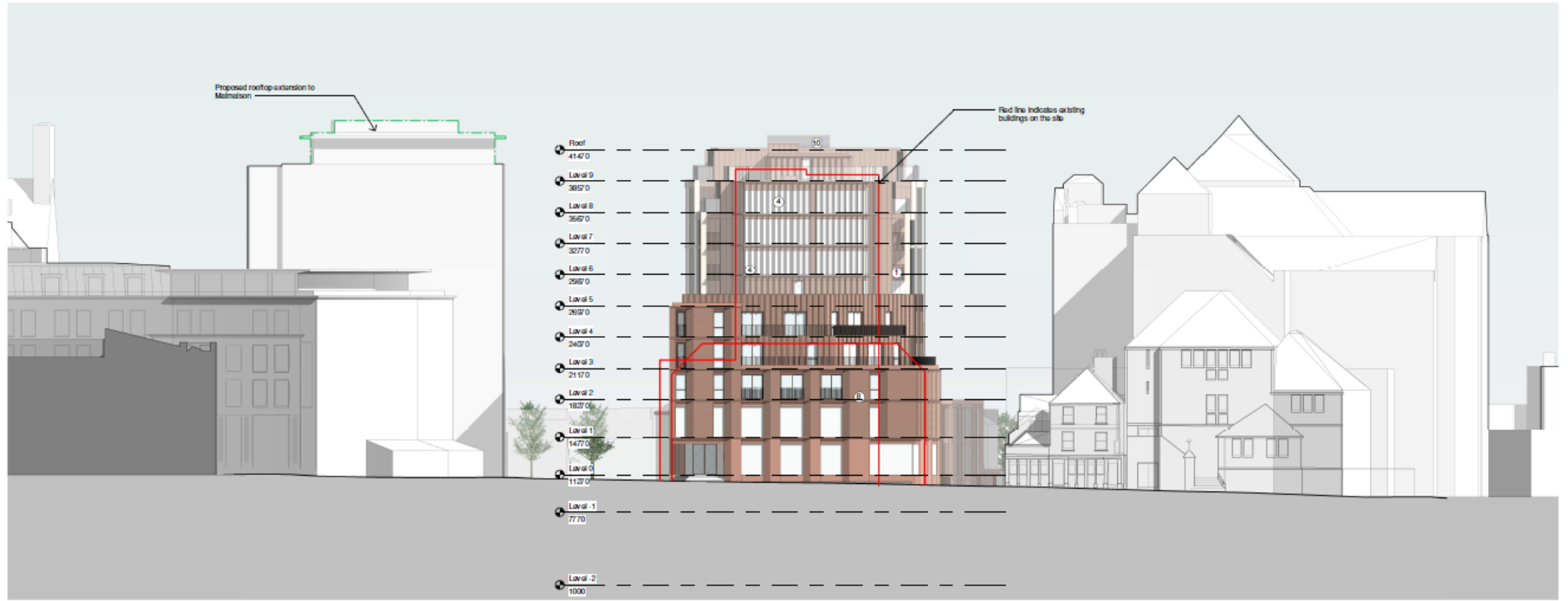
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Materials Key

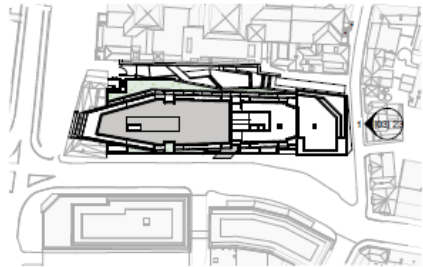
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- ② Anodised Bronze Decorative Panel
- ③ Anodised Bronze Vertical Balustrading
- ④ Anodised Bronze Curtain Walling - Deep Flaws
- ⑤ Anodised Bronze Clad Column
- ⑥ Anodised Bronze Windows
- ⑦ Glass Spandrel
- ⑧ Red Brick
- ⑨ Living Wall
- ⑩ Anodised Bronze Louvers
- ⑪ Brick Detailing



Proposed Elevation – Tanner Row



Tanner Row Elevation
1 : 200



Key Plan
1 : 1000

revision	date	description
P3	22/01/2021	Office incorporated into development, Level 10 omitted & floor to be aligned.
P2	04/12/2020	Scheme refined to incorporate feedback to Tanner Row
P1	24/04/2020	Aligned building design to incorporate planning comments

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project:
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Rougier Street, York

drawing:
Proposed Tanner Row Elevation

Materials Key

- ① Terracotta Cladding
- ② Anodised Bronze Decorative Panel
- ③ Anodised Bronze Vertical Balustrading
- ④ Anodised Bronze Curtain Walling - Deep Flawsals
- ⑤ Anodised Bronze Clad Column
- ⑥ Anodised Bronze Windows
- ⑦ Glass Spandrel
- ⑧ Red Brick
- ⑨ Living Wall
- ⑩ Anodised Bronze Louvers
- ⑪ Brick Dattling



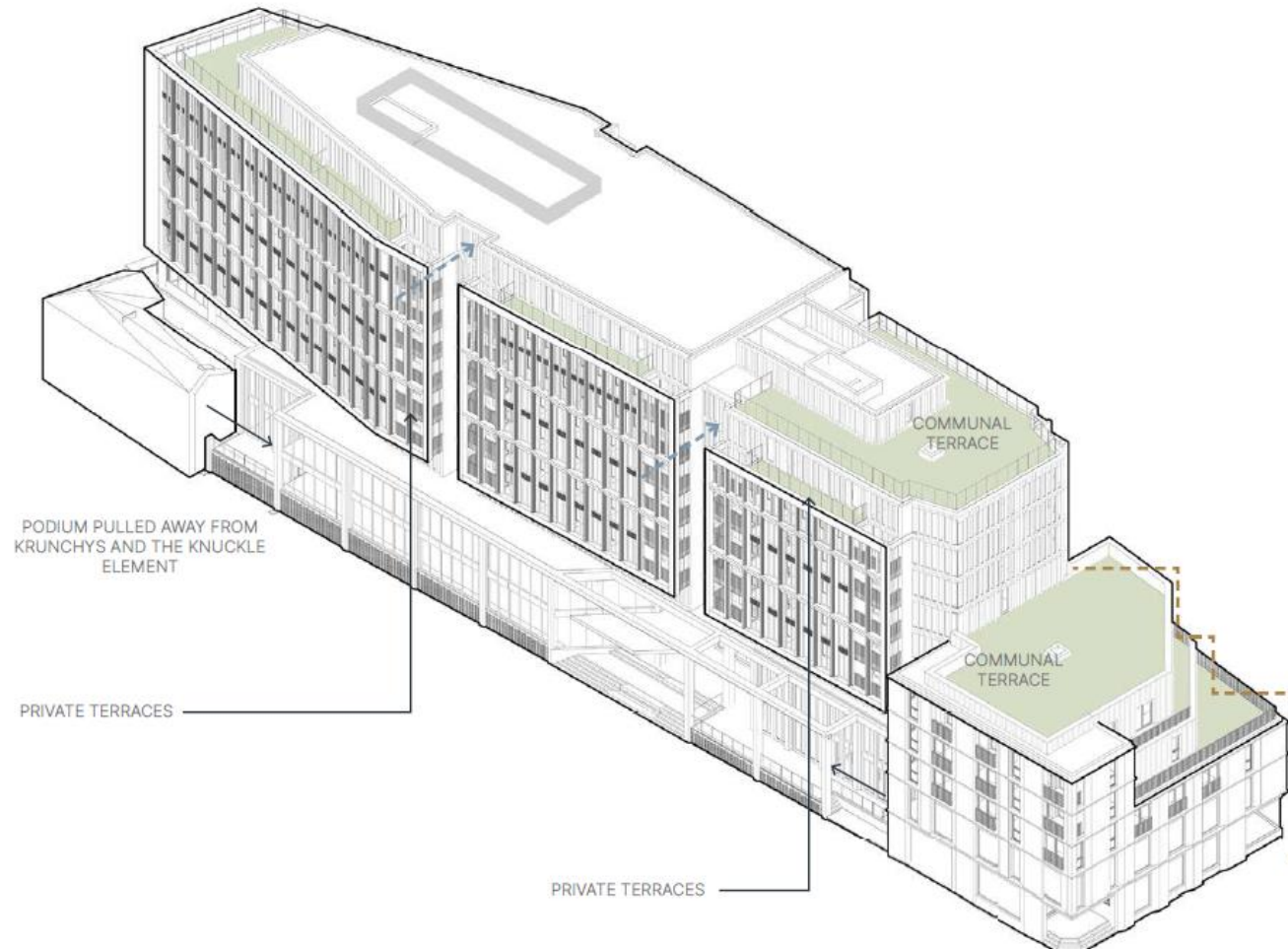
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09/11/19	Planning	RM	NB

scale	sheet size
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job number	original	area	level	type	date	drawing number	revision
17088-VB-	XX-	XX-	DR-A-	(03) 23		P3	



Massing Alterations



'Crumbled' corner responds to smaller buildings on Tanner Row and generates terraces for the apartments

2.2 Massing Alterations

Articulation of the mass to the eastern end of the building allows for the generation of shared external amenity spaces at roof level.

Two communal terraces are located on Level 5 and Level 9, providing good quality external space contributing to the residential amenity. The communal terraces provide the opportunity to introduce high level greenery, further softening the building on the city's skyline.

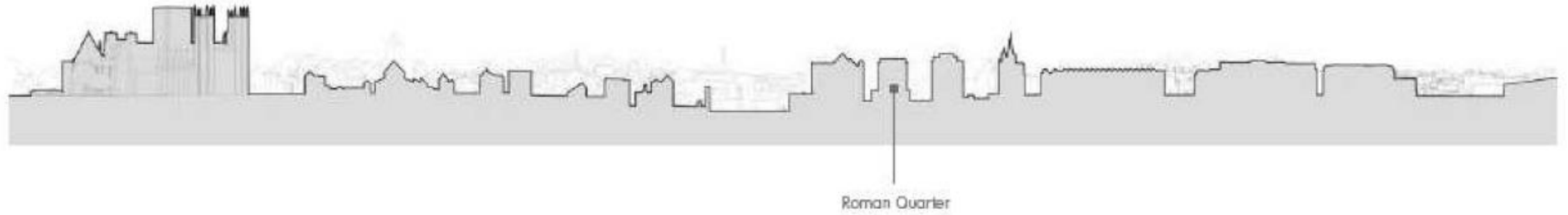
Elsewhere private balconies are inset within the facade, providing further external amenity space for the occupants.



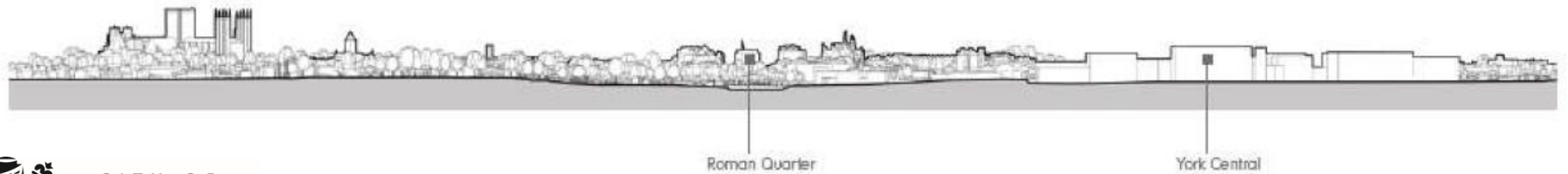
Page 103

Section of city skyline

Character Area 22 Section



York Skyline



Section to Tanners Moat (Section A-A)

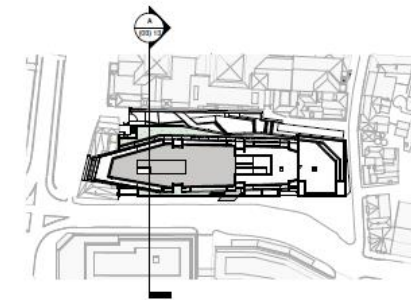
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Section A - A
 1 : 200

KEY

	Residential
	Studio Apartment
	1 Bedroom Apartment
	2 Bedroom Apartment
	3 Bedroom Apartment
	Office
	Visitor Attraction
	Shaded



Key Plan
 1 : 1000

PS	22/01/2021	Office incorporation within development, Level 10 omitted & floor levels altered.
PS	04/12/2020	Scheme revised to incorporate feedback to Tanners Row
PS	24/04/2020	Approved building design to incorporate planning conditions

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project:
Roman Quarter
 Rougier Street, York

date:	status:	drawn by:	checked by:
09/11/19	Planning	RM	NB

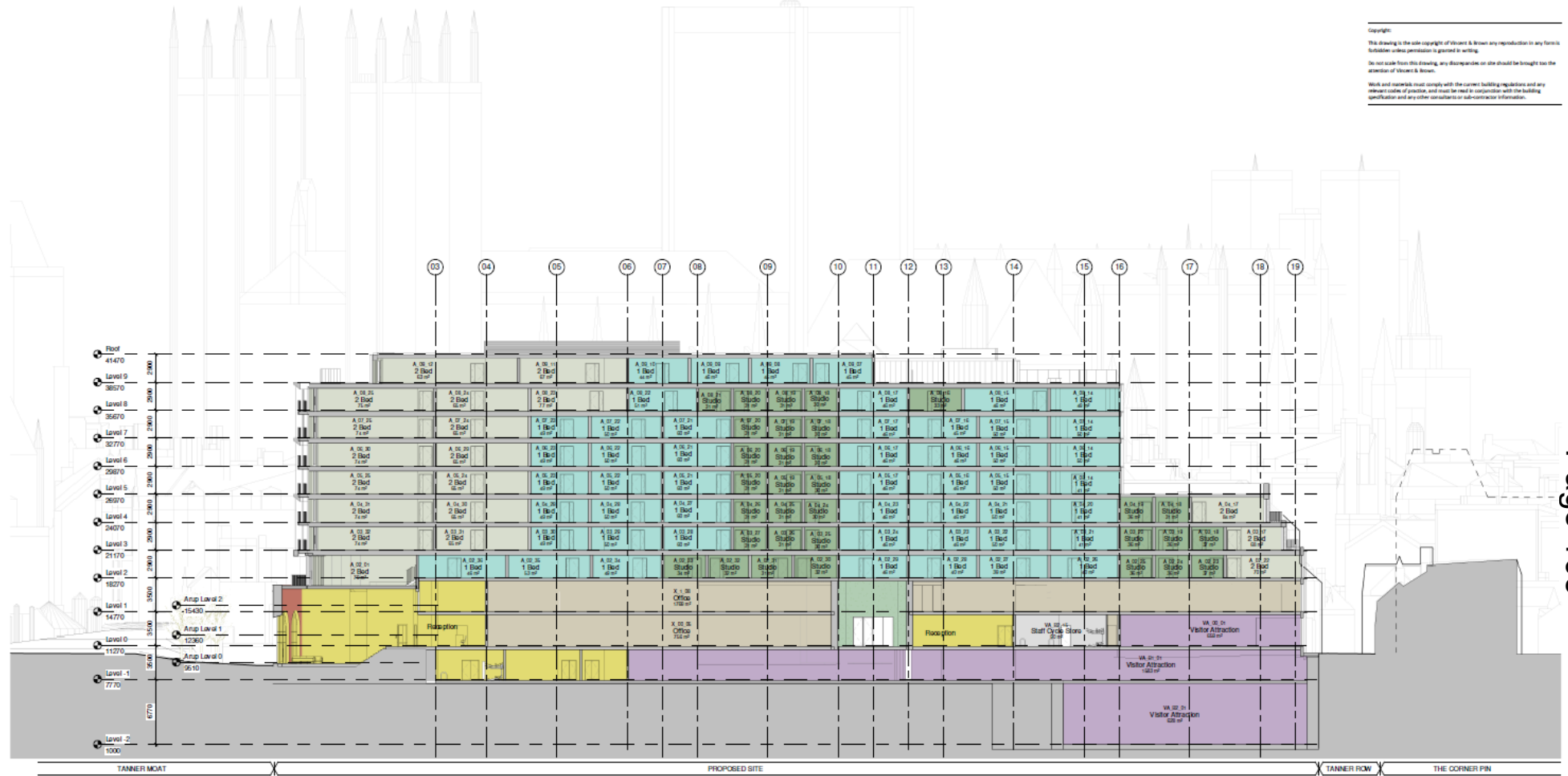


job number:	original:	level:	type:	date:	drawing number:	revision:
17088-VB-	1001-XX-	DR-	A-	(03) 13	PS	



Long Section parallel to Rougier Street (Section E-E)

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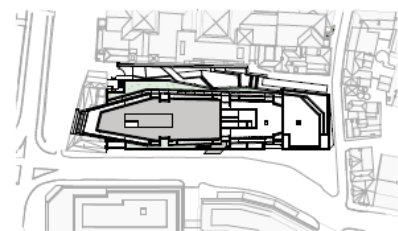


Page 106

Section E - E
1 : 200

KEY

Residential
Studio Apartment
1 Bedroom Apartment
2 Bedroom Apartment
3 Bedroom Apartment
Office
Visitor Attraction
Shade



Key Plan
1 : 1000

22	22/01/2021	Office incorporation/development, Level 01 corridor & floor in situ work.
23	04/12/2020	Scheme reviewed to incorporate feedback to Tanner/She
P1	24/04/2020	Approved building design to incorporate planning conditions

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project: Roman Quarter
Rougier Street, York
drawing: Proposed Section E - E

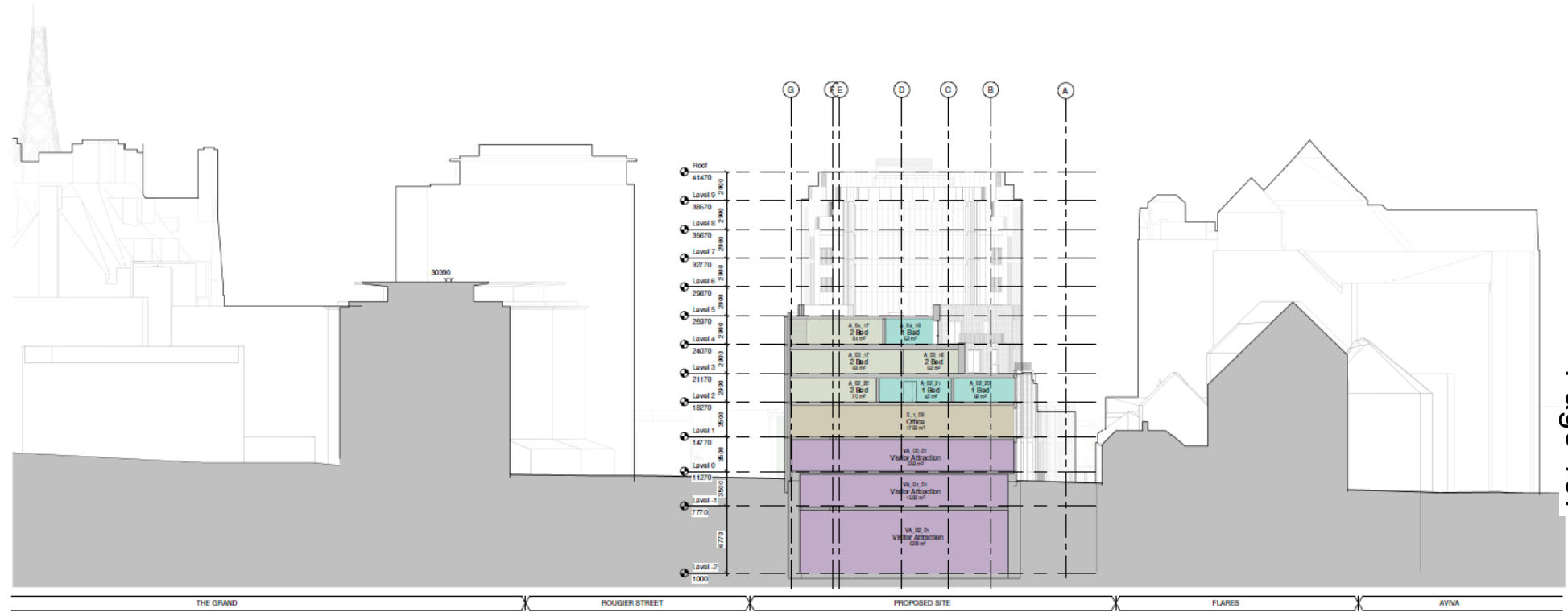
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Section to Tanner Row End (Section D-D)

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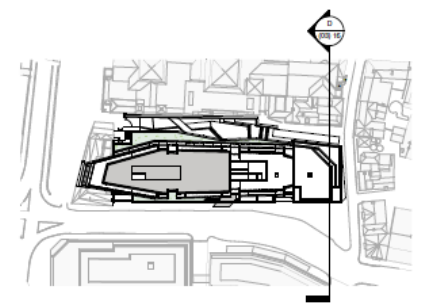


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Section D - D
 1 : 200

KEY

[Yellow]	Residential
[Light Green]	Studio Apartment
[Light Blue]	1 Bedroom Apartment
[Light Green]	2 Bedroom Apartment
[Light Blue]	3 Bedroom Apartment
[Light Green]	Office
[Purple]	Visitor Attraction
[Grey]	Shaded



PS 22701201 Other incorporation in development, Level 02 omitted & floor levels omitted.
 PS 04120200 Scheme revised to incorporate feedback to Tanner Row
 PS 24042000 Revised building design to incorporate planning comments

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project: Roman Quarter
 drawing: Rougier Street, York
 Proposed Section D - D

date	status	drawn by	checked by
09/11/19	Planning	RM	NB

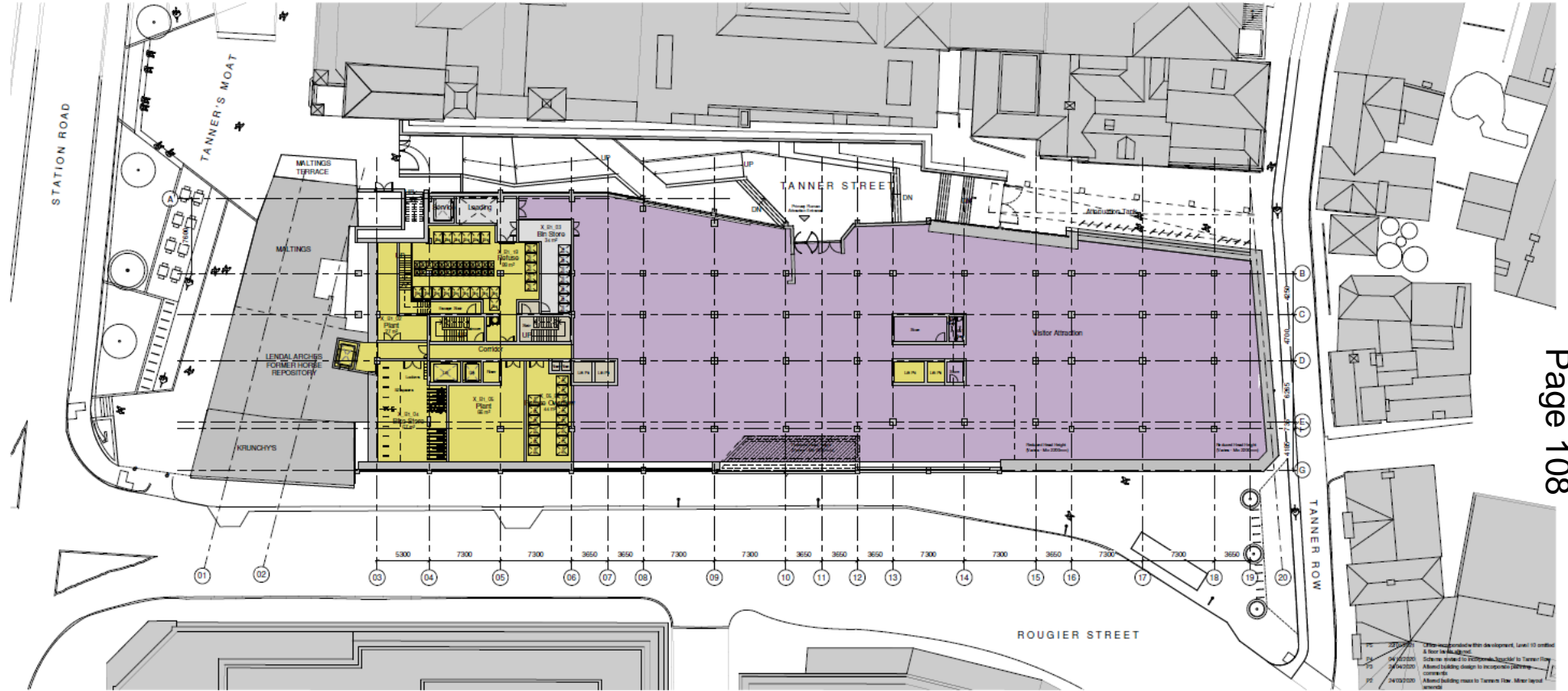
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job number: 17088-VB-IX-XX-DR-A-16 (03) 16 revision: PS



Proposed Floor Plan – Basement Level 01

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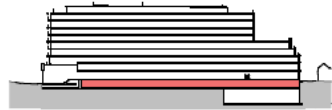


Page 108

Basement Level 01 - GA
1 : 200

KEY

[Yellow Box]	Residential
[Green Box]	Studio Apartment
[Light Blue Box]	1 Bedroom Apartment
[Medium Blue Box]	2 Bedroom Apartment
[Dark Blue Box]	3 Bedroom Apartment
[Grey Box]	Office
[Purple Box]	Visitor Attraction
[White Box]	Shaded



LEVEL B1 - AREAS

Level B1 GIA	2179 m ² / 23459sqft
Residential GIA	407 m ² / 4380 sqft
Visitor Attraction GIA	1636 m ² / 17600 sqft
Office GIA	0 m ² / 0 sqft
Shared GIA	28 m ² / 300 sqft

GENERAL NOTES

- For red line boundary refer to Existing & Proposed Site Plans
- No proposed works within 17 Rougier Street (Kourncy's Sandwich Bar)
- For landscape information, including public realm, please refer to External Landscape drawings and design report
- Refer to typical apartment layout drawings for layouts of apartments
- Cycle storage strategy, please refer to Cycle storage drawings, D&A statement and Travel Plan
- Refuse Storage, please refer to Refuse drawings and D&A statement
- Building Services Information, please refer to M&E Consultant report
- Visitor Attraction design by others, refer to D&A statement for Indicative flow layout
- Refer to Accommodation Schedule for all internal uses, including typologies & mix
- Room Number Convention
Use_Level_Number

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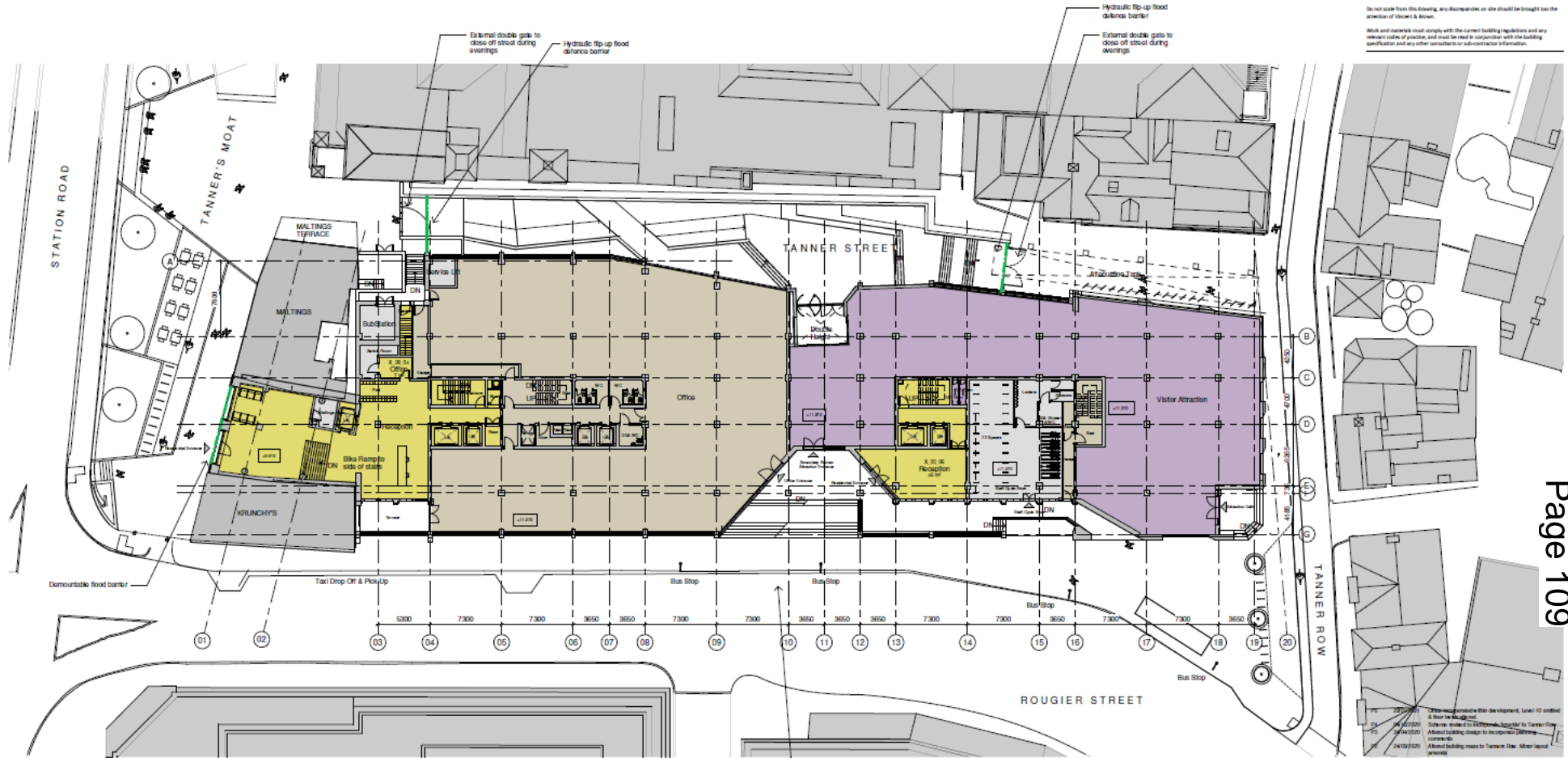
Studio 12, Millersburgh Business Park
5th Balk Lane, Broughthorpe, York, YO23 3BP
t: 01904 700643 e: studio@vincentandbrown.com

project: Roman Quarter
Rougier Street, York
drawing: Proposed Basement Level 01

date	status	drawn by	checked by			
09/11/19	Planning	RM	NB			
scale	sheet size					
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17058-VB-	106	B1-DR-A-	I	(03) 04	P5	

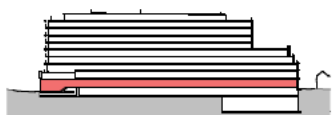


Proposed Floor Plan – Ground Floor 00



Level 00 - GA
1:200

- KEY**
- Residential
 - Studio Apartment
 - 1 Bedroom Apartment
 - 2 Bedroom Apartment
 - 3 Bedroom Apartment
 - Office
 - Visitor Attraction
 - Shared



LEVEL 00 - AREAS

Level 00 GIA	2174 m ² / 23401 sqft
Residential GIA	346 m ² / 3724 sqft
Visitor Attraction GIA	660 m ² / 7104 sqft
Office GIA	932 m ² / 10052 sqft
Shared GIA	155 m ² / 1668 sqft

GENERAL NOTES

For red line boundary refer to Existing & Proposed Site Plans
No proposed works within 17 Rougier Street (Krunchys Sandwich Bar)
For landscape information, including public realm, please refer to Refuse Landscape drawings and design report
Refer to typical apartment layout drawings for layouts of apartments
Cycle storage strategy, please refer to Cycle storage drawings, D&A statement and Travel Plan
Refuse Strategy, please refer to Refuse drawings and D&A statement
Building Services information, please refer to M&E Consultant report
Visitor Attraction design by others, refer to D&A statement for indicative floor layout
Refer to Accommodation Schedule for all internal uses, including typologies & mix
Room Number Convention Use_Loc_Number

Office works proposed when development, Level 01 enabled & front re-developed
Scheme agreed on 02/08/2020, subject to Tanner Row constraints
Approved building design to incorporate Tanner Row constraints
Approved building mass to Tanner Row. Minor layout changes
Level 0 & building mass allowed to incorporate planning constraints, Level 11 enabled

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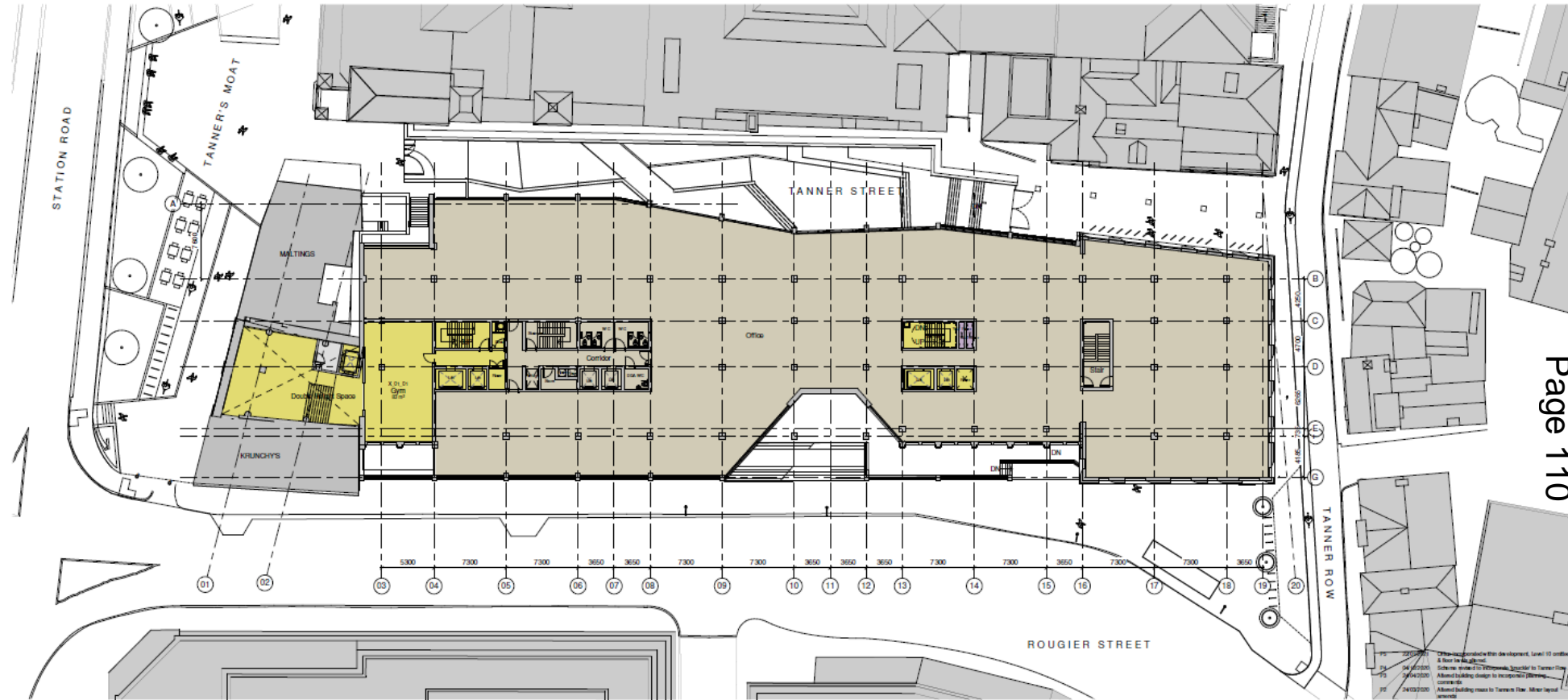
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Rougier Street, York
drawing: Proposed Level 00

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Proposed Floor Plan – Level 01

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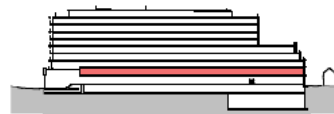


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Level 01 - GA
1 : 200

KEY

- Residential
- Studio Apartment
- 1 Bedroom Apartment
- 2 Bedroom Apartment
- 3 Bedroom Apartment
- Office
- Visitor Attraction
- Shared



LEVEL 01 - AREAS

Level 01 GIA	2096 m ² / 22650 sqft
Residential GIA	166 m ² / 1796 sqft
Visitor Attraction GIA	3 m ² / 32 sqft
Office GIA	1911 m ² / 20670 sqft
Shared GIA	

GENERAL NOTES

For red line boundary refer to Existing & Proposed Site Plans
No proposed works within 17' Rougier Street (Krunchy's Sandwich Bar)
For landscape information, including public realm, please refer to Reformed Landscape drawings and design report
Refer to typical apartment layout drawings for layouts of apartments
Cycle storage strategy, please refer to Cycle storage drawings, D&A statement and Trial of Plan
Refuse Strategy, please refer to Refuse drawings and D&A statement
Building Services information, please refer to MSE Consultant report
Visitor Attraction design by others, refer to D&A statement for indicative floor layout
Refer to Accommodation Schedule for all internal uses, including typologies & mix
Room Number Convention
Use_Level_Number

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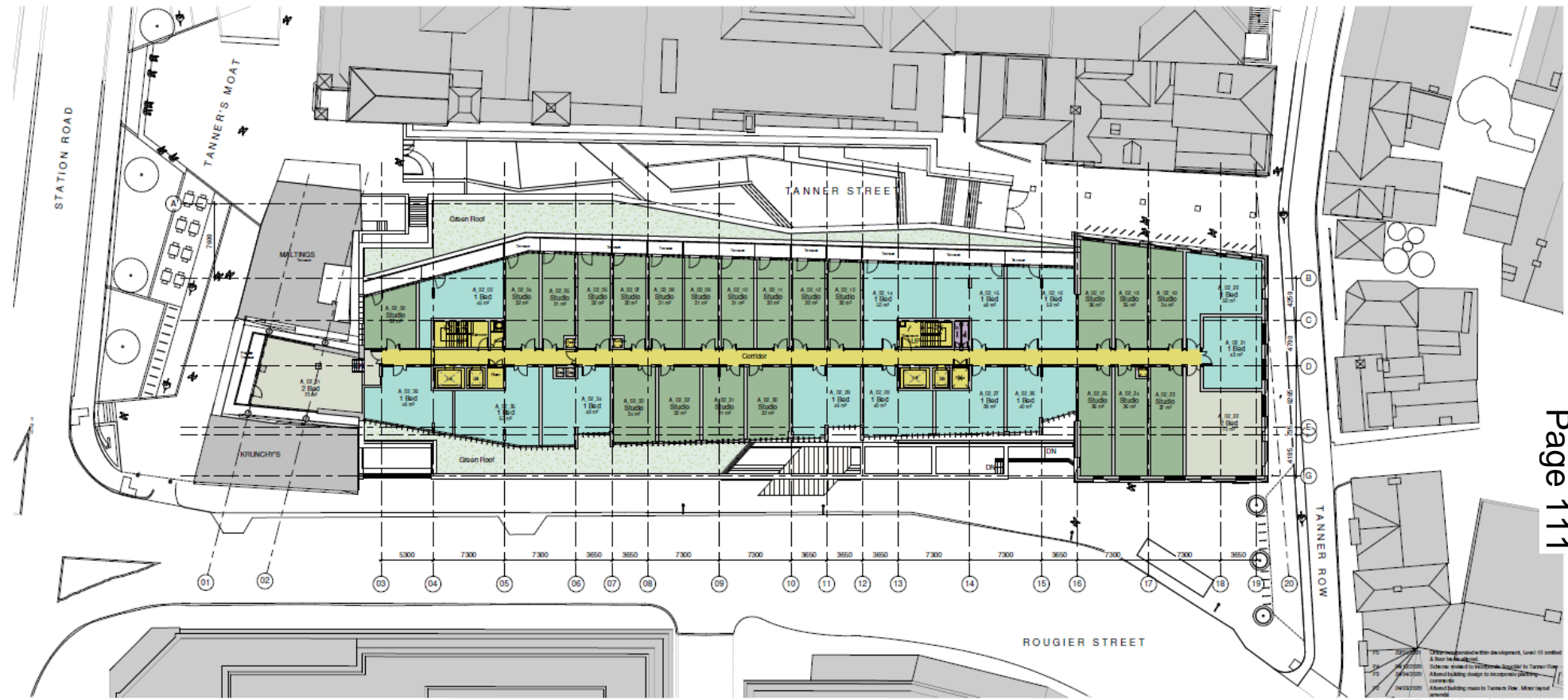
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Roman Quarter
Rougier Street, York
drawing:
Proposed Level 01

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Proposed Floor Plan – Level 02

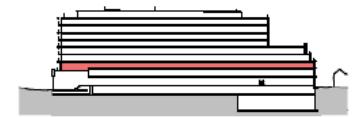
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Level 02 - GA
 1 : 200

KEY

[Light Green]	Residential
[Medium Green]	Studio Apartment
[Dark Green]	1 Bedroom Apartment
[Light Blue]	2 Bedroom Apartment
[Dark Blue]	3 Bedroom Apartment
[Yellow]	Office
[Purple]	Visitor Attraction
[Grey]	Shared



LEVEL 02 - AREAS

Level 02 GIA	1762 m ² / 18966 sqft
Residential GIA	1756 m ² / 18900 sqft
Visitor Attraction GIA	3 m ² / 32 sqft
Office GIA	3 m ² / 32 sqft
Shared GIA	

GENERAL NOTES

- For red line boundary refer to Existing & Proposed Site Plans
- No proposed works within 17 Rougier Street (Krunchy's Sandwich Bar)
- For landscape information, including public realm, please refer to Reform Landscape drawings and design report
- Refer to typical apartment layout drawings for layouts of apartments
- Cycle storage strategy, please refer to Cycle storage drawings, DSA statement and Travel Plan
- Refuse Strategy, please refer to Refuse drawings and DSA statement.
- Building Services Information, please refer to M&E Consultant report.
- Visitor Attraction design by others, refer to DSA statement for indicative floor layout.
- Refer to Accommodation Schedule for all internal uses, including typologies & mix
- Room Number Convention Use_Level_Number

Revision	Date	Description
P5	14/03/2020	Other works to be developed, Level 01 omitted & floor to be added
P4	04/03/2020	Scheme moved to 17 Rougier Street to Tanner Row
P3	14/03/2020	Allowed building design to incorporate planning constraints
P2	24/03/2020	Allowed building mass to Tanner Row. Minor layout amendments
P1	11/03/2020	Layout & building mass allowed to incorporate planning constraints. Level 11 omitted

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project: Roman Quarter
 Rougier Street, York

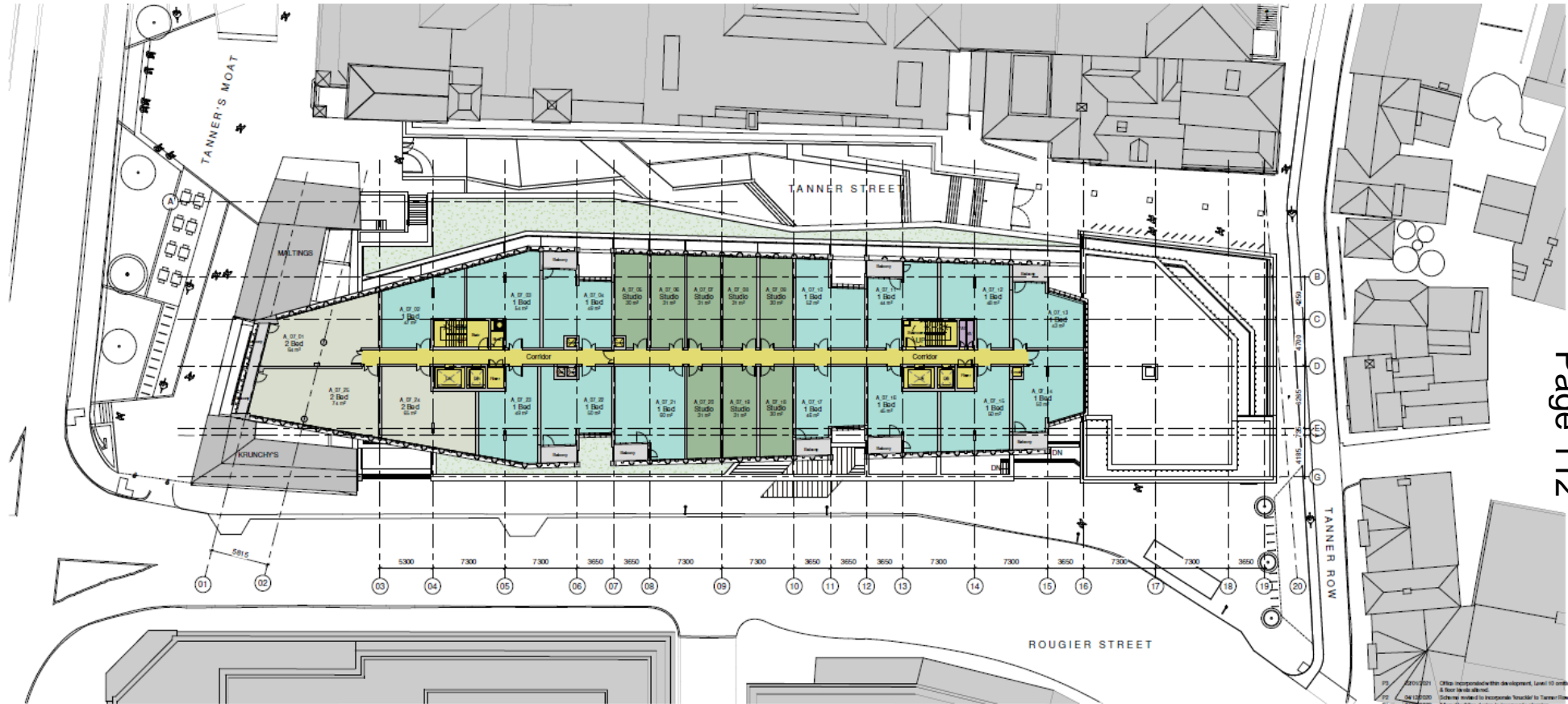
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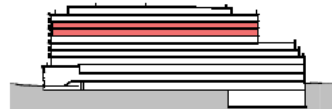
Proposed Floor Plan – Levels 06 & 07



Level 06 & 07 - GA
1:200

KEY

- Residential
- Studio Apartment
- 1 Bedroom Apartment
- 2 Bedroom Apartment
- 3 Bedroom Apartment
- Office
- Visitor Attraction
- Shared



LEVEL 06 & 07 - AREAS

Typical Floor GIA	1414 m ² / 15220 sqft
Residential GIA	1408 m ² / 15155 sqft
Visitor Attraction GIA	3 m ² / 32 sqft
Office GIA	3 m ² / 32 sqft
Shared GIA	

GENERAL NOTES

- For red line boundary refer to Existing & Proposed Site Plans
- No proposed works within 17 Rougier Street (Krunchy's Sandwich Bar)
- For landscape information, including public realm, please refer to Re-form Landscape drawings and design report
- Refer to typical apartment layout drawings for layouts of apartments
- Cycle storage strategy, please refer to Cycle storage drawings, D&A statement and Travel Plan
- Refer Strategy, please refer to Refuse drawings and D&A statement.
- Building Services Information, please refer to MSE Consultant report.
- Visitor Attraction design by others, refer to D&A statement for indicative flow layout.
- Refer to Accommodation Schedule for all internal uses, including typologies & mix
- Room Number Convention
Use_Level_Number

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project: Roman Quarter
Rougier Street, York
drawing: Proposed Level 06 - 07

date: 23/03/20 status: Planning drawn by: RM checked by: NB
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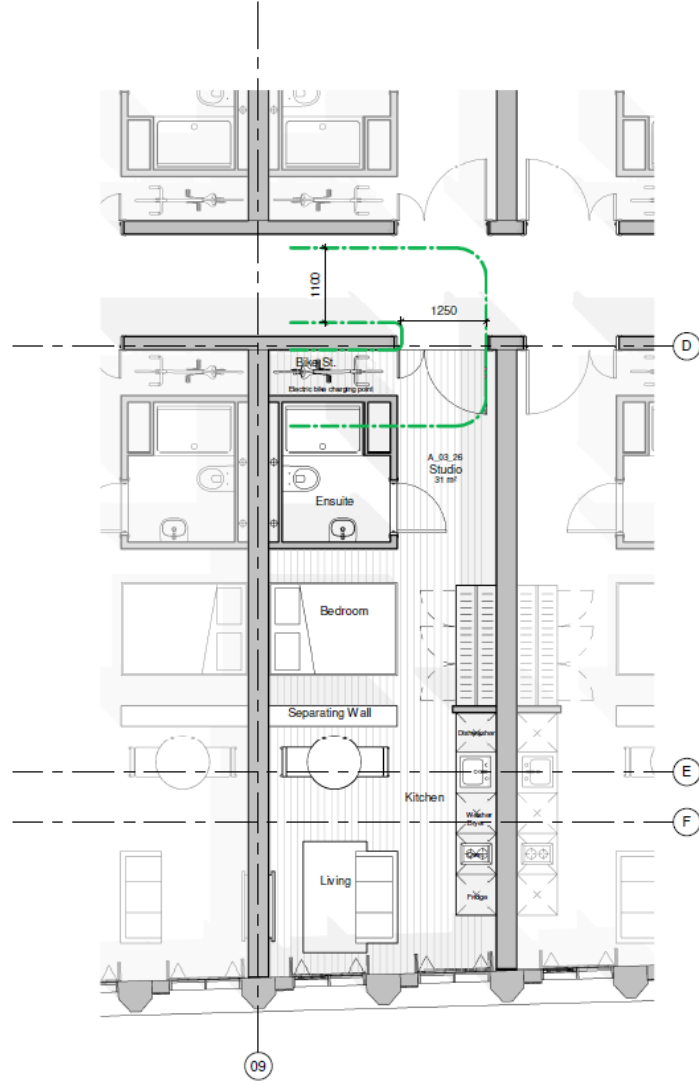
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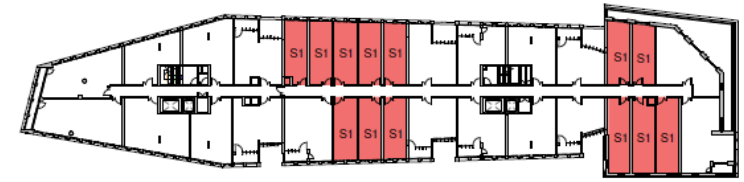
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Typical Studio Apartment Floor Plan

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Typical Studio Apartment - Type 01 (S1)
 1 : 50



Typical Floor - Key Plan
 1 : 500

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revision	date	description
P3	22/01/2021	Office incorporated within development, Level 10 omitted & floor levels altered.
P2	04/12/2020	Schema revised to incorporate 'muckki' to Tanner Row
P1	24/04/2020	Altered building design to incorporate planning comments

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project:
Roman Quarter
Rougier Street, York

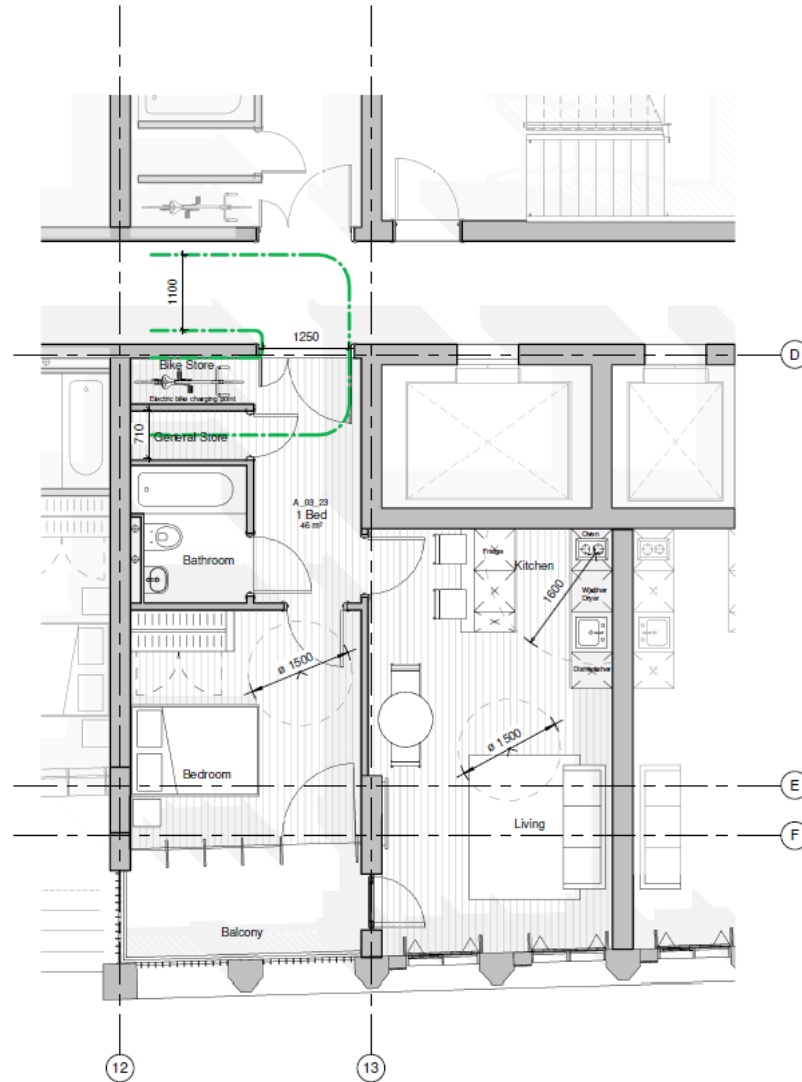
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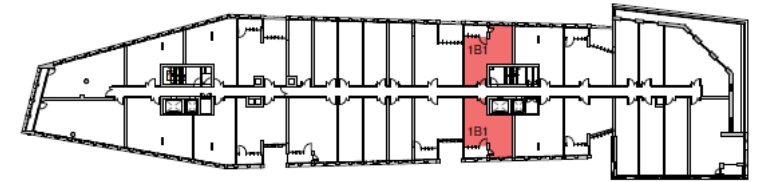
job number	originator	zone	level	type	role	drawing number	revision
17088-	VB-	XX-	XX-	DR-	A-	(03) 33	P3



Typical 1 Bedroom Apartment Floor Plan



Typical 1 Bedroom Apartment - Type 01 (1B1)
1 : 50



Typical Floor - Key Plan
1 : 500

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revision	date	description
P3	22/01/2021	Office incorporated within development, Level 10 omitted & floor levels altered.
P2	04/12/2020	Scheme revised to incorporate 'knuckle' to Tanner Row
P1	24/04/2020	Altered building design to incorporate planning comments

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project:
Roman Quarter
Rougier Street, York
drawing:

Proposed Typical 1 Bed Apartment - Type 01

date:	status:	drawn by:	checked by:
20/11/19	Planning	RM	NB

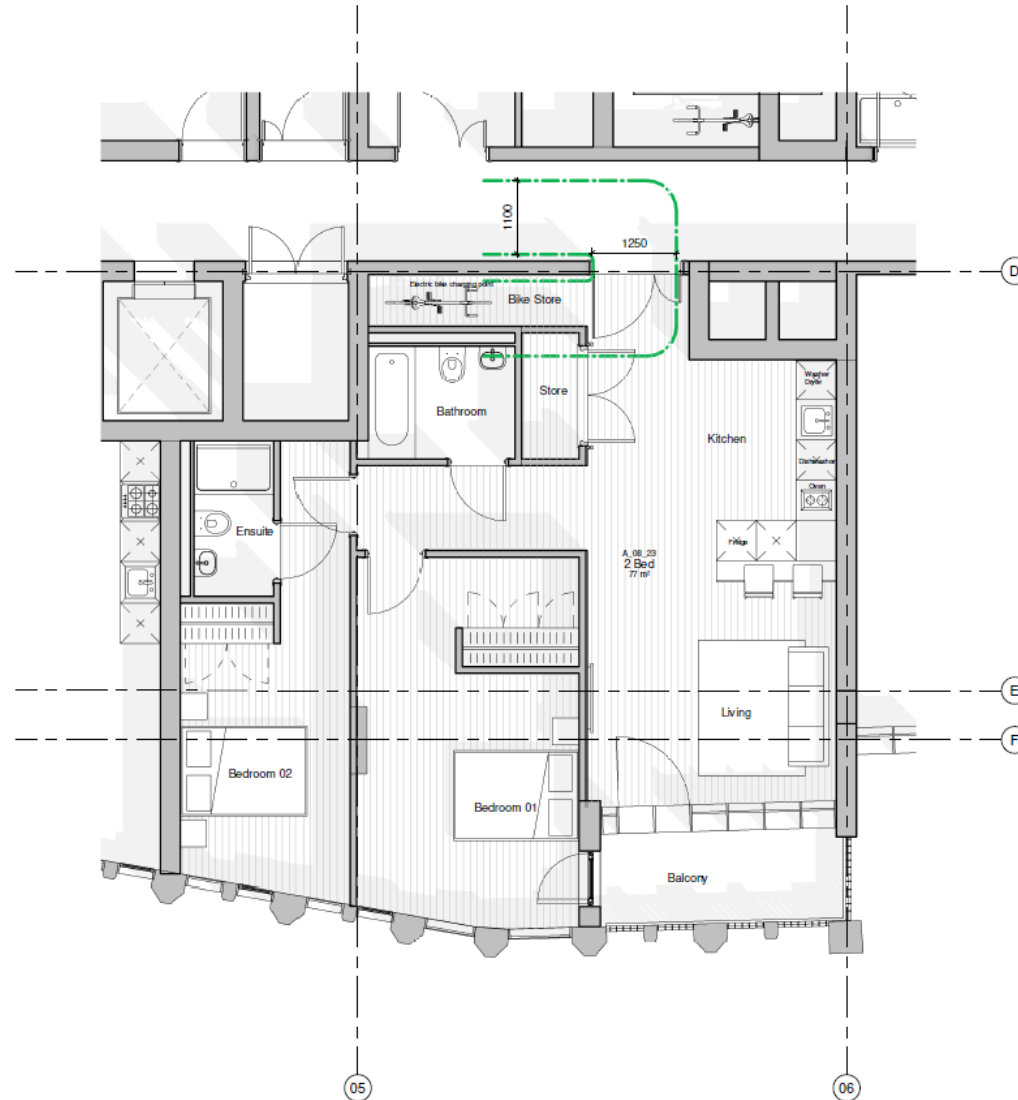
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job number	originator	zone	level	type	role	drawing number	revision
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Typical 2 Bedroom Apartment Floor Plan

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Level 08 - Key Plan
 1 : 500

revision	date	description
P3	22/01/2021	Office incorporated within development, Level 10 or & floor levels altered.
P2	04/12/2020	Scheme revised to incorporate 'stuckie' to Turner Row
P1	24/04/2020	Altered building design to incorporate planning comments

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project:
Roman Quarter
 Rougier Street, York
 drawing:

Proposed Typical 2 Bed Apartment - Type 01

date:	status:	drawn by:	checked by:
20/11/19	Planning	RM	NB

scale: 1:20
 Sheet size: A2



job number	originator	zone	sheet	type	role	drawing number	revision
17088	VB	XX	XX	BR	A	(03) 37	P3



Typical 2 Bedroom Apartment - Type 01 (2B1)
 1 : 50

Proposed Visualisation –
Tanner Row



Proposed
visualisation –
from City Screen



Page 117

Proposed
visualisation –
from York
Minster



Existing View from
Cliffords Tower

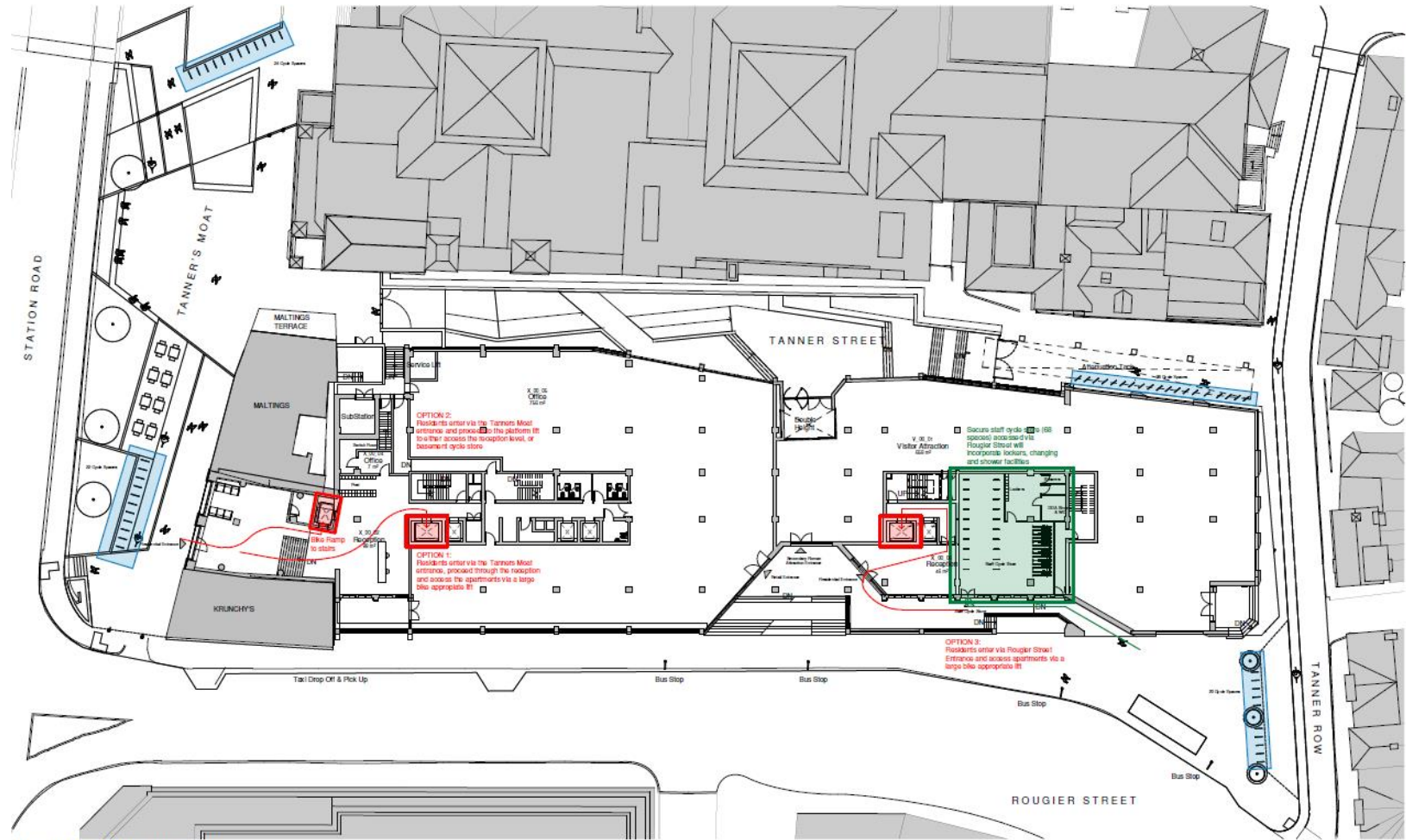


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Proposed
Visualisation –
View from
Cliffords Tower

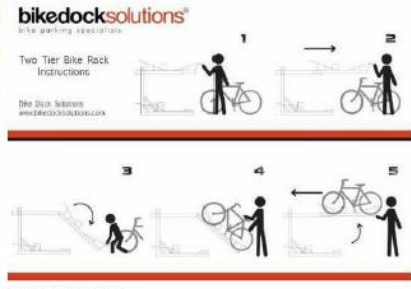


Proposed Cycle Strategy – Basement 00



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Level 00 - Cycle Strategy
1:200



KEY
— Building Staff (Office, Residential & Visitor Attraction)
— Visitor Attraction Visitors
— Residents

VISITOR ATTRACTION & OFFICE STAFF
 Employees on site are provided a secure shared designated cycle parking within a distance with its own access from Rougier Street. This area provides lockers, charging and shower facilities.

VISITOR ATTRACTION VISITORS
 Visitors are able to use local bicycle hoops in close proximity to the scheme. (100 Spaces)

RESIDENTIAL DEVELOPMENT
 The strategy is dependent on the unit type.
 Studios, 1 Bed and 2 Bed units have a designated 'thermal' bike store measuring 600x1000mm within each unit for secure parking. An electric bike charging point will be included within each thermal bike store.
 2 Bed apartments also have an additional 0.5 space within the basement store.

There is a choice of either overhead stands or a 2 bar rack system. This system is the BDCS (Bike Dock Solutions) gas strut system. Further information can be found on:
www.bikedock.com/products/two-tier-bike-rack-200

- Residential Strategy - Offices**
1. Users collect bike from designated store (internal or central store).
 2. User access lift and proceed to GF level.
 3. Users exit building through communal lobby area.
- Residential Strategy - Residences**
1. Users dismount bicycle and enter residential lobby areas.
 2. Users take lift to either 'thermal store' in the basement or to 'thermal store' dependent on siting.
 3. User secures bike if in central store and proceeds to apartment.
 4. Users whom have a thermal store use local bike to do to apartment and place within designated cycle store.

PS	01/03/2021	Staff cycle store evision
PS	22/03/2021	Office incorporation into development, Level 00 central & lift well shaft.
PS	04/10/2020	Scheme needed to incorporate Visitor to Tanner flow

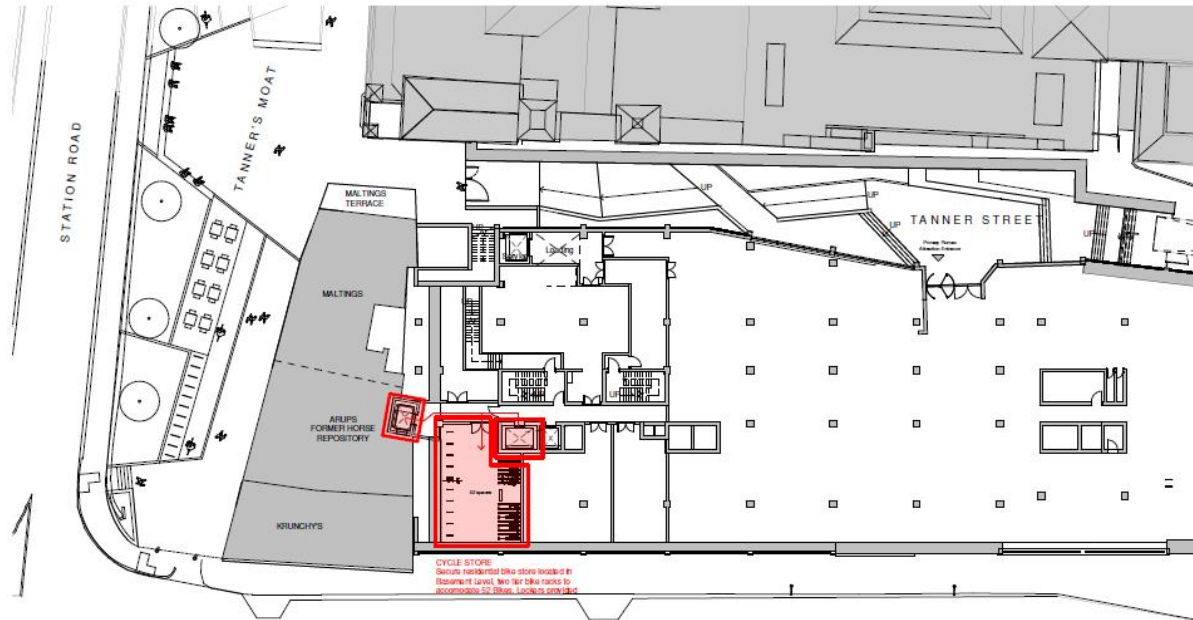
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 10221 280
 10224 10646 | e: studio@vincentandbrown.com

Project:
 Roman Quarter
 Rougier Street, York
 Drawing:
 Proposed Cycle Strategy - Level 00

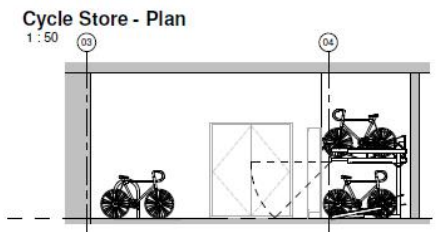
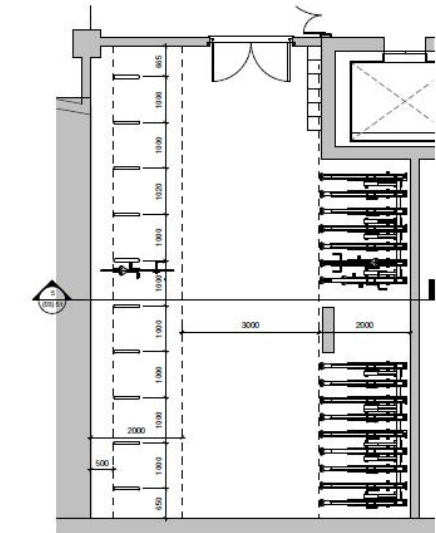
Date:	28/11/19	Status:	Planning	Drawn by:	RM	Checked by:	NB
Scale:	1:200	Sheet no.:	A1				
Job number:	17088-1	Original issue:	VB-IX-0C-DR-A-	Issue:	(03) 50	Revision:	P3



Proposed Cycle Strategy – Basement 01



Basement Level -1 - Cycle Strategy
1 : 200



- KEY**
- Building Staff (Office, Residential & Visitor Attraction)
 - Visitor Attraction Visitors
 - Residents

VISITOR ATTRACTION & OFFICE STAFF
Employees on site are provided a secure shared designated cycle parking within premises with its own access from Douglas Street. This site provides lockers, changing and shower facilities.

VISITOR ATTRACTION VISITORS
Visitors are able to use local bicycle hoops in close proximity to the scheme.

RESIDENTIAL DEVELOPMENT
The strategy is dependent on the unit type.

Studio, 1 Bed and 2 Bed units have a designated 'framed' bike store measuring 500x1500mm within each unit for secure parking. 2 Bed apartments also have an additional 0.5 space within the basement store.

There is a choice of either small/flat stands or a 2 tier rack system. This system is the BDS (Bike Dock Solutions) gas filled system. Further information can be found on:

www.bikedocksolutions.com/product/two-tier-bike-rack-ods

Residential Strategy - Issues

- Users collect bikes from designated store (internal or central store).
- User access lift and proceed to GF level.
- Users enter building through communal lobby area.

Residential Strategy - Issues

- Users dismount bicycle and enter residential lobby areas.
- Users take lift to either 'central store' in the basement or to 'internal store' dependent on strategy.
- User secures bike in central store and proceeds to apartment.
- Users whom have a framed store navigate bicycle to apartment and place within designated cycle store.

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P2 20/11/2021 Office responsible for development, Level 10 unroofed & floor levels above
P1 04/12/2020 Scheme moved to incorporate 'residual' to Tanner flow
revision date description

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project:
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Rougier Street, York

Drawing:
Proposed Cycle Strategy - Basement Level 01

date	status	drawn by	checked by
28/11/19	Planning	RM	NB
scale	sheet no.		
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job number	original date	level	type	date	drawing number	revision
17088-VB-	X0-	B1-	DR-A-	(03) 51	P2	



COMMITTEE REPORT

Date: 24 February 2021 **Ward:** Haxby And Wigginton
Team: West Area **Parish:** Haxby Town Council
Reference: 20/01944/FULM
Application at: Haxby Hall York Road Haxby York YO32 3DX
For: Erection of a 65 bed residential and dementia care home following demolition of 5 and 7 York Road and existing care home, and associated access and parking and landscaping
By: Mr L Garton
Application Type: Major Full Application
Target Date: 1 March 2021
Recommendation: Approve

1.0 PROPOSAL

1.1 The application site relates to an existing care home, known as Haxby Hall and a pair of semi-detached properties, No's 5 and 7 York Road. The proposals seek the demolition of the care home as well as the semi-detached properties and their replacement with a new residential care and dementia care home.

1.2 The care home is positioned on a corner site which extends along York Road and Station Road to the east. To the front is the roundabout junction where Station Road, The Village and York Road meet. Fronting York Road and in front of part of the existing building is the Haxby ambulance station. This is primarily a single storey building and will be retained in situ for the foreseeable future.

1.3 To the south of site are the two existing residential properties and beyond No. 7 York Road abuts a Scouts Hall, a single storey building and the Ethel Ward Memorial Playing Field. To the east, the site abuts residential properties, No. 2 Hall Rise, with access from York Road and No's 20 and 31 Hall Rise.

1.4 There are two existing access/egress points to the care home; one from York Road which provides up to 6 staff/ visitor parking spaces including ambulant spaces and a pick-up/drop-off point at the front entrance. A further access point is off Station Road which is used for servicing vehicles. Numbers 5 and 7 York Road each have individual driveways from York Road.

1.5 The new building will be part three, part two storeys. The new care home would provide 65 bedrooms; 47 will provide residential care bedrooms and 18 dementia bedrooms. Overall there will be an uplift of 16 bedrooms. Additionally the building

shall accommodate community rooms, staff rooms and service rooms. Two external terraces will be provided on the building; one located to the rear at first floor level which will be available for residential care residents with a further terrace positioned at second floor level extending wrapping around the north western corner of the building. This terrace will be for the dementia care residents.

1.6 The building has been arranged with the residential care bedrooms to be provided on the ground and first floors, allowing for easier access to external amenity spaces, with the dementia care bedrooms located on the second floor. The building will have two lifts which are placed close to social areas and nurse station to aid residents moving from floor to floor. Individual bedrooms on the ground floor will have individual garden/amenity areas and there will be wider landscaping and garden areas to the rear of the site including a bowling green.

1.7 The existing York Road access would become redundant, with a new access created at the point where the two properties on York Road once stood. 23 car parking spaces including 3 disabled spaces and visitor cycle parking will be provided. The access point off Station Road will be retained and continue to be used for servicing vehicles as well as 3 additional staff parking spaces and a bin store area. Staff cycle parking will be provided to the rear, and accessed via a gate from this access.

1.8 The application has been revised to address design concerns, materials and the position of the second floor roof terraces. Revisions have resulted in the loss of 1 no. dementia care bedroom at second floor level.

1.9 The provider of the residential care would be undertaken by the applicant, Yorkare Homes Ltd with the dementia care aspect run alongside the City of York Council's Adult Social Care Team.

1.10 The site is located outside, but adjacent to the Haxby Conservation Area and lies within Flood Zone 1 where there is a low risk from flooding.

1.11 There is no relevant planning history relating to the existing care home at Haxby Hall, nor is there any relevant planning history relating to the two existing dwellings that are proposed to be demolished as part of the proposals.

2.0 POLICY CONTEXT

2.1 PUBLICATION DRAFT LOCAL PLAN (2018)

SS1	Delivering Sustainable Growth for York
H2	Density of residential density
H3	Balancing the Housing Market
H9	Older Persons Specialist Housing

D1	Placemaking
D2	Landscape and Setting
GI2	Biodiversity and Access to Nature
GI4	Trees and Hedgerows
CC1	Renewable and Low Carbon Energy Generation and Storage
ENV2	Managing Environmental Quality
T1	Sustainable Access
T7	Minimising and Accommodating Generated Trips

2.2 DEVELOPMENT CONTROL LOCAL PLAN (2005)

GP1	Design
GP4	Sustainability
H9	Loss of Dwellings or Housing Land
NE1	Tress, Woodlands and Hedgerows
T4	Cycle Parking Standards

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development (DCSD) (Conservation Officer)

3.1 The existing care home (c.1965), occupies the site of Haxby Hall, constructed c.1790 and demolished c.1963. The parklands of the hall now form the playing fields. Although outside the conservation area, the site lies within its immediate setting, is the focus of views eastwards along The Village and is a landmark site at the entrance to the historic village from York. It possesses residual historical and landscape significance associated with the former Hall and its extended landscape. The existing care home is of two storeys under shallow hipped roofs behind parapets, principally of a varied buff brick. Whilst undistinguished, its municipal character is relieved by being deeply setback from the road within landscaped grounds, and by its low-rise form.

3.2 The general arrangement on the site and articulation of the scheme as a series of connected blocks is appropriate. The loss of the south lawn would have an impact on the landscape character of the site but the historic landscape has been severely compromised by development since the Hall was demolished, and the minor harm to this aspect of landscape character would be outweighed by the enhancement of the western frontage of the site from York Road and The Village that would accrue with the removal of the car park, reinstatement of boundary and extension of landscaping.

3.3 I consider this design to be misconceived in seeking to articulate a building with a wholly modern scale, form and purpose, a care home, in the architectural language of a Classical country house.

3.4 I considered that a simplified form that combined traditional proportions with attention to qualities of materials and detailing or alternatively a less formal neo-vernacular approach would be more appropriate, and that the various parts of the building should be designed with more nuanced articulation to distinguish different parts of the building in order to mitigate its scale and extent. Neither the design approach nor the layout of the scheme has significantly changed during the subsequent planning process.

3.5 The dominating effect on the Haxby conservation area has been slightly reduced by the changes to the design of the second floor of the block facing the roundabout, but the obvious incongruity of locating a roof terrace with glass balustrade on the most prominent elevation of the “country house” facing down The Village has exacerbated the incoherence of the design and the negative impact in views from the core of the conservation area, which is otherwise uncharacterised by streetfront roof terraces.

3.6 The budgetary pressures which are leading to the insistence on poor quality materials such as cement slates and PVC windows do not inspire confidence with regards to the quality of bricks, window and door detailing and artificial stone dressings, and underline concerns with the design concept in terms of why unnecessary ‘Classical’ ornamentation is being applied rather than concentrating on overall form, proportion and quality of materials. I don’t agree that scope for change is necessarily constrained by practical requirements and living standards: it is unclear why the second floor could not be rearranged to locate living, dining and roof terrace facilities to the centre of the building, where the roof terrace could be appropriately and discreetly located between the two ‘principal’ blocks (those facing the roundabout and carpark respectively) without any detrimental impact in public views; or why window proportions could not be modified in different parts of the building without detriment to living conditions, for example by simplifying the design and lengthening them in a way that produced equal areas of glazing.

3.7 The scheme fails to resolve the design contradictions which will result in a lack of architectural coherence and quality. I don’t consider that it would satisfy the design policies of the NPPF with regards to visual qualities, sympathy with local character and history, including the surrounding built environment, and maintaining a strong sense of place; and with regards to the impact on the Haxby conservation area the scheme would cause less than substantial harm to its setting due to the effect of the design, including the roof terrace, in views from The Village.

Design Conservation and Sustainable Development (DCSD) (Landscape Architect)

3.8 The trees at the front of Haxby Hall are highly visible from the roundabout, and therefore make a significant contribution to the local public amenity. Essentially it is the tree cover that is important rather than any individual specimens being particularly worthy of a TPO, with the exception of Sycamore which is shown as being retained.

3.9 The smaller trees at the back of this group are removed as part of the proposals. The semi-mature purple leaved Maple is an attractive tree but is not sustainable in its current location so close to the existing building. The two Yews at the front would be retained and trimmed to shape. Part of the crown of the Silver birch is visible over the top of the ambulance station. On arboricultural grounds, this mature birch is worthy of retention but it sits within the proposed building footprint. Given the restricted visibility of this common, fast-growing tree from York Road, this needs to be weighed up against the restriction it would pose on the proposed development principle.

3.10 With the exception of the limited tree planting palette, the proposed planting scheme is fine. A 'gas kiosk' and 'water metre' would impact on the proposed tree planting to the left hand side of the car park entrance. This needs to be addressed in a revised landscape scheme. There may also be some revisions to the planting along the rear eastern boundary.

3.11 The proposed tree planting compensates for the loss of trees as a direct measure but there is an accompanying change in the spatial quality of the site. The proposed building has a very different dynamic with the street than the existing one, but I see the proposed arrangement does have some historic reference and grounding. That is to say, it does not necessarily cause harm due to the loss of foreground space and vegetation, it is just different. The design attains a shallow but layered frontage, with a hedge and trees against the street, followed by a margin of grass, and then a series of patios delineated with low hedging and spot shrubs; so whilst the foreground space is shallow, relative to the scale of the building, the proposed planting has some visual depth due to the layers of proposed planting.

Lead Local Flood Authority (LLFA)

3.12 The submitted Drainage Strategy Revision P4 dated 2nd November 2020 by Furness Partnership is full and comprehensive and is acceptable. Some details are typical, we are content site specific details can be sought by way of condition/s if planning permission is to be granted.

Public Protection Unit (PPU)

3.13 The revised plans have been considered in terms of all environmental impact (noise, air quality, contaminated land and dust) and the following comments are made:

- Construction Noise and Dust

3.14 There are residential properties close to the proposed site and it is recommended that conditions are sought for a Construction Environmental Management Plan (CEMP) and the restriction of construction hours of working in order to minimise noise, vibration and dust during construction and demolition.

- Air Quality

3.15 City of York Council's draft Low Emissions Planning Guidance requires a minimum of 5% of all car parking spaces to be provided with electric vehicle charge points. An additional 5% (minimum) of car parking spaces should have the potential to be easily upgraded with electric vehicle charge points in the future. This will require consideration of future power requirements for such points and any necessary cabling and groundwork to be installed from the outset. Spaces should be for the exclusive use of low emission vehicles.

3.16 The indicative site plan shows a total of 23 parking spaces. In line with current CYC guidance, this would require a minimum of 2 active charge points and passive provision for 2 further charge points. The locations and specifications should be agreed with CYC. An Electric Vehicle Recharging Point Management Plan will also be required to detail the management, maintenance, servicing and access arrangements for each Electric Vehicle Recharging Point for a minimum period of 10 years.

- Land Contamination

3.17 The applicant has submitted a Solmek Phase 1 desk study and Solmek Phase 2 investigation however this assessment does not confirm the ground, in terms of soils and groundwater are suitable for the proposed use and a full set of ground gas monitoring results. Conditions are requested.

- Noise

3.18 A noise assessment has been submitted and the assessment is considered acceptable subject to the mitigation measures as stated within the report are implemented then conditions are not required. The plans indicate equipment such as odour extraction and air source heat pumps close to residential properties. A conditions shall ensure that these units will not cause any adverse impacts to future occupants. A condition is also recommended to restrict delivery vehicles and waste vehicles in order that this does not unduly disturb neighbouring properties that are located adjacent to the main service and waste area.

- Odour

3.19 The application involves the installation of a commercial kitchen and details for the treatment and extraction of cooking odours is recommended and can be secured by condition.

- Lighting

3.20 The site is located close to residential dwellings and details of all external lighting shall be reserved by condition to ensure that it does not result in any disturbance. Additionally a condition shall restrict external lighting to be switched off by 23:00 unless required for emergency or security purposes.

Highways Network Management

3.21 The principle vehicular access proposed off York Road will increase the distance between the access and the Station Road/York Road/The Village junction which may be beneficial in terms of highway safety.

3.22 Car park provision- the proposal proposes a 26 space car park, which is considered acceptable as it is broadly in line with the CYC car and Cycle Parking standards (DCLP 2005, Appendix E).

3.23 A transport assessment (TA) and Travel Plan (TP) have been provided. The TA includes traffic generation analysis showing that the impact of the proposed development, once built (if permitted) will not have a significant impact on the highway network. The travel plan should be conditioned and updated before occupation and include an annual staff travel survey and review.

3.24 Additional information required/to be conditioned:

- Vehicle tracking/swept path analysis showing the movements of delivery/service vehicles at both accesses. We would also need this information to assess whether parking restrictions will be required on York Road, opposite the new access, to facilitate access for larger vehicles. If this is required, we would expect this to be conditioned and funded by the applicant.
- Drawings showing adequate visibility splays at the access points 2.4m x 43.0m (minimum)
- Additional detail of the cycle parking facilities will be required. This could be conditioned but I would need to understand how staff will gain access to their cycle parking area as this is not clear from the plans I have reviewed.
- Has mobility scooter parking been provided or is it not required for this facility?
- A method statement/CEMP would need to be conditioned to ensure construction traffic and contractor parking is managed during the construction period and to include a dilapidation survey before the works start (should the development be permitted).

CYC Older Person's Accommodation Programme

3.25 The proposal to develop a 65 bed care home on the Haxby Hall site is welcomed. The city has a shortage of care home accommodation and specifically for those living with dementia. Based on national benchmarking York has a current shortage of almost 600 care bedrooms, this application will help to address this

shortfall by not only providing an increased number of bedrooms but also by providing a modern, accessible facilities for residents.

3.26 I am particularly supportive of the fact that each bedroom in this proposal has an en-suite bathroom and corridors are wide enough to allow those with walking frames or wheelchair users to pass, which the existing care home does not provide. The terraces on the upper floors will enable all residents to have access to outdoor space and nature. The way the building has been designed will allow natural light into bedrooms, corridors and communal spaces, which is a key feature in design for older person's accommodation. The specific provision for those living with dementia, with dementia friendly design elements and a focus on resident's wellbeing is also strongly welcomed.

Lifelong Learning and Leisure

3.27 No comments given the nature of the development.

EXTERNAL

Haxby Town Council

3.28 Haxby Town Council resolved to defer the opinion of the Haxby Town Council planning committee citing that it was a substantial development with very little notice given to enable the Council to fully receive all the information and to submit a fully informed opinion. Other grounds/concerns have been cited and include:

- an Environmental Impact Statement was required
- a plan to show a comparison of the height and size of the proposed development to nearby properties was required
- a light and shading plan of the whole site had not been provided. This was needed to show the overshadowing of nearby properties
- a drainage report was required, as the drains in this area were very shallow and surface water will be an issue
- a plan to harvest rain water should be provided
- the roof height of the highest part of the development was not shown on the plan.
- a drawing of the East side of the development was required
- the balconies would be intrusive to neighbouring properties
- a plan on traffic control during the build would need to be provided
- there needed to be a plan to park builder's cars away from the site and possibly on the Ethel Ward Playing Field car park but this must not include HGV Vehicles.
- a report from the Conservation Office was required as this development was beside the Conservation Area.

3.29 Officer note- the application does not meet the description of development and applicable threshold criteria to be classed as an Environmental Impact Assessment development.

Yorkshire Water

3.30 No objection in principle to:

1. The proposed separate systems of drainage on site and off site
2. The proposed amount of domestic foul water to be discharged to the public foul sewer network
3. The proposed amount of curtilage surface water to be discharged to the public surface water sewer network at a restricted rate of 14.2 (fourteen point two) litres/second
4. The proposed amount of curtilage surface water to be discharged to the public foul sewer network at a restricted rate of 3 (three) litres/second
5. The proposed points of discharge of foul and surface water to the respective public sewers submitted on drawing L2540-FP-XX-XX-DR-D-0921 (revision P2) dated 02/11/2020 that has been prepared by Furness Partnership.

3.31 Provided the development is constructed in full accordance with drawing L2540-FP-XX-XX-DR-D-0921 (revision P2) dated 02/11/2020, YW has no further comment on this application.

Foss Internal Drainage Board

3.32 The application site close to the Board's asset in the form of Usher Lane Drain, which is known to be subject to high flows during storm events.

- Surface Water

3.33 Consent would be required from the Board, in addition to consent from Yorkshire Water, if the applicant proceeds down the route of using the mains surface water sewer as this appears to discharge into Usher Lane drain. It is recommended that the Planning Practice Guidance hierarchy for the management of surface water is followed.

- Foul Sewage

3.34 The applicant is proposing to connect into the mains foul/combined sewer; the Board would have no objection to the new proposed arrangement is Yorkshire Water is content and satisfied that the asset has the capacity to accommodate the flow.

Designing out Crime Officer

3.35 The scheme overall shows a scheme with many positive features in terms of Designing out Crime. The vehicular access and movement within the site is

suitable, keeping permeability at an appropriate level. Internal routes are well overlooked and will provide users with a sense of safety and security. The development have a clearly defined perimeter with appropriate boundary treatments providing unambiguous demarcation of public and private realm. The proposed landscaping raise no concerns in relation to designing out crime.

3.36 Parking is located where vehicles can be observed from normally occupied rooms within the building. Visitor parking is also located where there will be good levels of footfall, providing further passive surveillance.

3.37 Separate cycle parking for staff and visitors is to be provided. In the case of staff provision, this is to be located within a secure area to the rear of the building and is appropriate. In order to encourage this form of transportation, it is recommended that any form of external cycle parking should be undercover, to protect the cycles from incremental weather.

3.38 Recommendations in respect to lighting include all external doors illuminated with vandal resistant security lighting, operated by sensor with manual override switch (fitted at a height that makes them not easily accessible). Parking areas should be illuminated; bollard lighting should be avoided and when positioning lamp columns consideration should be given to any landscape proposals to avoid tree canopies obscuring lighting or creating shadow.

3.39 Given the nature of the proposal, consideration should be given to the installation of a CCTV system to cover all entrances/exits from the building and access routes.

4.0 REPRESENTATIONS

4.1 The application has been advertised by site and press notice, in addition to neighbour notification. 13 letters of representation have been received citing the following concerns:

Overlooking/loss of privacy

- from 3rd floor windows
- from terraces; viewing platform and act as a 'watchtower'
- view into gardens and homes (all directions)
- bedrooms directly overlooking Station Road (currently the elevation has no-habitable purposes) and total of 8 new windows

Height of building

- suggest this is reduced in line with the original building at 2 storeys
- result in loss of light
- loss of open aspect

Noise pollution

- restrict noise pollution in the early mornings, evenings and weekend
- noise and disturbance during construction should be considered

Light pollution

- lighting should not be directed at properties opposite

Design

- not in keeping with general amenity or be sympathetic to the village nature of central Haxby
- overbearing and out of scale and proportion with this area and residential street (Hall Rise)
- development will be more obvious in autumn and winter months when the tree line does not afford any screening (from Hall Rise)
- near to conservation area
- dormers windows previously have not been allowed to the front of property
- high density on the site

boundary treatment

- assurances of protection to existing boundary
- alternative design to be considered; current fence provides screening whereas concrete post and iron railings will not

Landscaping/trees

- proposed tree T13 is not suitable as it drops unpleasant twigs all year round; would like this replaced with something more suitable
- removal of established trees
- loss of green space and open aspect

Parking

Staff parking- is there enough? Should avoid the grass verges; will increase the volume of traffic in our vicinity

Welcome the owners to give full consideration to reducing car use

Contractors and deliveries- should use the site and off-road should not be used

- Room sizes for prospective residents don't appear to be of sufficient size
- Consultation process unacceptable; not many on Hall Rise estate are aware of the proposals; and a request is made to inform all residents on Hall Rise regarding the development and extend the current deadline for comments
- CYC should take account of the Human Rights Act; private and family life therefore encompasses not only the home but also the surroundings i.e. the gardens

- Contrary to policies GP1(i) and H7(d) of the Council's Development Control Local Plan (2005) and the Council's Draft Supplementary Planning Document 'House Extensions and Alterations' as well as paragraph 17 (core planning principles) of the NPPF.

Officer note: reference is made to paragraph 17 (core planning principles) of the NPPF, however the core planning principles are included in the 2012 NPPF, which has been superseded by the NPPF dated 2019.

5.0 APPRAISAL

5.1 Key Issues:

- Principle of development
- Design and Visual Impact
- Heritage Impacts- setting to Haxby Conservation Area
- Landscaping and trees
- Residential amenity for existing residents
- Residential amenity for prospective residents
- Highways and parking
- Ecology impacts
- Sustainability
- Environmental Impacts
- Flood Risk and Drainage

LEGISLATIVE BACKGROUND

5.2 By Section 70(2) Town & Country Planning Act 1990, in dealing with any application for planning permission the local planning authority shall have regard to the provisions of the development plan, so far as material to the application and to any other material considerations.

5.3 By Section 38(6) Planning and Compulsory Purchase Act 2004, a planning application must be determined in accordance with the development plan unless material considerations indicate otherwise.

NATIONAL PLANNING POLICY FRAMEWORK ("NPPF") 2019

5.4 The NPPF sets out the government's planning policies for England and how these are expected to be applied. 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. Further, the NPPF sets out the presumption in favour of sustainable development.

5.5 In the absence of an adopted Local Plan the most up-to date representation of planning policy is the NPPF, and it is against this Framework that the proposal should principally be addressed. The NPPF is a material consideration in the determination of this application.

5.6 The sections of the NPPF that are considered to be of relevance to this planning application include: 5. Delivering a sufficient supply of homes; 8. Promoting healthy and safe communities; 9. Promoting sustainable transport; 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.

5.7 Any harm from development within the setting of a heritage asset (which includes a conservation area) triggers paragraph 194 NPPF. There is therefore a duty pursuant to paragraphs 190, 192 and 196 NPPF, firstly, to identify the significance of the conservation area and secondly, to assess the impact of any harm upon the conservation area.

PUBLICATION DRAFT LOCAL PLAN (2018)

5.8 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
- 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).

5.9 The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications. Of relevant to this application, the evidence base includes:

- Strategic Housing Market Assessment (SHMA) (June 2016)
- Strategic Housing Market Assessment Addendum (June 2016)
- Strategic Housing Market Assessment Update (SHMA) (2017)

DEVELOPMENT CONTROL LOCAL PLAN (2005)

5.10 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 and can be afforded very little weight in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

ASSESSMENT

Principle of development

5.11 Section 5 of the Framework seeks to boost the supply of homes and specifically paragraph 61 states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies; this includes older people.

5.12 The proposals seek to demolish a pair of semi-detached properties; No's 5 and 7 York Road. There is no relevant planning history relating to these properties, however they provide 3 bedrooms, have reasonable sized gardens, and currently add to the overall housing stock. There are no local or national planning policies that restricts the loss of dwellings, although the government has an objective of significantly boosting the supply of homes.

5.13 National planning policies seek to ensure the type, size and tenure of housing need for different groups in the community is assessed and reflected in planning policies. Draft Publication Plan Policy H3 applies these principles of balancing the housing market in York. The City of York Council Strategic Housing Market Assessment (SHMA) and Addendum (2016) outline that there is a need for a mix of types of housing which reflects the diverse mix of need across the city, however it is also suggested that the focus of new housing should be on two and three bed properties reflecting the continued demand for family housing and the demand from older persons wishing to downsize but still retain flexible accommodation.

5.14 It is acknowledged that the two dwellings are to be demolished to facilitate an enlarged care and dementia care home in order to continue to delivery specialist (supported) housing and registered care housing for vulnerable people, which is supported by draft Publication Plan policy H9. The explanation to the policy sets out that the City of York has a population that is older than the national average, with a high proportion of people aged 85 or over. The health of this section of the population is also expected to decline with a significant increase in the number of people with dementia or mobility problems.

5.15 The SHMA analysis identifies that over the 2012 -2033 period there is an identified need for additional 37 bed spaces per annum for older people (aged 75 and older) in nursing and residential care homes. In the same period there is an

identified need for 84 specialist units of accommodation (generally considered to be specialist or extra-care housing) per annum.

5.16 The proposals seek the replacement of an existing care home replacing the 49 bedrooms that are currently provided. Within the existing care home, 41 of the bedrooms provide residential care and 8 of the bedrooms providing specialist dementia care. Overall there will be an uplift of 17 bedrooms. The proposed new care home will continue to provide both residential care for older persons and dementia care, with a split of providing 47 residential care bedrooms and 19 dementia bedrooms. It is considered that the application will meet an identified need outlined in the SHMA.

5.17 Further the NPPF (section 11) promotes an effective use of land in meeting the need for homes and other uses. Paragraph 118 (c) of the Framework sets out that substantial weight should be given to the value of using suitable brownfield land within settlements for homes as well as (d) promoting and supporting the development of under-utilised land and buildings which would help to meet identified need for housing where supply is constrained and available sites could be used more effectively.

5.18 Haxby Hall is located within an existing residential area of Haxby. It is a sustainable location with access to local services and facilities and public transport. The site is within walking distance to a number of bus stops; Hall Lane stop on Station Road, Usher Lane stop on Usher Lane and Haxby Hall Memorial stop on The Village.

5.19 The loss of 2no. family sized dwellings is undesirable, however this scheme seeks to provide an overall increase in specialist accommodation, meaning that the two dwellings will be replaced in the housing stock, albeit they will be replaced with accommodation that is of a different type and tenure. However, this is only considered acceptable due to the proposals meeting an identified need set out in the SHMA and meeting the requirements of draft policy H9. The overall aims of balancing the housing market (draft policy H3) and delivering a sufficient supply of homes (section 5 of the NPPF) would still be met.

Design and Visual Impact

5.20 Section 12 of the NPPF advises that good design is a key aspect of sustainable development, creating better places in which to live and work and helps to make development acceptable to communities (para. 124).

5.21 Continuing, paragraph 127 of the NPPF sets out six design expectations for proposed developments and include;

a) it will function well and add to the overall quality of the area;

- b) visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history;
- d) establish or maintain a strong sense of place;
- e) accommodate and sustain an appropriate amount and mix of development; and
- f) create places that are safe, inclusive and accessible , which promote health and well-being, with a high standard of amenity for existing and future users.

5.22 The site of the existing care home, and the two residential properties at No's. 5 and 7 York Road are not located within any conservation area, nor are they listed. The existing care home is undistinguished of municipal character and along with the two residential properties, the buildings have little architectural merit and there are no objections to their demolition from a heritage point of view.

5.23 In terms of the building design there has been an overall ambition of the applicants to reintroduce the street presence and architectural style of the previous Haxby Hall, but which utilises modern scale and form. The Council's Conservation officer does not wholly agree this approach is appropriate, stating that a less formal neo-vernacular approach would be more appropriate. This would result in a more simplified form that combines traditional proportions with attention to qualities of materials and detailing. It is also recommended that the building is designed with more nuanced articulation to distinguish different parts of the building in order to mitigate its scale and extent.

5.24 The mass and scale of the building is broken up by a mix of projecting and recessed elevations, with different roofs and eaves height and dormer projections. There is also a smaller 'coach house' style block located on the existing lawn to the south.

5.25 The proposed materials have been a matter of discussion between the applicant and the LPA; there is now the intention of using one facing brick for the whole development, rather than a buff facing brick for the main building with red facing brick for the wings, which was considered to result in a contrived visual appearance. Other materials have been set out in the applicant's design change statement, which includes uPVC windows and cembrit slate. The applicants state that the use of uPVC will be designed to closely match sliding sash windows, however these are easier to use by residents and staff as well as reducing the operational and maintenance costs of the care home. The Council's conservation officer suggests that cement slates, such as those specified would detract from the historic village setting and close visual relationship with the conservation area and recommends that natural slate to the mansard slopes is sought. Furthermore, along with natural slate, the conservation officer suggests that timber windows would be desirable given the traditional sash window styles and pastiche building design. Officers are content, that whilst there is a clear relationship to the conservation area and the building occupying a landmark site, this does not justify the requirement for

quality materials specified by the conservation officer. It is considered that the overall development will be visually attractive and be sympathetic to local character, complying with paragraph 127 of the NPPF. The detailed materials, particularly in respect to facing bricks to be used in the construction of the development can be developed through planning condition to ensure that the whole design concept can be delivered. Officers have regard to the nature and form of the proposed development, as a residential care and dementia care home, and that the budget requirements and the provision and arrangement of internal living accommodation are given weight in this regards.

5.26 Discussions have been undertaken in respect to the detailed design of the dormer windows, which appear heavy and dominant. These structures should appear lighter and more 'incidental' to the roofscape. The applicant sets out that there are certain requirements for the dormers, such as needing to be a minimum of 600mm from the ground for appropriate heights for people when seated, meaning in they cannot be brought away from the eaves and other considerations given to their size for residents achieving appropriate daylighting. An objector cites that dormers are inappropriate in this locality, having been refused on their residential property previously. This building is a new building and therefore dormers in principle are acceptable in this respect. Dormers on residential properties can be, in most instances permitted development, however where they require planning permission, they are subject to other policies and guidance (including guidance contained in the Council's draft SPD 'House Extensions and Alterations') with a detailed consideration of their visual impact and effect on neighbouring properties.

5.27 Overall, given that the site is located outside the conservation area, the design, and quality of the proposed development will be one that generally reflects the appearance of the area; the building appropriately addresses the street frontage. Whilst a three storey building in parts and the use of dormers at other parts of the building as well as a coach style southern wing, it is considered that on balance, it is of a residential domestic scale and appearance which appropriately addresses the street's frontage and extensive grounds. The development will provide an uplift in the number of bedrooms to be provided at the site, along with improved accommodation and facilities for residential care and dementia care provision, improved landscaping and parking and private amenity facilities.

Heritage Impacts- Setting to Haxby Conservation Area

5.28 Whilst the application site is not located within the Haxby conservation area, it is located adjacent to its boundary. As such, the Haxby conservation area (designated 1977) is a designated heritage asset and consideration should be made in respect of the significance of the conservation area and the impact of the development proposals upon its setting.

5.29 The conservation area boundary encompasses the extent of the historic village, its layout typical of many Vale of York villages consisting of the main street lined on both sides by buildings of varying sizes with linear curtilages stretching back to north and South Lanes respectively. The rural village character and scale survives despite unsympathetic development and therefore holds evidential and historic values. Additionally, the character and appearance of the area is highlighted by the relationship of the street frontage and the various elements that make up the street scene having aesthetic value. The conservation area appraisal identifies that recent commercial development has taken place at the south-east end of The Village, which is out of character with the domestic scale of the traditional buildings.

5.30 There appears to be some contribution to the setting of the conservation area, with this site forming a landmark site at the entrance to the historic village from York and possessing residual historical significance associated with the former Hall and its extended landscape. However, the relationship with The Village and the Haxby conservation area has been eroded throughout the 20th century by the loss of the parkland associated with Haxby Hall providing housing estates to the south (Gale Close) and to the east (Hall Rise), the loss of the Hall itself as well as the alteration to the road layout at this junction (the introduction of the roundabout and York Road). Therefore it is considered that the site has a neutral impact upon the heritage values and the significance of the Haxby conservation area.

5.31 Paragraph 193 of the Framework sets out that when considering the impact of a proposed development on the significance of a designate heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

5.32 Paragraph 194 of the Framework continues to state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

5.33 Detailing of the proposed building has been taken from the previous Haxby Hall that occupied the site. Through the revised plans, the dominate effect of the building facing the roundabout and the views from The Village have been slightly reduced by the changes to the second floor level; this is now where the 2nd floor terrace is now proposed. The driver for the re-positioning of the terrace is in order to preserve the privacy of neighbouring properties. The outlook for prospective residents has also been considered by the applicants, and this sets out their reasoning for not locating this terrace to other areas, such as the centre of the building above the curtain glazing. It is unfortunate that the outlook from above the curtain glazing is considered to be poor, potentially over the car parking and the roof

of the ambulance station, as the glazed balustrade would relate better to the curtain glazing feature.

5.34 Unfortunately, the effect of the roof terrace in the location proposed, would result in a glass balustrade, not typical of a 'county house' positioned on the most prominent elevation of the building, especially when viewed from The Village, the central part of the Haxby Conservation Area, which is generally characterised by streetfront roof terraces. However, the significance of conservation area lies in its traditional arrangement and street pattern, and therefore the significance of the conservation area would not be significantly affected. It is concluded that the harm to the conservation area results in less than substantial harm to the character and appearance of this designated heritage asset.

5.35 As such, paragraph 196 of the NPPF sets out that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

- Public Benefits

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

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

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

(Paragraph: 020 Reference ID: 18a-020-20190723 Revision date: 23 07 2019)

5.37 The public benefits derived under each of the objectives (economic, social and environmental) are outlined below.

- Economic Objective

5.38 The scheme seeks to provide an enlarged care home providing an uplift in the number of residential care and dementia care rooms, as well as improved facilities

across the site. The provision of services will be a joint public/private venture between Yorkare Homes Ltd and the City of York Council's Adult Social Care Team. This development seeks to replace an existing sub-standard residential care facility. It is considered that the proposed development will create the conditions for investment and expansion and support local economic growth which is a key direction of the NPPF as set out in Chapter 6 'Building a strong, competitive economy' and paragraphs 80 and 81.

- Social Objective

5.39 The proposed development will provide an uplift in the number of residential care and dementia care homes provided on this site. This will help achieve the identified need of this type of accommodation outlined in the SHMA and meet the requirements of paragraph 61 of the NPPF in terms of providing housing for different groups in the community, included older people and people with disabilities. Within the site there will be a range of inside and external areas that will provide opportunities for gentle physical activity, planting and informal activity and communal spaces, and will help to support healthy and active residents as well as social cohesiveness.

- Environmental Objective

5.40 The environmental objective is to protect and enhance our natural, built and historic environment. The development in this location will support the development of the building and land that is currently underutilised and will help to meet an identified need for housing. Additionally the application has considered the challenge of mitigating and adopting to climate change.

- Conclusion of public benefits

5.41 It is demonstrated that the scheme would deliver economic, social and environmental objectives. These objectives demonstrate that public benefits would be derived from the proposed development. The public benefits outlined above are considered to outweigh the less than substantial harm identified to the heritage asset identified above. The application therefore complies with paragraph 196 of the NPPF in this regard.

Landscaping and trees

5.42 Section 12 of the Framework focuses upon achieving well design places, with the creation of high quality buildings and places being fundamental to what the planning and development process should achieve. Paragraph 127 b) seeks to ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

5.43 The new building would extend onto the open lawn to the south end of the site, which is contiguous with the historic parkland associated with the former Haxby Hall, albeit the conversion of the park to playing fields somewhat obscures the relationship. This landscape character helps to soften the presence of the existing building. However, the historic landscape has been severely compromised by development since the Hall was demolished, and the minor harm to this aspect of landscape character would be outweighed to the enhancement of the western frontage of the site, with the removal of the car park, reinstatement of boundary and extension of landscaping.

5.44 The existing trees to the front are highly visible from the roundabout and provide welcome greenery. The mature sycamore is the most prominent and provides the greatest contribution to local public amenity and will be retained. It is noted that the proposed development will be compatible with the retention of this tree. The smaller, younger trees at the back of this group will be removed and some are identified as having good potential, however in the long term they would conflict with the existing building. It is tree coverage that is important rather than any individual specimens being particularly worthy of a TPO, with the exception of Sycamore (T8) which should be protected and is shown as being retained. This tree is within the ownership of the local authority which does not serve TPOs on itself unless a tree is under threat from a neighbour or the sale of land.

5.45 As individual specimens, none of the trees proposed for removal are worthy of a tree preservation order, due to their limited age, size and/or public visibility. The landscaping scheme is generally fine, however the Council's landscape architect outlines that there is a good mix of shrubs, spot shrubs, hedging, herbaceous plants and climbers (against the eastern boundary), however the tree planting palette is limited and suggests that a bit more variation in tree planting across the year would be appreciated. The variation in species can be developed via condition and will also enable consideration given to above and below ground services.

5.46 Overall, the proposed tree planting compensates for the loss of trees as a direct measure but there is an accompanying change in the spatial quality of the site. The proposed building has a very different dynamic with the street than the existing one. This does not cause harm due to the loss of foreground space and vegetation. The design attains a shallow but layered frontage, with a hedge and trees against the street, followed by a margin of grass, and then a series of patios delineated with low hedging and spot shrubs; so whilst the foreground space is shallow, relative to the scale of the building, the proposed planting has some visual depth due to the layers of proposed planting.

Residential amenity for neighbouring properties

5.47 Paragraph 127 (f) of the NPPF sets out that a design criteria for new developments is to create places that are safe, inclusive and accessible, with a high

standard of amenity for existing and future users. 2018 Draft Plan policy D1 Placemaking sets out that under consideration of part v. Character and Design Standards, developments should ensure that design considers residential amenity so that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing.

5.48 The site occupies a corner site and is separated to most neighbouring properties by York Road and Station Road to the west and north respectively. However, to the east the site abuts three neighbouring residential properties, No's 2, 20 and 31 Hall Rise and it is considered that these would be most affected by the proposals. There have been revisions to the scheme in order to address concerns of neighbouring properties, which relate to loss of privacy and the dominance of the building at three storeys.

5.49 The existing building is two storeys high and is positioned close to the shared boundary with the aforementioned properties at Hall Rise. Adjacent to No. 20 Hall Rise, the building is currently situated between 2m and 5m away from the shared boundary. The distance to the shared boundary adjacent to No. 2 Hall Rise increases to 7m (approx). Whilst the proposed building would be higher at three storey's the building has been set back further from the shared boundaries of these properties, at its shortest 9m (approx.) from the boundary with No. 2 and 15m (approx.) from the boundary with No. 20 Hall Rise.

5.50 Additionally, the plans indicate that the increase in the height of the building from the existing ranges from 0.7m – 1.1m along the rear elevation. Along with the set back from the eastern boundary of the site, the relationship to these neighbouring properties is much improved. The proposals have been amended to include a 2m high close boarded fencing along the eastern boundary of the site, which satisfies the concerns of neighbours, and will alleviate impacts at ground floor level. It considered that the impacts of the resultant building, in terms of overbearing and dominance are significantly reduced and is considered acceptable.

5.51 Further along, towards the southern elevation, there is a two storey 'coach house' which would be positioned on the existing lawn. This area has been undeveloped previously, and it is noted that this is at a lower height than the main building. Dormers have been positioned on the front (western) facing roofslope with rooflights in the rear (eastern) facing roofslope. These combined help to assist in reducing its impact. It is noted that whilst there will be some impact to No. 31 Hall Rise, this property benefits from an open aspect from the south east, where it benefits from abutting the playing fields. Whilst an increase in massing would be experienced, the overall impact from this part of the development is acceptable.

- Privacy

5.52 Objections have been received from neighbouring occupiers notably from Hall Rise to the rear and Station Road and The Village to the north of the site in respect to loss of privacy arising from increased number of windows and dormers and the position of terraces.

5.53 The position of the building within the site has been outlined above and given the increased distance between the proposed building with the site boundaries will result in increased distances to neighbouring properties. Distances to windows contained within neighbouring properties will be increased to between 17m – 21m, and angles will be acute. There will be perceived overlooking as a result of the four dormers, however the internal arrangement of the second floor means that these dormers serve the corridor or communal areas and no individual bedroom. The rear roofslope of the coach house is served by rooflights, although this serves the corridor, and no individual bedroom. There would be an outlook from bedrooms positioned on the first floors over garden areas, however this would be similar to the existing arrangement.

5.54 Additionally, any overlooking at ground floor level would be restricted by the improved boundary treatment, comprising of 2m high close boarded fencing. Overall, in an easterly direction, it is not considered that the proposed building would result in detrimental overlooking that would be harmful to the amenity of occupiers of neighbouring properties in this direction.

5.55 In the northern and western elevation, facing Station Road and York Road, there will be residential bedrooms, as well as communal areas within the building. The rooms will benefit from having an outlook to the side and front garden of the site, and beyond over the highway. Properties adjacent, to the north have commented that there would be an increased level of overlooking, commenting that this part of the existing building contains no habitable rooms. Whilst these concerns are noted, the distances from these windows, to the front elevation of properties adjacent is in excess of 21m, which is acceptable in this regard and will not give rise to increased overlooking to neighbouring occupiers.

- Terraces

5.56 The applicant sets out that the terraces will be used in addition to the external areas for meals and general activities and relaxation. They will have a mixture of dining and lounge seating, as well as raised planters for gardening activities. Residents, either singularly or in small groups, along with their visitors, will be able to access the terraces. In most case residents will be accompanied by a carer. There is no indication that the terraces will be used outside of daylight hours and the applicant has indicated that they are unlikely to be used earlier than 9am.

5.57 The Council does not have any specific design guidance in respect to the design and use of terrace or balcony area a residential care home.

5.58 There is no indication of any capacity levels of the terraces, however at 45sqm and 70sqm as well as furniture, there will be a limit on the number of people using the terraces at any given time. Given that the nature of the residents of the care home, it is unlikely that the activities undertaken on the terraces would be particularly noisy, and any noise would be similar to those experienced in a residential area, which this is, and overall the noise arising from the terraces and other external areas is not considered to be at such a level whereby it would be detrimental to the amenity of the existing neighbouring properties.

5.59 In terms of privacy, one of the main amendments to the scheme has been the relocation of the second floor rear terrace, in order to address objections regarding the loss of privacy to house and private rear gardens of properties at Hall Rise. This has been relocated to the north western corner of the building, still at second floor level but with an outlook over the corner of the site, and the roundabout and Station Road.

5.60 The relocated second floor terrace would have an outlook over the corner of the site and the roundabout and it is acknowledged that it would have an elevated position. There would be an outlook over Station Road towards residential properties on the northern side of the road, in particular No. 1 Station Road and No. 2 The Village. However separation distances from the terrace to these properties would be in excess of 21m, which is outlined in the SPD as normally being considered acceptable in preserving reasonable privacy levels.

5.61 Not used.

5.612 The plans indicate a retained terrace to the rear at first floor level. This will be positioned in line with the side elevation of No. 20 Hall Rise, which contains attached outbuildings and garages. The property, and its rear elevation is angled away from the position of the proposed terrace, and whilst the terrace may create some additional overlooking, the angles are acute. Additionally, the distance between the corner of the terrace with the rear elevation achieves 19m, and together with the acute angles it is considered that this relationship is acceptable and would not detrimentally impact upon the residential amenity of the occupiers of this neighbouring property. Predominantly, the view from the terrace would be the front gardens of No's 20 and 31 Hall Rise and the public areas at the head of the Hall Rise cul-de-sac beyond, although given the extent of mature trees to be retained, the existing tree canopy coverage will help to alleviate any significant overlooking, in this direction. Again, given the orientation, it's more open front garden and acute angles to front facing windows and the position of the building to the south, it is not considered there would be direct overlooking towards No. 31 Hall Rise that would detrimentally impact upon the residential amenity of the occupiers of this neighbouring property.

Residential amenity for prospective residents

5.63 Objections have been received citing concerns that the proposed rooms provide inadequate residential amenity for prospective occupiers. The gross internal floorspace (GIA) of individual rooms, excluding en-suite facilities range from 19.5sqm – 54sqm for larger apartments. It is noted that there is no relevant current local plan policy relating to space standards however the Department of Health 'National Minimum Standards and The Care Homes Regulations 2001' recommends single rooms with a minimum of 12sqm of useable floorspace (excluding en-suite facilities). The rooms are considered to be of adequate size across the proposed development.

5.64 Generally, the building has been designed with an open aspect providing outlook over the site and rooms will achieve good levels of daylight and sunlight. The plans demonstrate areas inside and outside the building will provide opportunities for gentle physical activity, planting and informal activity and communal spaces. Some ground floor rooms fronting York Road will have individual private amenity spaces.

5.65 Additionally, back of house functions have been located to the area behind the existing ambulance station at ground floor level, where daylight and outlook is not so much an issue for the function of these rooms.

Highways and parking

5.66 Paragraph 103 of the Framework advises that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

5.67 The application is supported by a Transport Assessment and Travel Plan. The Travel Assessment's traffic generation analysis shows that the proposed development, taking into account the increase in the accommodation to be provided, is unlikely to have a significant impact on the highway network. This site is in a sustainable location within the village of Haxby; there are pedestrian links to the main village and residential areas, as well as the site being served by a number of bus routes. The developer shall encourage staff travel to and from the site via sustainable transport modes, such as walking, cycling, public transport use as well as the potential to promote car sharing. A number of measures and initiatives to encourage staff travel to and from the site by sustainable transport modes shall be developed through a travel plan. This will require an annual staff travel survey and review and can be secured via condition.

5.68 There will be a new principal vehicular access to be created off York Road, and it is considered that this is likely to be beneficial in regards to highway safety, increasing the distance between the access and Station road/York Road/The Village

junction. This shall be used primarily for access to the car park, however there is no detail provided within the application that suggests deliveries would be restricted from this access. The secondary access, off Station Road shall be retained, and used primarily for servicing/waste collection in the same manner as currently experienced, as well as providing 3no. staff car parking spaces. Additional information is requested by the Highways Development Officer, including swept path analysis showing the movements of delivery/service vehicles at both accesses and any subsequent highway improvement works to facilitate this would be expected to be funded by the applicant. These measures can be secured via condition.

- Car parking

5.69 The existing 49 bedroom care home is served by 6 car parking spaces, the increase in the provision of staff and visitor car parking spaces to 26 is not objected to by the Highways Development Officer, stating that this is broadly in line with CYC parking standards (as set out within Appendix E of the DCLP 2005). Within this, 3no. spaces are proposed as disabled spaces, improving facilities for those with disabilities and reduced mobility.

- Cycle Parking

5.70 The proposals indicate staff cycle parking to the rear of the building, accessed from Station Road and via a gated entrance. It is assumed that this gate will be accessible only by staff to provide entry to the cycle parking. Within the main car park area, the plans indicate the provision of 3no. Sheffield stands enabling the parking of 6 bicycles. The plans do not indicate whether either the staff or visitor cycle parking will be covered, and conditions shall ensure that details of cycle shelters be submitted. This will protect cycles from incremental weather and encourage cycling as a means of accessing the development.

- Mobility Scooter Parking

5.71 The Highways Development Officer has recommended that given the nature of the development of a care home and to cater for residents or visitors will reduced mobility, an area to safely park mobility scooters should be provided. It is considered that there are areas to accommodate this within the site, such as in conjunction with the visitor cycle parking, and details shall be reserved by condition.

Ecology impacts

5.72 The applicant has undertaken an Ecological Appraisal and Bat Survey Report (August 2020) which identifies that there is no evidence of roosting bats within the existing building or trees within the site. The site however is suitable for nesting birds and an informative shall ensure that the applicants are reminded about

undertaking tree work, shrubs and vegetation clearance outside of bird nesting season.

Sustainability

5.73 It is set out in section 14 of the NPPF, that the planning system should support the transition to a low carbon future in a changing climate. This includes encouraging the reuse of existing resources, including the conversion of existing buildings and support renewable and low carbon energy and associated infrastructure (para. 148 of NPPF).

5.74 2018 Draft Plan policies CC1 and CC2 seek to encourage the use of renewable and low carbon energy generation and high standards of sustainable design and construction. Both policies are applicable to the new residential building.

5.75 The applicant has submitted a 'Sustainable Design Alternative' report that outlines the general approach of the development to sustainable design. The report sets out that there are several factors that have rendered the reuse of the existing building, including the existing floor to ceiling heights are greater than required and are not suited to a care home scheme, internal columns in the centre of the building do not allow for an efficient bedroom layout. Additionally there would be a requirement for strip out and demolition of parts of the building and where any masonry would be retained this would require thermal insulation to bring it up to a required standard. Whilst the reuse and renovation is usually considered to be one of the most sustainable development options, given the information presented in the application, the required uplift in additional accommodation required by the Older Persons Accommodation Programme as well as considering the current layout of the existing building within the site, the retention and extension of the building is not considered to be the most sustainable long-term option. The loss of the two residential properties are regrettable, but they allow for improved parking and accessibility to the site, by other sustainable measures, as well as improved landscaping.

5.76 Other sustainability measures include the installation of a Combined Heat and Power (CHP) system, photovoltaics mounted to an area of roof, air source heat pumps and low energy lighting will all help to minimise energy consumption and carbon emissions. The submitted sustainable design alternative report sets out that an initial assessment indicates that a reduction of 30% reduction in CO2 emissions when compared to the Target Energy Rating (TER) in current Building Regulations can be achieved at this stage. A condition shall ensure that these sustainability measures are implemented at construction stage to ensure compliance with policies CC1 and CC2.

Environmental Impacts

- Air Quality

7.77 The site is located outside any Air Quality Management Area (AQMA) however in order to support improvements in air quality to help protect human health, the Council's draft Low Emission Strategy (LES) sets out measures to reduce emissions and encourages the uptake of low emission vehicles. The draft LES requires a minimum of 5% of all car parking spaces to be provided with electric vehicle charge points (active provision). Further, an additional 5% (minimum) of car parking spaces should have the potential to be easily upgraded with electric vehicle charge points in the future (passive provision). This involves the consideration of future power requirements, cabling and groundwork to be installed from the outset. There are 23 car parking spaces to be provided in the main car park, with three additional staff spaces to be provided to the north of the building, accessed from Station Road. Therefore, in line with the draft LES, 2 spaces should be provided with active charge points, with a further 2 spaces provided with provision to be upgraded in the future. The plans do not currently indicate the location and specification of such provision and this can be secured via condition, as well as securing a management plan for the electric vehicle recharging points. The proposal is considered to comply with the requirements of draft policy ENV1 in this regard.

- Lighting

5.78 The Designing out Crime officer has provided recommendations in respect to lighting, to ensure that all external doors are adequately lit for security purposes. The ground floor rooms fronting York Road will have direct access onto small amenity spaces via external doors. The Designing out Crime officer has recommended that these doors are fitted with sensor security lighting. The luminance levels of the lights are expected to be suitable for this domestic setting however the Council's Public Protection team have requested that external lighting is switched off by 23:00 hours daily, other than where required for emergency of security purposes. As adjacent properties on York Road are sited in excess of 21m away, they are unlikely to result in significant light pollution.

5.79 In addition, it is recommended by the Designing out Crime officer that the parking areas are also illuminated with lamp columns rather than bollard lighting, and consideration given to landscape proposals in order to avoid tree canopies obscuring lighting or creating shadow. The main car park is positioned where the existing residential properties, No's 5 and 7 York Road are sited. This area is generally cleared of trees, other than canopy spread of trees positioned in neighbouring sites although the landscape proposals indicate additional tree planting in this area.

5.80 Objections have been received from occupiers in the terraced properties adjacent to this car park, siting concerns in respect to light pollution. Distances between these properties and the car park are approximately 20m. It is considered

that a lighting impact assessment detailing predicated lighting levels at neighbouring properties, from both the car park areas and the wider development (i.e. the external rooms) can be secured via a suitably worded condition in order to ensure that the lighting scheme offers a safe and secure development whilst protecting the amenities of neighbouring occupiers.

- Noise

5.81 The submitted noise impact assessment sets out that the noise environment is observed to be dominated by road traffic, and no other significant noise sources. Ambient noise levels throughout the site it relatively low, and it is considered that in order to protect the prospective occupiers from external noise sources, typical standard double-glazed windows with standard trickle vents would be satisfactory for the proposed development. A condition shall ensure that the noise mitigation measures as set out in Table 5.1 of the submitted Noise Impact Assessment are installed within the development.

- Odour

5.82 The development includes the installation of a commercial kitchen and in order to ensure that there is adequate facilities for the treatment and extraction of cooking odours, details of plant, machinery and any filtration system shall be secured via condition.

- Land Contamination

5.83 NPPF paragraph 178 sets out that planning decisions should take into account ground conditions and any risks arising from land instability and contamination with the responsibility for securing a safe development rests with the developer and/or land owner (para. 179).

5.84 The application is supported by a Solmek Phase 1 desk study and Solmek Phase 2 investigation however this assessment does not confirm the ground, in terms of soils and groundwater are suitable for the proposed use and a full set of ground gas monitoring results. It is therefore recommended that further investigation is undertaken and can be secured by conditions.

- Construction impacts

5.85 The site is located close to residential properties, and the proposals involve demolition as well as construction, which can be very impactful to neighbouring buildings. Therefore in this regards a Construction Environmental Management Plan (CEMP) is recommended to be secured via condition, in order to minimise construction impacts (noise, vibration and dust) during demolition, site preparation and construction phases of the development.

5.86 A number of objectors seek additional controls in the form of construction hours of working, however it is considered that the Council's standard working hours condition would be appropriate. The CEMP would be able to control the timing of specific noisy construction works in a more appropriate manner.

5.87 Other objections have been raised in respect to parking for construction workers and deliveries, particularly avoiding grassed verges. The requirements of the CEMP shall ensure that construction traffic and contractor parking is managed during the construction period.

Flood Risk and Drainage

5.88 The site is in Flood Zone 1 where there is a low risk of flooding. The site is partly covered by existing buildings however there is an increase in the level of hardstanding across the site, as a result of the increased level of parking and enlarged building. The Lead Local Flood Authority (LLFA) along with Yorkshire Water, do not raise any objections to the drainage details in principle and it is considered that site specific details can be sought via condition.

6.0 CONCLUSION

6.1 The site currently occupies the existing care home and 2no dwellings (5 and 7 York Road) and the proposals involve the demolition of the existing building in order to create an enlarged residential care and dementia care home to enable the continued delivery of specialist and registered care housing to meet an identified need. It is considered that this site is located within an existing residential area of Haxby, in a sustainable location with access to local services, facilities and public transport. This application supports the development of under-utilised land which would help to meet an identified need for housing where supply is constrained, which the NPPF attributes substantial weight. The residential care and dementia care home will provide good size accommodation, with all rooms being en-suite, as well as rooms with an open aspect and that will achieve good levels of daylight and sunlight. Within the building and externally, the scheme shall provide opportunities for gentle physical activity, planting and informal activity and communal spaces, as well as some rooms having individual private amenity spaces.

6.2 Whilst the concerns of the conservation officer are noted, the appearance of the proposed building is considered acceptable, being of a scale that is suitable and appropriately addressing the street frontage and extensive grounds. The public benefits of the development have been demonstrated and are considered to outweigh the less than substantial harm to the setting of the Haxby conservation area, in accordance with para 194 and 196 of the NPPF.

6.3 The revisions to the proposal, including the relocation of the second floor terrace has alleviated concerns in respect to the direct overlooking of private gardens associated with existing residential properties at Hall Rise. Whilst the building is higher, and accommodating a further floor, the set back from the eastern rear boundary off-sets any height increase in the building and overall the building will not be unduly overbearing, preserving the residential amenity of neighbouring occupiers.

6.4 The application, subject to appropriate conditions satisfies other aspects in terms of trees and landscaping, parking and highways and environmental quality and climate change. In conclusion, it is considered that the proposed scheme would not have adverse impacts that would significantly and demonstrably outweigh its benefits when assessed against the policies in the NPPF taken as a whole, taking into account the details of the scheme and any material planning considerations. The proposal is thus sustainable development for which the NPPF carries a presumption in favour. Approval is recommended.

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 and other submitted details:-

- YH030-DP(9)901 Rev B - Proposed Site Plan
- YH030-DP(0)50 - Proposed Elevations
- YH030-DP(0)51 - Proposed Elevations
- YH030-DP(0)001 - Proposed Ground Floor General Arrangement
- YH030-DP(0)002 - Proposed First Floor General Arrangement
- YH030-DP(0)003 - Proposed Third Floor General Arrangement
- YH030-DP(0)004 - Proposed Roof Plan
- 20-1026-YH-L002 - Planting Details and Schedules
- 20-1026-YH-L001 - Landscape Proposals
- YH030-DP(9)911 - Tree Protection Plan
- NIA/9274/20/9324/v1/Yorkare Haxby Noise Impact Assessment dated 5 October 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 NOISE8 Restricted hours of work

4 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.

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

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

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. 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 ensure before development commences that construction methods will safeguard the amenities of neighbouring properties in accordance with paragraph 180 of the National Planning Policy Framework and Policy ENV2 of the City of York Publication Draft Local Plan (2018).

5 Prior to the commencement of development a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The a statement shall include at least the following information;

- measures to prevent the egress of mud and other detritus onto the adjacent public highway
- a dilapidation survey jointly undertaken with the local highway authority
- the routing for construction traffic that will be promoted
- a scheme for signing the promoted construction traffic routing
- the management of construction traffic and contractor parking

The measures set out in the statement shall be implemented at all times during the clearance/preparatory and construction works of the development.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

6 Notwithstanding the supporting Travel Plan, the development hereby approved shall not be occupied until a Full Travel Plan has been submitted and approved in writing by the LPA. The Travel Plan should be developed and implemented in line with local and national guidelines and the submitted Interim Travel Plan. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Within 12 months of occupation of the site a first year travel survey shall have been

submitted to and approved in writing by the LPA. Results of yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users and to comply with paragraph 111 of the National Planning Policy Framework.

7 The development shall not be brought into use until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the vehicular access on York Road to match adjacent levels.

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

8 Vehicular access shall be from the York Road and Station Road accesses and details of the design of this access including vehicle tracking/swept path analysis showing the movements of delivery/service vehicles, together with associated sightlines, shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to the commencement of the development.

Reason: To prevent significant impacts on the highway network in accordance with paragraph 108 of the National Planning Policy Framework.

9 Prior to the occupation of the care home hereby permitted, a scheme for the provision for both staff and visitor cycle parking shall be submitted to and approved in writing by the Local Planning Authority. Both visitor and staff cycle parking shall be provided within an enclosure, and scaled details of such enclosure included within the details. The cycle enclosure(s) shall be installed as shown on the approved plans and maintained in the approved form for the lifetime of the development and shall be solely used for this and no other purpose.

Reason: To promote the use of cycles thereby reducing congestion on the adjacent roads and ensuring that the visual appearance of the enclosure is appropriate in order to comply with paragraph 110 of the National Planning Policy Framework and D1 of the City of York Council Publication Draft Local Plan (2018).

10 Prior to the occupation of the care home hereby permitted, details of how the site will accommodate mobility scooter parking shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include any enclosures, if required, which shall be installed as shown on the approved plans and maintained in the approved form for the lifetime of the development and shall be solely used for this and no other purpose.

Reason: To ensure that the development addresses the needs of people with reduced mobility and to ensure that the visual appearance of any enclosure required

is appropriate, in order to comply with paragraph 110 of the National Planning Policy Framework and D1 of the City of York Council Publication Draft Local Plan (2018).

11 Prior to first occupation of the care home, 2 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 and thereafter retained. Charging points shall be located in a prominent position on the site and shall be for the exclusive use of electric vehicles. 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 ducting, cabling and groundwork to facilitate the addition of Electric Vehicle Charge Points in the future. The locations of these additional bays shall be agreed in writing by the Local Planning Authority.

Prior to the first occupation of the care home, the applicant shall submit to the Local Planning Authority for approval in writing (such approval not be unreasonably withheld or delayed) an Electric Vehicle Recharging Point Management Plan that will detail the management, maintenance, servicing and access arrangements for all Electric Vehicle Recharging Points for a minimum period of 10 years. The Electric Vehicle Recharging Point Management Plan shall be implemented once approved by the Local Planning Authority.

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).

Notes:

'Fast' Electric Vehicle Charging Points should incorporate a suitably rated 32A 'IEC 62196' electrical sockets to allow 'Mode 3' charging of electric vehicles.

The specification of 'Rapid' Electric Vehicle Charging Points should be agreed with City of York Council

Charging points should be located in a prominent position on the site and should be for the exclusive use of electric vehicles. Parking bay marking and signage should reflect this.

All electrical circuits/installations shall comply with the electrical requirements in force at the time of installation.

12 Notwithstanding what is shown on the approved plans, and prior to the construction of the care home above foundation level, scaled plans and elevations to show the position of all photovoltaics (PV) to serve the building as detailed in the Sustainable Design Alternatives report dated 8 September 2020 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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 2018 Draft Plan.

13 Within three months of commencement of development, a final detailed landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants. It will also include details of ground preparation, and tree planting details, means of support and watering. This shall be in accordance with the Landscape Proposals shown on drawing no. 20/1026/YH/L001, and shall take account of any intermediate revisions to the site plan and the locations of underground and above ground utilities. This scheme shall be implemented within a period of six months of the practical completion of the development. Any trees or plants which within a period of five years from the substantial completion of the planting and 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 the Local Planning Authority agrees alternatives in writing.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species and other landscape details across the site, since the landscape scheme, is integral to the amenity of the development and the immediate area.

14 Notwithstanding what is shown on the approved plan YH030-DP(9)901 Rev B - Proposed Site Plan, prior to the construction of the care home above foundation level, details of all means of enclosures to the site boundaries, private courtyards and service areas and gates (including locking mechanism) shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details and maintained in the form shown for the lifetime of the development.

Reason: To ensure that the boundary treatment will preserve the privacy of neighbouring occupiers, the visual amenity of the area will be maintained and reducing the opportunities for crime, in accordance with the National Planning Policy Framework.

15 Unless otherwise agreed in writing the development hereby approved shall achieve a 30% carbon emissions reduction when compared to the Target Energy Rating (TER) in current Building Regulations as identified in the Sustainable Design Alternative. Prior to above ground 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 The foul and surface water drainage shall be carried out in accordance with the details shown on the submitted Drainage Strategy Revision P4 prepared by Furness Partnership (Report dated 02/11/2020), unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage.

17 No development shall take place until details of the proposed means of 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:

- i) the two flow control device manholes the means by which the surface water discharge rate shall be restricted to a maximum rate of 14.2 (fourteen point two) litres per second for the northern discharge and 3.0 (three) litres per second for the discharge to the west,
- ii) 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 for the northern discharge and the voided stone sub base and permeable paving 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 for the discharge to the west.

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

18 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.

19 LC1 Land contamination - Site investigation

20 LC2 Land contamination - remediation scheme

21 LC3 Land contamination - remedial works

22 LC4 Land contamination - unexpected contam

23 Details of all machinery, plant and equipment to be installed in or located on the

premises, which is audible outside of the premises, shall be submitted to the local planning authority for approval. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area in accordance with policy ENV2 of the 2018 Draft Plan and the National Planning Policy Framework.

24 Unless otherwise agreed in writing by the Local Planning Authority, upon completion of the development, delivery vehicles and waste removal vehicles to the development shall be confined to the following hours:

Monday to Friday 08:00 to 18:00 hours

Saturday 09:00 to 13:00 hours and not at all on Sundays and Bank Holidays

Reason: To protect the amenity of occupants of the nearby properties from noise.

25 There shall be adequate facilities for the treatment and extraction of cooking odours. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for written approval. Once approved it shall be installed and fully operational before the development is brought into use and shall be appropriately maintained and serviced thereafter in accordance with manufacturer guidelines.

Note: It is recommended that the applicant refers to the updated Guidance produced by EMAQ in September 2018 titled "Control of Odour and Noise from Commercial Kitchen Exhaust Systems (September 2018)" for further advice on how to comply with this condition. The applicant shall provide information on the location and level of the proposed extraction discharge, the proximity of receptors, size of kitchen or number of covers, and the types of food proposed. A risk assessment in accordance with APPENDIX 3 of the EMAQ guidance shall then be undertaken to determine the level of odour control required. Details should then be provided on the location and size/capacity of any proposed methods of odour control, such as filters, electrostatic precipitation, carbon filters, ultraviolet light/ozone treatment, or odour neutraliser, and include details on the predicted air flow rates in m³/s throughout the extraction system.

Reason: To protect the amenity of neighbouring occupiers and the environmental qualities of the area in accordance with policy ENV2 of the 2018 Draft Plan and the National Planning Policy Framework.

26 Prior to the construction of development above foundation level, a full lighting impact assessment undertaken by an independent assessor shall be submitted to and approved in writing by the Local Planning Authority. The lighting assessment shall include a description and position of all external lights, a plan showing vertical illuminance levels (Ev), contours and all buildings within 100 metres of the edge of the site boundary. All external lighting shall be installed in accordance with the approved lighting scheme.

Note: Artificial lighting to the development must conform to requirements to meet the obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E3 contained within the table taken from the Institute of Light Professionals Guidance Notes for the Reduction of Obtrusive Lighting.

Reason: To protect the amenity of neighbouring occupiers and the environmental qualities of the area and to ensure the development reduces the opportunities for crime and disorder in accordance with policy ENV2 of the 2018 Draft Plan and the National Planning Policy Framework.

27 Prior to the commencement of the construction of the development, a scheme for CCTV covering the car park areas including details as to how it will be compatible with the lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall install CCTV in accordance with the approved details.

Reason: To ensure the development reduces opportunities for crime in accordance with the National Planning Policy Framework.

28 Prior to the occupation of the residential care home hereby permitted, the development shall be installed with typical standard double-glazed window with standard trickle vents as outlined in Table 5.1 of the Noise Impact Assessment dated 5 October 2020 (Ref: NIA/9274/20/9324/v1/Yorkare Haxby) and be maintained as described for the lifetime of the development.

Reason: To protect the amenity of prospective occupiers of the development and the environmental qualities of the area in accordance with policy ENV2 of the 2018 Draft Plan and the National Planning Policy Framework.

29 All external lighting, other than that required for emergency or security purposes, shall be turned off by 23:00 on any day.

Reason: To protect the amenity of neighbouring occupiers and the environmental qualities of the area and to ensure the development reduces the opportunities for crime and disorder in accordance with policy ENV2 of the 2018 Draft Plan and the National Planning Policy Framework.

30 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 for the new residential building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development beyond foundation level. The development shall be carried out using the approved materials and thereafter retained.

This is to include manufacturers reference, and to be submitted together where appropriate (i.e. where built adjacent to each other) so they can be judged together.

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 that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location and to comply with the National Planning Policy Framework, specifically section 12 and Policy D1 of the City of York Publication Draft Local Plan (2018).

31 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, brick sample panels (measuring at least 2x2m) should be constructed on site for all brick types, and bonding patterns in the proposed mortar and pointing shall be submitted to and approved in writing by the Local Planning Authority prior to the start of the relevant work area. The development shall be carried out using the approved materials.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location and to comply with the National Planning Policy Framework, specifically section 12 and Policy D1 of the City of York Publication Draft Local Plan (2018).

32 Notwithstanding what is shown on the approved drawings, prior to the commencement of the development above foundation level, scaled elevations and cross sections of all new windows and doors including the dormer window shall be submitted to and approved in writing by the Local Planning Authority and installed only in accordance with the approved details and thereafter retained.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location and to comply with the National Planning Policy Framework, specifically section 12 and Policy D1 of the City of York Publication Draft Local Plan (2018).

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:

- negotiation in respect to design, position of balconies, materials and outstanding information

2. INFORMATIVE:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Works in the highway - Section 171 - Vehicle Crossing - Section 184 - (01904) 551550 - streetworks@york.gov.uk

Pavement Cafe Licenc - Section 115 - Annemarie Howarth (01904) 551550 - highway.regulation@york.gov.uk

3. INFORMATIVE:

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b)The work shall be carried out in such a manner so as to comply with the general

recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

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

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

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

(f) There shall be no bonfires on the site

4. AVOIDING DAMAGE TO THE HIGHWAY GRASS VERGE

Applicants/Developers are reminded that great care should be taken to ensure that no damage to the surface or structure of the public highway is caused, by activities relating directly to the approved development (e.g. delivery of building materials via HGV's). The Council is particularly concerned at the increasing impacts and damage occurring to grass verges. This is detrimental to residential amenity, can present safety issues and places an unreasonable financial burden on the Council, if repairs are subsequently deemed necessary. Therefore, applicants/developers are strongly advised to work proactively with their appointed contractors and delivery companies to ensure that their vehicles avoid both parking and manoeuvring on areas of the public highway (grass verges) which are susceptible to damage. The council wishes to remind applicants that legislation (Highways Act 1980) is available to the authority to recover any costs (incurred in making good damage) from persons who can be shown to have damaged the highway, including verges. If the development is likely to require the temporary storage of building materials on the highway, then it is necessary to apply for a licence to do so. In the first instance please email highway.regulation@york.gov.uk, with details of the site location, planning application reference, anticipated materials, timelines and volume. Please refer to the Council website for further details, associated fees and the application form.

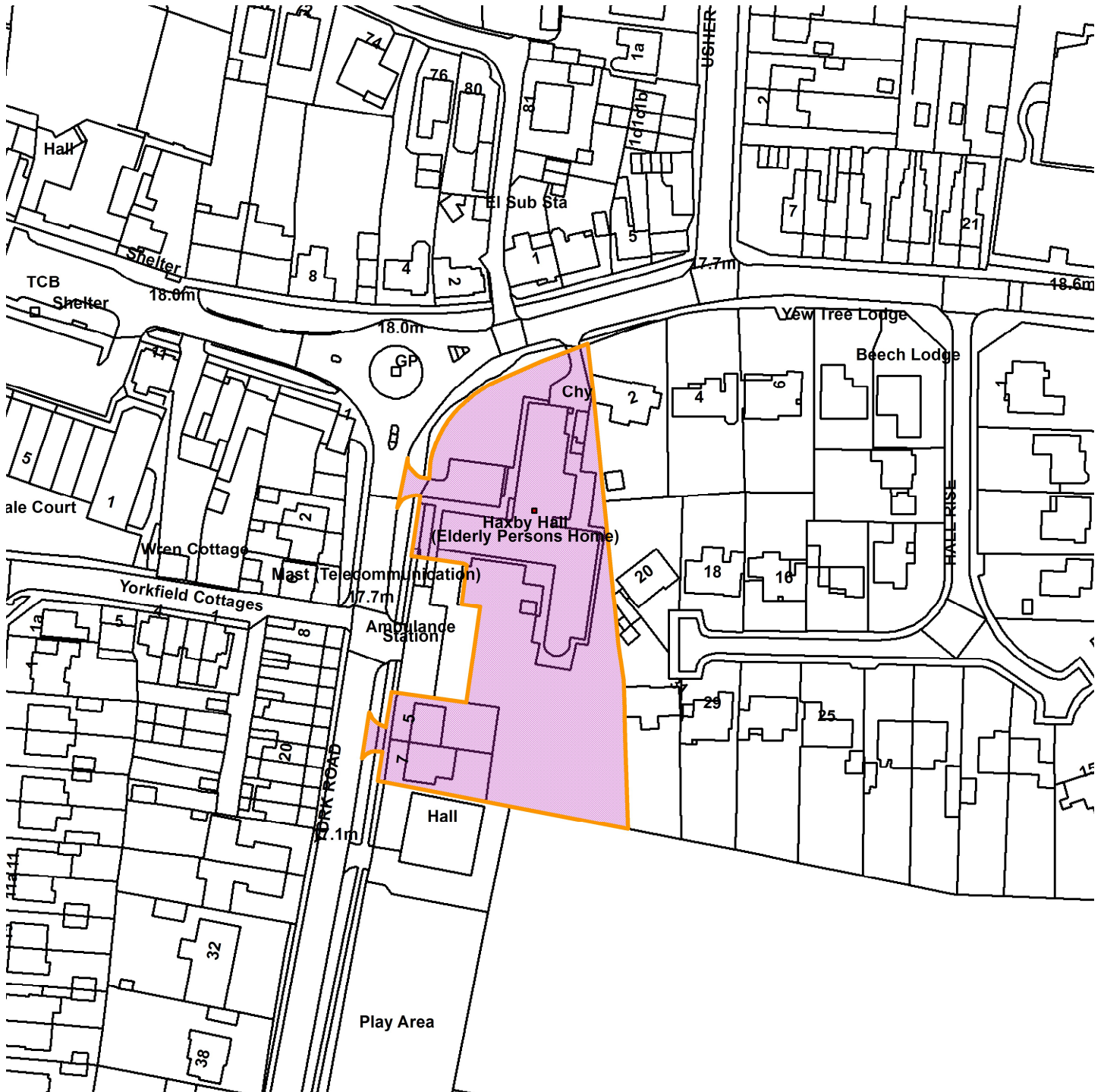
Contact details:

Case Officer: Lindsay Jenkins

Tel No: 01904 554575

Haxby Hall, York Road, YO32 3DX

20/01944/FULM



Scale : 1:1435

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Organisation	City of York Council
Department	Economy & Place
Comments	Site Location Plan
Date	15 February 2021
SLA Number	

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Planning Committee

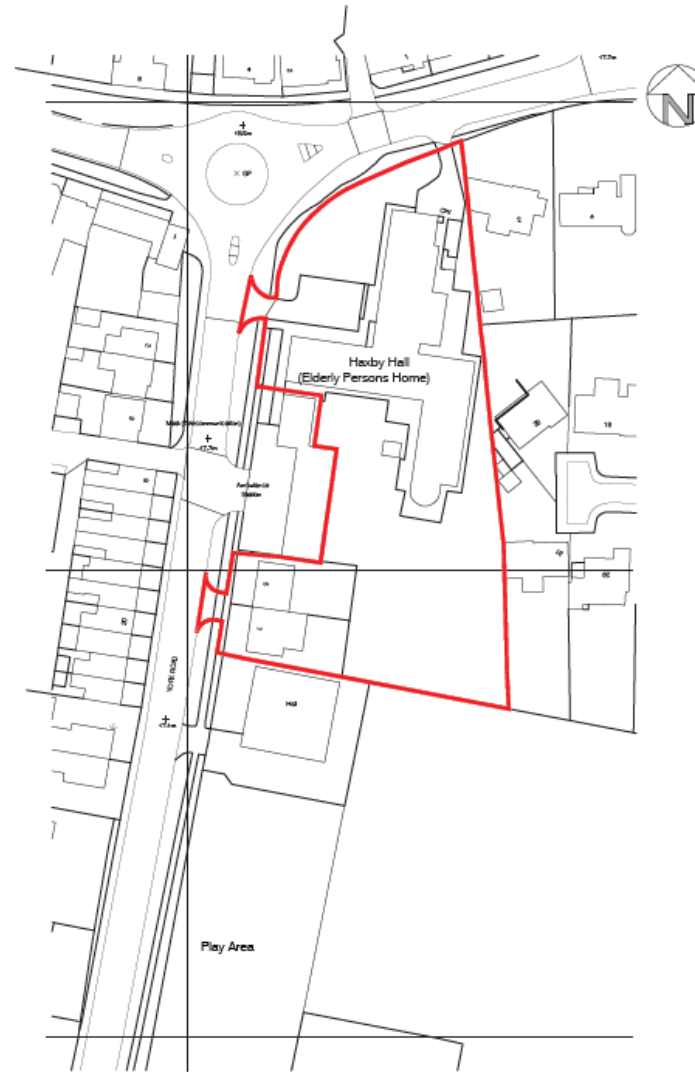
To be held remotely on 24th February 2021 at 4:30pm

20/01944/FULM - Haxby Hall, York Road, Haxby, York

Erection of a 65 bed residential and dementia care home following demolition of 5 and 7 York Road and existing care home, and associated access and parking and landscaping

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Site Location Plan



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01 EXISTING SITE LOCATION PLAN
Scale 1:1250 @ A3



Drawing Notes:
-

fluid design

SUITE 65, THE CATALYST, BARD LANE, YORK, YO10 6GA
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Company Number: 04121411 VAT Registered Business

Client:
Yorkcare Homes Ltd

Project:
Care Facility, Haxby

Drawing Title: Existing Site Plan	Drawing Status: Feasibility		
Job No: YH030	Rev No: -	Drawing Number: DE(9)900	
Date: JAN 19	Scale: 1:1250 @ A3	Drawn By: MLC	Checked By: AWJ

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Existing Care Home, Existing Access and Parking from York Road



View of existing Care Home



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View of existing
Care Home from
Roundabout on
York Road/The
Village/Station
Road



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Existing Care Home
– North Elevation



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Existing Residential
Properties at No's 5 &
7 York Road



Hall Rise cul-de-sac with existing Care Home in background.

Google Street View Image
(taken September 2008)



Page 175

Rear garden of No.2
Hall Rise and Existing
Care Home in
background



Page 176

Existing relationship
to rear of No.20 Hall
Rise with existing
Care Home



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Proposed Site Plan



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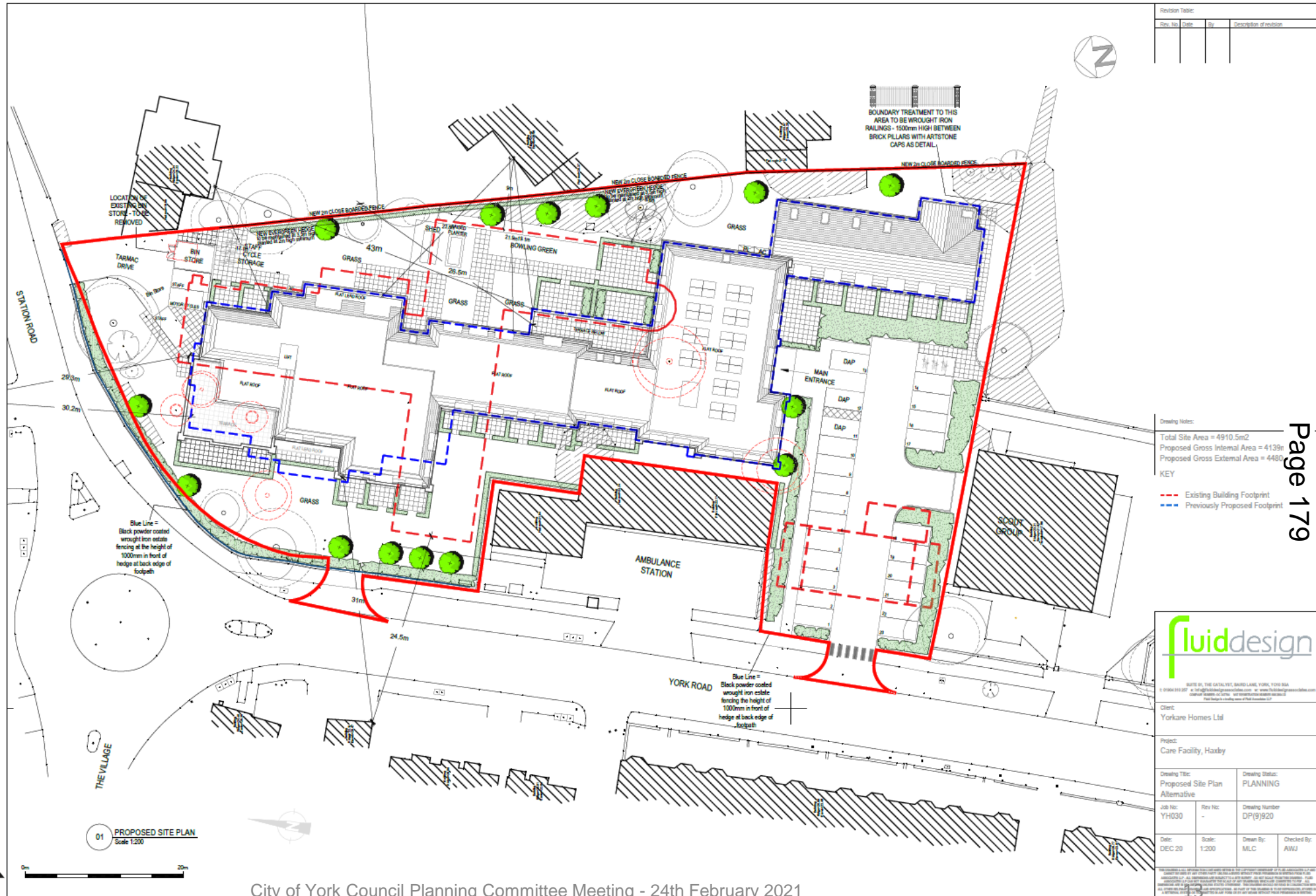
Client: YorkCare Homes Ltd

Project: Care Facility, Haxby

Drawing Title: Proposed Site Plan
Drawing Status: Feasibility

Job No: YH030	Rev No: B	Drawing Number: DP(9)901
Date: JAN 20	Scale: 1:200	Drawn By: MLC Checked By: AWJ

Site Plan Comparison



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Client: Yorkcare Homes Ltd

Project: Care Facility, Haxby

Drawing Title: Proposed Site Plan Alternative

Drawing Status: PLANNING

Job No: YH030

Rev No: -

Drawing Number: DP(9)920

Date: DEC 20

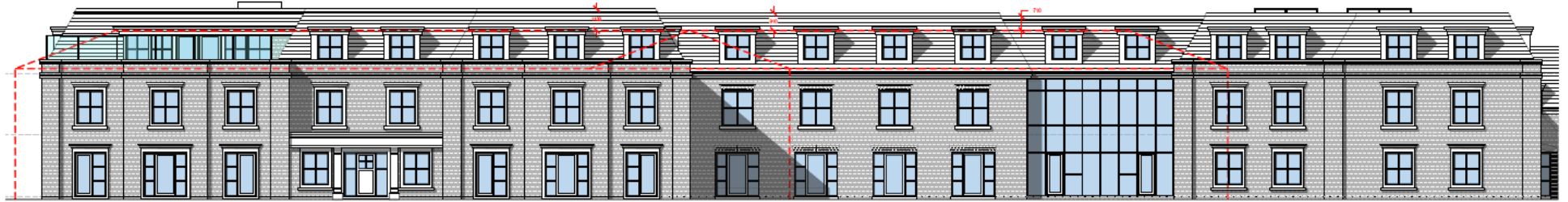
Scale: 1:200

Drawn By: MLC

Checked By: AWJ

Proposed Elevations – York Road/Station Road

Revision Table:			
Rev. No.	Date	By	Description of revision



01 PROPOSED ELEVATION (WITHOUT AMBULANCE STATION) FACING YORK ROAD
Scale 1:100



01 PROPOSED ELEVATION SHOWING COACH HOUSE
Scale 1:100



02 PROPOSED ELEVATION FACING STATION ROAD
Scale 1:100



Drawing Notes:



Client:
Yorkcare Homes Ltd

Project:
Proposed Care Home, York Road, Haxby

Drawing Title:
Proposed Elevations

Drawing Status:
PLANNING

Job No:
YH030

Rev No:
-

Drawing Number:
DP(0)050

Date:
Jan 21

Scale:
1:100@A1

Drawn By:
AG

Checked By:
AWJ

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Proposed Elevations Rear

Revision Table			
Rev. No.	Date	By	Description of revision



01 PROPOSED REAR ELEVATION
Scale 1:100



01 PROPOSED REAR ELEVATION SHOWING COACH HOUSE
Scale 1:100



02 PROPOSED MAIN ENTRANCE ELEVATION
Scale 1:100



Drawing Notes:

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Client:
Yorkcare Homes Ltd

Project:
Proposed Care Home, York Road, Haxby

Drawing Title: Proposed Elevations
Drawing Status: PLANNING

Job No: YH030
Rev No: -
Drawing Number: DF(0)051

Date: Jan 21
Scale: 1:100@A1
Drawn By: AG
Checked By: AWJ

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Proposed Ground Floor



01 PROPOSED GROUND FLOOR PLAN
Scale 1:200



Revision Table:			
Rev. No.	Date	By	Description of revision

Drawing Notes:

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Client:
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Project:
Care Facility, Haxby

Drawing Title: Proposed Ground Floor Plan	Drawing Status: PLANNING
Job No: YH030	Rev No: -
Drawing Number: DP(0)001	
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Proposed First Floor

Revision Table:			
Rev. No.	Date	By	Description of revision



01 PROPOSED FIRST FLOOR PLAN
Scale 1:200

Drawing Notes:	



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Client: Yorkcare Homes Ltd

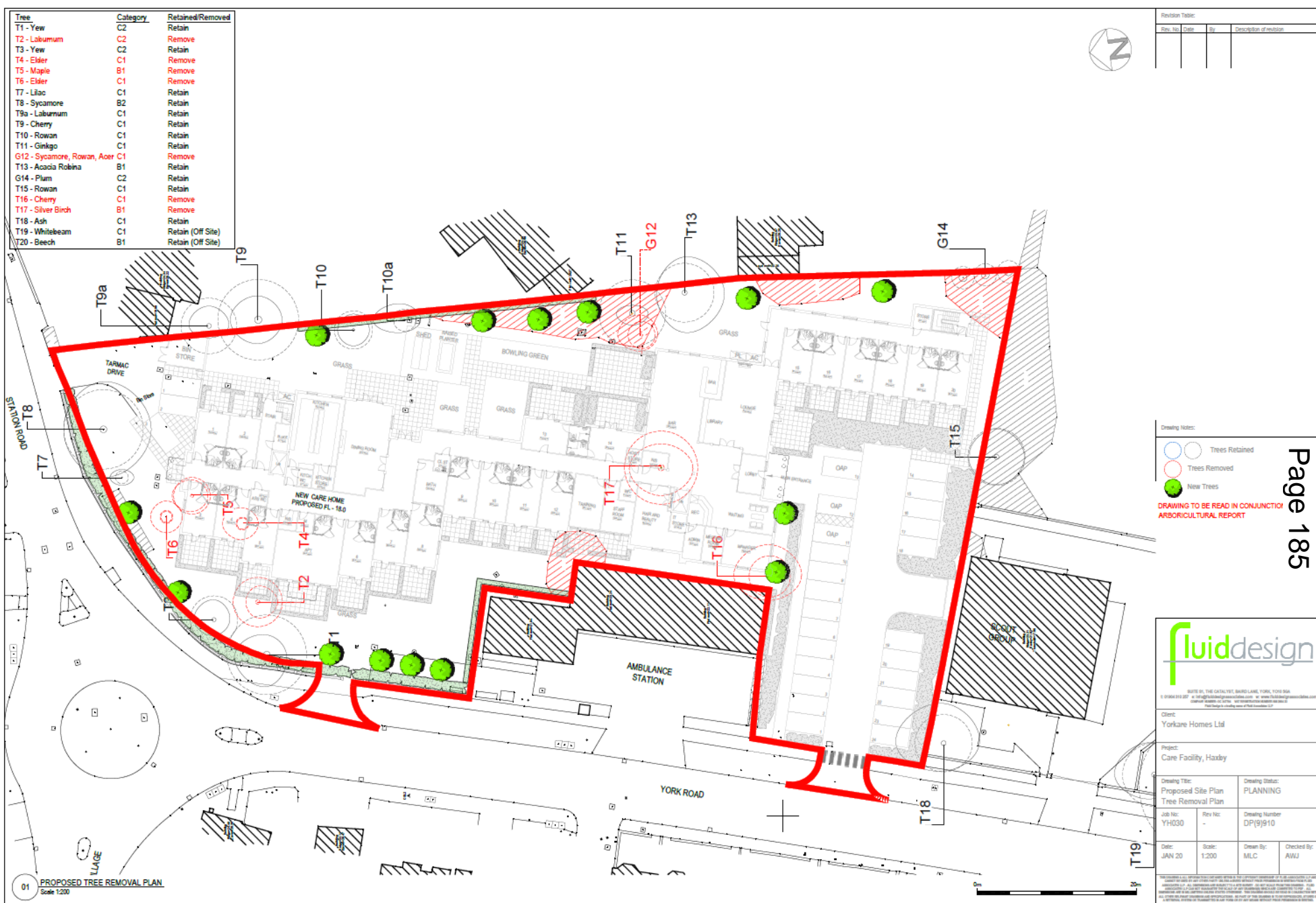
Project: Care Facility, Haxby

Drawing Title: Proposed First Floor Plan	Drawing Status: PLANNING
Job No: YH030	Rev No: -
Date: JAN 19	Scale: 1:200
Drawn By: MLC	Checked By: AWJ

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Tree Removal and Replacement Tree Plan



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