

## COMMITTEE REPORT

**Date:** 9 June 2022                      **Ward:** Fishergate  
**Team:** East Area                      **Parish:** Fishergate Planning  
Panel

**Reference:** 21/02573/FULM  
**Application at:** Development Site Hospital Fields Road And Ordnance Lane  
York  
**For:** Demolition of existing buildings, alterations to 'The Married  
Quarters Building', and erection of new buildings to provide  
no.85 residential dwellings (Use Class C3), 457sqm of  
commercial / business floorspace (Use Class E) and 152sqm of  
community floorspace (Use Class F1/F2) with associated  
ancillary development  
**By:** City Of York Council  
**Application Type:** Major Full Application  
**Target Date:** 13 June 2022  
**Recommendation:** Approve

### 1.0 PROPOSAL

#### Application site

1.1 The application site is to the west of Fulford Road and includes Ordnance Lane, the buildings on Ordnance Lane and the south extent of the site, which extends to Hospital Fields Road and accommodates a bus storage depot and a warehouse building containing construction plant/equipment and tools for hire and sale. The site is L-shaped and some 1.38ha in area.

1.2 The buildings along Ordnance Lane (nos. 1-4 at the front of the site and the Married Quarters) were developed between 1891-1909. The intervening buildings (nos. 5-10) built later, appearing on the 1931 maps. The Ordnance Lane buildings were last used by the Council as managed accommodation. There have been industrial / warehouse buildings on the south extent of the site since re-development of the site post the second world war.

1.3 Surrounding the site there are mix of commercial and residential uses. There is a back alley to the north and beyond terrace housing along Wenlock Terrace and Ambrose Street. To the south of Ordnance Lane is an office complex. To the south of Hospital Fields Road are residential uses, to the west an office / research and

development and further former industrial / warehouse type buildings, accommodating retail and commercial units.

1.4 The site is outside of Flood Zones 2 and 3 and all the buildings on-site are outside of the Conservation Area (as defined in the 2010 Conservation Area Appraisal). The Conservation Area boundary extends only to include the wall that abuts Main Street.

## Proposals

1.5 The scheme proposes retention of the Married Quarters building, with other buildings on site demolished to accommodate residential lead development.

1.6 The scheme is part of the Council's Housing Delivery Programme. The proposals are for 85 dwellings (at a density of 65 dwellings per hectare), 8 commercial units, and 2 ground floor units providing community space. 16 trees are proposed for removal (2 category B, others of lower amenity) with up to 145 new trees proposed. The site layout includes a new pedestrian / cycle route through the site and public open space. There would be 10 car parking spaces on the north side of the site, with access via the alleyway behind Ambrose Street. Otherwise there would be 31 car parking spaces on street – within the scheme and on the west side of Hospital Fields Road. The scheme includes provision of a cargo bike hire facility for residents. These would be electric and free to use.

1.7 The dwellings are to be Passivhaus certified, with an aspiration that 100% of domestic energy demand anticipated as provided through on-site renewables.

## **2.0 POLICY CONTEXT**

2.1 National Planning Policy Framework 2021 ('NPPF') key policies / sections are as follows –

- Section 4 Decision making
- Section 5 Delivering a sufficient supply of homes
- Section 9 Promoting sustainable transport
- Section 11 Making effective use of land
- Section 12 Achieving well-designed places

2.2 Publication Draft City of York Local Plan 2018 (2018 eLP) was submitted for examination on 25 May 2018. The plan policies can be afforded weight in accordance with paragraph 48 of the NPPF (taking into account the stage of the plan, the level of objection to policies and consistency of policies with the NPPF).

## 2.3 Key relevant policies of the 2018 eLP are as follows -

SS1	Delivering Sustainable Growth for York
DP3	Sustainable Communities
H3	Balancing the Housing Market
H10	Affordable Housing
HW7	Healthy Places
D1	Place-making
D2	Landscape and Setting
D6	Archaeology
GI6	New Open Space Provision
CC1	Renewable and Low Carbon Energy Generation and Storage
CC2	Sustainable Design and Construction of New Development
ENV1	Air Quality
ENV3	Land Contamination
ENV5	Sustainable Drainage
T1	Sustainable Access

## 3.0 CONSULTATIONS

### Design, Conservation & Sustainable Development - Architect

3.1 The extent of building demolitions are supported-in-principle, because balancing their losses are factors including: (1) Retention of sufficient good-quality buildings to ameliorate the otherwise stark qualities associated with completely scoured urban regeneration sites. (2) This retention then further grounds the proposals within wider historic fabric. (3) The remaining open site enables development of a more coherent masterplan, at a higher site density than otherwise possible.

3.2 Hard and soft landscape is crucial to the success of the proposal and is attractively designed. The DAS p92 (Design & Access Statement) explains maintenance responsibilities - some areas by CYC adoption and others by resident paid service charges. It is crucial the public realm is constructed extremely robustly, otherwise the cost of rectifying failing surfaces can be crippling.

### Layout

3.3 The layout is simple and legible. There are a mix of houses and flats but this is not obvious, considered a positive. The challenges of modern terraced housing design are noted, and the scheme looks to address such, making for a distinctive place. Complex and sometimes conflicting demands include: (1) Servicing for refuse or emergency. (2) Car access and parking. (3) Sufficient attractive outdoor space for safe play and amenity. (4) Privacy of internal and external space. (5)

Medium-density places making additional demands on durability of limited and often multi-functional public realm.

## Details

3.4 The proposal has extensive areas of flat roof guarded by multi-sloped high parapets producing the appearance from the ground of a building with a pitched roof. I would normally be reluctant to support this slight disingenuous expression. However, here I support it because it is used in a butterfly configuration, meaning building corners are tall so you can not see behind the “stage set” of the parapet.

## Block 5

3.5 There is a 2nd floor external terrace to this proposed building. Upper floor outdoor terraces tend to feel more impactful to neighbour privacy than windows, so it is a shame that this form was chosen for this situation. The study shows how privacy is physically achieved with a set-back handrail/planter, but this might still not be a comfort to those neighbours (on Ambrose Street).

## Block 6,

3.6 The proposal comprises a walk-up flat over commercial space. Officer advice was balconies overlooking the neighbouring land to the south be omitted. This has been resolved in revised plans.

## Blocks 7 & 8

3.7 The design intervention of the new deck structure is quite radical, but the existing building interventions are pretty modest, externally. This new “armature” also helps tie the existing Married Quarters building into the architectural language of the new that surrounds it- otherwise the building might look a little swamped and out of place.

The idea of the deck is a good one in-theory to help the pragmatics of space planning a building reuse, but external deck access buildings can be prone to creating antisocial or fearful spaces. It isn't particularly clear how this would be avoided here, especially when it is a rear space.

## Blocks 9 & 10 fronting Fulford Road

3.8 These buildings underwent significant changes in architectural approach during design development. This version is the most successful. The butterfly roof does not reflect design forms of the conservation area. As an isolated case, this approach would normally not preserve or enhance the characteristics of the conservation area (because it is different it has the potential to erode existing qualities). However, in this instance it is assessed as not harmful. Reasons include: (1) The general material palette and richness of element detailing is appropriately complimentary to the conservation area, so it does not visually jar. (2) The architectural form represents the beginning/gateway of a significant area of redevelopment that follows

a similar approach and so is consistent. (3) The overall high quality of the whole development justifies a certain degree of design risk.

### Design, Conservation & Sustainable Development - Archaeology

3.9 An evaluation and watching brief are required. An archaeological evaluation is required in the area adjacent to the bus depot to investigate the continuation of a ditch noted on the site next door in 2007 and to assess the potential of this largely undeveloped area of the site. The evaluation will assist in determining the amount of watching brief required. Ordnance Lane buildings proposed for demolition should be subject to a building recording.

### Design, Conservation & Sustainable Development - Landscape

3.10 Support the landscape proposals across the site. However, the open spaces proposed are limited therefore every little bit of planting and landscape detail counts. In this respect, great attention has been paid to the proposed landscape design across the site; utilising every available opportunity and making the multi-functional spaces work hard across a very limited area. The treatment and purpose of each typology is clear, and has a direct and strong relationship with the buildings and the streets. An emphasis on trees, ecology, play, edible plants and shared space, encourages community engagement, which collectively adds to its value. The submitted information does not prove unequivocally that the proposed tree planting is deliverable (and so full details of planting are required through condition).

3.11 Although the development sees the loss of several trees across the site, it aims to incorporate the two most significant trees into the proposed Ordnance Lane pocket park. None of the trees to be removed are exceptional specimens. The proposed landscape scheme includes a good range and distribution of tree species across the development. This provides suitable mitigation that has the potential to provide enhanced tree cover.

### Design, Conservation & Sustainable Development - Ecology

3.12 No objection. Recommended conditions.

3.13 The site offers suitable habitat for nesting birds. Therefore, precautionary methods will be needed to ensure active nests are not destroyed during any of the required works.

3.14 Through the provision of integrated bat and bird boxes, as shown on pages 54 and 55 of the Landscape Statement and the inclusion of native planting, as shown on Tree Planting Plan and Schedule, the proposed development will achieve a Biodiversity Net Gain in-line with the National Planning Policy Framework.

## Education

3.15 Officers advise contributions are required as follows –

	No. of places	Contribution sought	Location
Primary	12	£227,715	St Oswalds
Secondary	7	£182,882	Fulford phase II
Early years	8	£151,808	within catchment area (up to within 2.5km)

## Highway Network Management

### Cycle stores

3.16 The amount of cycle storage is significantly above the local minimum standard (of 126 spaces) and is acceptable.

3.17 The cycle stores proposed in private gardens are considered impractical to use (with a side opening, rather than an end door). In dimensions they are (approx.) 2m by 1m. If applying the Council's cycle parking guidance the stores could only accommodate one cycle (two are illustrated). Minimum internal dimensions (for two cycles) are 2m x 1.4m (with end door) in the CYC Cycle Parking Guidance.

3.18 Two-tier parking is discouraged on residential schemes – in response the scheme was amended so the communal stores (in blocks 2 and 4) now provide Sheffield stands and space for over-sized cycles and equipment.

### Car parking provision

3.19 Officers undertook a review of typical parking demands for the scheme, based on the house sizes and commercial space proposed and the location. Using 2011 census data the existing number of cars per household in this area is 0.89. This is lower than the figure (1.08) for York. Officers estimate the proposed provision (0.33 spaces per dwelling) will be extremely challenging to provide, without an adverse effect on the highway in terms of displacement car parking in neighbouring areas. They estimate possible demand for between 35 – 22 car parking spaces off-site (the lower figure of 22 assumes car parking remains on Hospital Fields Road on the west side of the site).

3.20 There is space on Hospital Fields Road to park 66 cars on-street, but during the daytime it has approx. 92+% occupancy rate. In the evening occupancy is much lower, leaving space available for residential parking. However the Council have

aspirations to provide a trial segregated cycle facility on Hospital Fields Road to the south of the development – this will likely effect on-street parking.

3.21 Previous parking studies (e.g. for application 19/00603/FULM – Frederick House) have shown that in the vicinity of the site most of the terraced streets to the west of Fulford Road are at, or near, full capacity with limited space to accommodate any additional car parking (particularly Wenlock Terrace, Ambrose Street, Frances Street, etc.). Some of the streets (e.g. Alma Terrace south channel) already have parking restrictions in place and some others towards northern and southern limits of this area (e.g. Grange Garth, Grange Street and Maple Grove) are already in residents parking zones (R20 and R53).

3.22 To address car parking issues officers suggest controlled parking in nearby streets prior to first occupation i.e. a residents parking (ResPark) permit system. Residents of the proposed development would be excluded. A mini ResPark system for the application site is also necessary.

3.23 The costs associated with the two schemes would be as follows –

#### Traffic Regulation orders

- Off- site ResPark up to £25k
- On site up to £17k

#### Administration (enforcement of parking restrictions)

- Off site ResPark up to £95k
- On-site up to £2,354

#### Funding of permits for residents

- Off site ResPark up to £40,400 per year

#### Electric Vehicle Strategy – project manager

3.24 The facilities proposed - one Rapid bay, one public Fast bay and one car club Fast bay are agreed. The parking bays are to be 3 metres wide to mitigate trailing cable issues in the highway and there will be no obstruction of the footway.

3.25 The site plan only indicates the position of one charge-point. There should be one Rapid charger and one Fast charge-point - there will be space but they are not all shown on the plan.

3.26 The Council's EV strategy team asked to be responsible for determining the final position of the charger and charge-point and other site-specific detail. The installation will be carried out by the Council's appointed installer as they will be part of the Council run York EV Network.

## Waste Services

3.27 No objections to waste collection strategy.

## Leisure / Public Realm

3.28 There is a shortfall of 4,460sqm amenity open space and 504sqm of play space within the scheme. Offsite contributions for amenity open space are required and would be used to in the first instance to increase capacity at Low Moor allotments and for play space, additional play equipment in Rowntree park.

## Sports

3.29 The City of York Local Plan Evidence Base: Open Space and Green Infrastructure Update September 2017 shows that the development falls within Fishergate Ward. Fishergate and the connecting ward of Guildhall have a significant shortfall of outdoor sports provision. As such, and as there is no provision on-site, a contribution should be sought.

3.30 The off-site sports contribution is £41,535. Suggest the following clubs and venues as beneficiaries; the Grounds of The Retreat outdoor sports facilities, Rowntree Park Tennis Club, York Canoe Club (based in Rowntree Park), enhancement of existing school playing fields supporting greater community access onto those sites and / or such other provision of off-site outdoor sports provision within the vicinity of the Development.

## Public Protection

3.31 Noise – The applicant's noise assessment demonstrates the uses proposed are suitable in this location. The assessment does not finalise the design requirements and the noise mitigation measures so a condition is required to secure such. Details are requested of any plant / machinery equipment and of noise attenuation between floors.

3.32 Construction management – recommend restricted working hours are secured through condition and management measures are approved regarding noise, vibration, dust, lighting and dealing with complaints.

3.33 Land contamination – site investigation and approval / implementation of a remediation strategy (if necessary) recommended due to the former uses of the site.

3.34 Cooking Odour – measures to avoid odour causing amenity issues requested.

3.35 Lighting – measures to avoid light pollution recommended.



## Affordable Housing Officers

3.36 A minimum of 40% of the total housing is proposed as affordable, in excess of the policy obligation for a brownfield site of 20%. The affordable housing is of excellent quality. All homes will be to low-carbon “Passivhaus” standard, and at sizes that meet or exceed the good practice Nationally Designed Space Standards guidance. This provision strongly supported by the Housing Policy and Strategy Team.

3.37 The breakdown of housing types for the scheme is as follows:

<b>Dwelling size</b>	<b>Social rent</b>	<b>Shared ownership</b>	<b>Market sale</b>	<b>Total</b>
1-bed flat	7	11	6	24
2-bed flat	3	5	16	24
2-bed house	3	1	4	8
3-bed house	3	0	11	14
4-bed house	1	0	9	10
5-bed house	0	0	5	5
<b>Total</b>	<b>17</b>	<b>17</b>	<b>51</b>	<b>85</b>

## EXTERNAL

### Conservation Areas Advisory Panel

3.38 The Ordnance Lane site is occupied by former military housing units (including the terrace of former married quarters). All units face away from their respective roads, built to face towards the now demolished hospital building.

3.39 The Married Quarters appear to have been built in 1903 for married hospital staff with the remainder of the houses built later. Retention is proposed whilst other buildings are to be demolished. The justification appears to be twofold: that they are of no particular architectural significance and that the site could be more efficiently developed to provide the required accommodation. Whilst the Panel welcomed the retention, the justification for demolition of other building was weak and based purely upon a need to clear the site.

3.40 The Panel warmly welcomed the principle of the scheme and in general the scale of the development and structures. The revised proposals for the two buildings fronting Fulford Road were considered an improvement. However, there was concern about the somewhat contrived architectural feature of the butterfly roofs.

### Designing out Crime Officer

3.41 The principles of crime prevention through environmental design have been incorporated into its design and layout. Only observation is bollard lighting should be avoided as it does not project sufficient light at the right height and distorts the available light due to the 'up-lighting' effect; making it difficult to recognise facial features and as a result causes an increase in the fear of crime. It is also susceptible to deliberate or accidental damage. Lighting for roads and segregated footpaths, regardless of whether adopted or not, should comply with BS 5489-1:2020.

### Fishergate Planning Panel

3.42 Raise issue with the limited amount of car parking which is considered inadequate. Reference a lack of visitor parking and parking for the commercial units (neither have dedicated parking spaces identified) and insufficient electric vehicle parking provision. Introducing Resident's Parking on nearby streets will not deal with the resultant issues, which will be displaced to streets further away.

### York Civic Trust

3.43 Advise there is much to be supported in the proposals for redevelopment of the site. Reference is made to the ambitions to be a sustainable development with all new houses aspiring to be 'Zero-carbon' and PassivHaus compliant; inter-generational living that can benefit the well-being of all generations involved; low car development, with a strong pedestrian and cycle agenda; the inclusion of communal spaces that are safe for all residents, including children; the prominence and promotion of wildlife in the urban domain, and meeting National Space Standards. The Trust is overall supportive of the principle of the development and the City of York Council / Mikhail Riches partnership proposing high-quality, environmentally-conscious development.

3.44 Further detailed comments were provided on the Fulford Road facing buildings, demolition and the proposed car parking provision.

3.45 In respect of the buildings facing Fulford Road the Civic Trust advise the buildings have real potential to make a positive and unique impact. To achieve such, the inclusion of brick detailing is recommended, to provide architectural interest reflecting the surrounding local vernacular, potentially creating a 21st century take on Victorian brick detailing, of which York has a fine tradition. It was suggested the curved corner leading into the site could incorporate geometric brick detailing and further detail could be included at parapet level to further enhance the building.

3.46 No objection to the demolition of 11-12 Ordnance Lane as it is currently a detractor to the setting of the Married Quarters building and removing will improve

the setting and aesthetics of the building. The loss of the three early 20th century buildings (9-10, 5-8, and 1-4 Ordnance Lane) is lamentable and contributes to the piecemeal erosion of the military heritage of the site. Demolition is at odds with the Council's zero carbon ambitions.

3.47 The Trust welcomes the low-car ambitions of the development and the provisions made for cyclists. However the number of spaces that will be available (41) is just under 50%. This is a well-connected site and this provision it is at odds with the overall sustainability ethos of the development and ambition to be a low car development/community.

### Yorkshire Water

3.48 The drainage strategy (in the addendum dated 6.4.22) is acceptable. If permission is to be granted recommend following conditions –

- No piped discharge of surface water from the development until completion of the approved site drainage.
- Measures to protect existing public sewer to be approved prior to construction.
- Easement required to protect public sewer, in accordance with the approved plans.

## **4.0 REPRESENTATIONS**

4.1 Consultation responses are as follows. There have been 23 representations made in objection and 11 in support of the scheme.

### 4.2 Impact on Wenlock Terrace

- Wider use of access / alleyway to rear of Wenlock Terrace objected to – loss of privacy / noise concerns / devalue properties (10 car parking spaces via the alleyway proposed).
- Loss of trees causes adverse effect on outlook from Wenlock Terrace. T7 (category C tree to the south of proposed block 8) proposed for removal.
- Concern over car parking issues getting worse. Wenlock Terrace should be resident's parking only.
- Security concerns if any changes in boundary treatment proposed within the rear alleyway.

### 4.3 Impact on Ambrose Street

- Rear yards on Ambrose Street are south facing – concern about loss of light as a consequence of 2 and 3 storey buildings.
- The proposed buildings (block 5) are very close; they should be 2-storey only and further away. There is a concern about overlooking and loss of privacy.

- Unclear whether the wall on the south side of Ambrose Street will be demolished.
- Clarification on future use of back alleyway requested.

#### 4.4 Impact on The Stables

- Loss of light and privacy.
- Impact on amenity due to proximity of access into the application site.

#### 4.5 Objection to demolition

- Although the project includes retention of the 'married quarters' block, the true heritage value of the site lies in retaining all the houses. Retention of some or all of these houses could have provided a positive contribution to the new development as a gateway from Fulford Road, whilst also preserving some of the last remaining evidence of the historic significance of the site.
- Heritage values of the housing is underplayed. The historical merit of the houses is that they were part of the Fulford Road complex of York's military garrison, much of which has been lost and the remainder is under threat of extensive redevelopment.
- The buildings should have been included in the Conservation Area and added to a local list as non-designated heritage assets.
- In the context of the climate emergency, it does not make sense to extinguish the embedded carbon of these houses and burn more carbon creating new buildings.

#### 4.6 Highway Network Management

- Car parking – limited parking on site proposed. Concerns over impact on surrounding streets. It is already very difficult to park in surrounding streets. Objectors note they were in favour of introducing res-park on Ambrose Street (recent CYC consultation). There will be more pressure on parking locally as Alma Terrace is due to become res-park and if this scheme were to go ahead.
- There are multiple representations in support of the scheme because the layout and space provision discourages, and is not dictated by, car parking. Car-free living is cited as crucial in respect of zero carbon and will also enhance quality of life. Schemes such as this must be supported in favour of low-density schemes with higher car parking provision further from the centre.
- Support as the scheme favours active transport options over continually promoting a car-based lifestyle. If we can persuade more people to live car-free, the need for vast amounts of parking space will start to disappear.
- This is an ideal location for a high density and low car development due to the proximity to the centre of York and good transport links. There isn't the local infrastructure to support additional vehicle journeys into this location: Fulford Road already fails many air quality targets and is frequently congested.

#### 4.7 Architecture

Building design not in-keeping with the surrounds.

- Support for beautiful design, human scale architecture to passive house standards; low-car design that is entirely in keeping with a neighbourhood close to the city centre and other amenities, with good bus and cycle routes.
- Support for the overall design which places a high emphasis on community and social interaction.
- It is encouraging to see excellent accessible properties included, a critical feature as York has an appalling absence of properties of this type.
- Support for the provision of high quality accessible housing and multi-generational house types. Such properties are hard to find in York.
- Support for high energy efficiency of the dwellings proposed.

#### 4.8 York Cycle Campaign

- Would like to see the number of cargo cycle spaces increased to 14 or more (at least 5% of the cycle parking), in line with Government guidelines (LTN1/20 – which state “a proportion of the cycle parking (typically 5%) should be provided for non-standard cycles to accommodate people with mobility impairments”).
- The width of the cycle parking is tight (1m for a two-cycle store). This is the minimum recommended width; would like to see additional width given to the cycle stores, to ensure that it is easy to store cycles and thereby encourage use.
- If car parking provision were altered on Hospital Fields Road ask that the opportunity is taken to install a segregated cycle path on the pavement side of the car-parking, to avoid 'car-dooring' incidents, and in line with national cycle infrastructure guidelines.

#### 4.9 Cllr D Taylor

- The architecture is acceptable, and amendments to the elevations onto the main road are an improvement from the original drawings. The front elevations could be more impressive, taller, and mimic the Victorian properties neighbouring the site, albeit in a modern idiom. Must be active frontages onto the main Fulford Road.
- The historic buildings on the site should have been included in the Conservation Area – suspect they were not because of the Council's intent to re-develop the site. The Married Quarter must be retained (retention is proposed).
- Support for Passivhaus approach and commercial and community spaces proposed.

#### 4.10 York Environment Forum

- Support the scheme due to the contribution to carbon reduction (including from use of renewable energy, highly insulated dwellings, measures to reduce private

car use, ecological impacts, and provision of an environment that encourages social interaction, play and recreation.

## 5.0 APPRAISAL

### 5.1 Key Issues

- Principle of the proposed development
- Accommodation mix
- Design and impact on the Fulford Road Conservation Area
- Sustainable design and construction
- Impact on surrounding residents
- Highway Network Management
- Open Space
- Ecology
- Drainage
- Education
- Public Protection

#### Principle of the proposed development

5.2 The site currently accommodates a bus depot, used by Transdev, a tool sales/hire company and former temporary housing operated by the Council. Transdev intend to relocate to another council owned site by the Rawcliffe Bar Park and Ride (planning permission approved under application 22/00400/FUL). The application site is not allocated in 2018 eLP; part is regarded as employment land.

5.3 The presumption in favour of sustainable development in paragraph 11d of the NPPF applies to this application. This means permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

5.4 The Local Planning Authority cannot demonstrate a current NPPF compliant five year housing supply. It has been required (see NPPF paragraph 76) to prepare an action plan to improve delivery. The Council's action plan relies substantially on the Housing Delivery Programme. As such, and given the importance of housing delivery in the NPPF, the scheme is supported in principle. In this context -

- NPPF paragraph 60 sets out the Government's objective of "significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay".

- Paragraph 123 states “Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to: use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework”.

5.5 In respect of employment land NPPF paragraph 82 establishes local plan requirements to set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth and to set criteria, or identify strategic sites to meet anticipated needs over the plan period.

5.6 Policy EC1 of the 2018 eLP identifies need for each type of employment use over the emerging plan period and allocates sites which more than provide land to meet demand.

5.7 Policy EC2 relates to any site which involves the loss of employment land. For compliance it requires

- i. 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
- ii. the proposal would not lead to the loss of an employment site that is necessary to meet employment needs during the plan period.

5.8 Part i of the above criteria has not been fulfilled. Non-compliance with this part of the local policy is given limited weight in assessing the scheme overall because criteria ii is satisfied and as the implications are outweighed by the following benefits of the scheme -

- The scheme would provide employment uses - commercial and community units (10 units overall providing 609 sq m floorspace).
- Policy EC1 identifies employment land to meet need over the plan period, as required by the NPPF, which does not include this site.
- Housing delivery in the context of need (including affordable housing need) and the weight attributed to such in the NPPF.
- The positive approach set out in NPPF paragraph 123 to re-using employment land to meet housing need.
- The multiple other social and environmental benefits of the scheme (including public open space, biodiversity net gain and pedestrian cycle links) set out in the following paragraphs of this appraisal.

Criteria ii is met as sites allocated within the 2018 eLP are intended to reasonably meet need, as explained in policy EC1; the class B8 (storage and distribution uses)

have been replaced at the Rawcliffe site (see 5.2) and the scheme would provide employment uses (see point 1 above).

### Accommodation Mix

5.9 The mix of accommodation proposed is compliant with relevant local policy. 2018 eLP policy H3 states proposals for residential development will be required to balance the housing market by including a mix of types of housing which reflects the diverse mix of need across the city. This includes flats and smaller houses for those accessing the housing market for the first time, family housing of 2 to 3 beds and homes with features attractive to older people.

5.10 The accommodation mix proposed is below.

24 x 1-bed 29%  
32 x 2-bed 37%  
14 x 3-bed 16%  
10 x 4-bed 12%  
5 x 5-bed 5%

5.11 At least 40% of the dwellings are to be affordable. This is an increase over the 20% target in 2018 eLP policy H10. Given affordable housing need and the lack of a 5-year housing land supply this is a benefit of the scheme that has to be given substantial weight in considering the application. All dwellings are dual aspect and meet the (optional) nationally prescribed space standards. In terms of accessibility, 7 of the dwellings would be M4(3) category and 55 M4(2). These are Building Regulations standards described as follows -

- M4(2) dwellings are required to meet the needs of occupants with differing needs, including some older or disabled people; and to allow adaptation of the dwelling to meet the changing needs of occupants over time.
- M4(3) dwellings allow simple adaptation of the dwelling to meet the needs of occupants who use wheelchairs; or (b) meet the needs of occupants who use wheelchairs

### Design and impact on the Fulford Road Conservation Area

#### Policy context

5.12 NPPF para. 126 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It goes on to state in para. 134 that development that is not well designed should be refused. The fundamentals of good design, which planning should achieve, are set out in para 130, summarised as follows -



- Function well and add to the overall qualities of the area
- Be visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- Be sympathetic to local character and history while not preventing or discouraging appropriate innovation or change (such as increased densities);
- Be distinctive
- Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development
- Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Impact on the conservation area and appraisal of Ordnance Lane buildings proposed for demolition

5.13 The Fulford Road Conservation Area was designated in 1975. The only development proposed within the Conservation Area is demolition of the wall (with railings) that runs alongside Fulford Road. The 2009 Fulford Road Conservation Area Appraisal report considered a change to the conservation area boundary and inclusion of Ordnance Lane. It advised “the buildings to the rear (i.e. the Married Quarters which it is proposed to retain) have some quality and architectural interest, as well as some social interest. The area would not justify conservation area status in isolation but in association with the Wenlock Terrace housing it is considered to add further interest and diversity, and to justify inclusion”. However despite the report recommendation Ordnance Lane was not included within the conservation area.

5.14 In considering the impact of proposals on designated Heritage Assets NPPF para. 195 states “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset)”. It goes on to advise, in para.197 that in determining applications, take into account the desirability of new development making a positive contribution to local character and distinctiveness.

5.15 The boundary wall is some 1m tall with railings above. It is terminated by a pillar at the entrance to Ordnance Lane which is in contrasting brickwork and dated 1940. The wall itself has been subject to repairs and its brickwork is therefore varied. Public space (including cycle parking by the commercial units) is proposed in this area. The setting will be attractive and given the low quality and low historic importance of the wall, the alterations will not harm the conservation area.

5.16 The group of buildings along Ordnance Lane were constructed (between 1892-1930) to be used in connection with the Military Station Hospital, which occupied the land to the south of Ordnance Lane - constructed around 1854, demolished in the

late 20<sup>th</sup> century. The scheme proposes demolition of existing buildings apart from the 'Married Quarters'. The buildings are not designated heritage assets and are not within a conservation area. Of the group of buildings, the one proposed for retention is regarded as that of most architectural and social interest. Overall, the benefits of the scheme, when assessed against the NPPF, outweigh the case for the retention of buildings proposed for demolition.

## Design Appraisal

5.17 The scheme comprises of a layout and composition of uses which would add to the qualities of the area. There is enhanced connectivity as the new Ordnance Lane will provide a pedestrian and cycle route through the site (not the case previously) leading to the amenities in the Hospital Fields area and connecting to the riverside. The route will be attractive and provide access to new public open space and small-scale community and commercial buildings within the site. The scheme proposes a significant number of additional trees overall (over 100) and an enhanced biodiversity value for the site. Each provision is of local benefit, in the interests of health and well-being, and weighs in favour of the scheme.

5.18 Demolition is proposed for the buildings of least architectural value on site because of their condition, efficiency and plan form. The scheme enables change which allows for innovation; providing homes with very high environmental standards i.e. Passivhaus, with layouts that adhere to the optional national space standards and enables a more efficient and higher density development. The approach conforms with the design recommendations in NPPF paragraph 130 (in 5.12).

5.19 The house types are of a similar theme to others within the Housing Delivery Programme. The buildings are a mix of two and three storey and predominantly of red brick, with decorative detailing, all of which respect the setting. There are a mix of building types, in terms of architecture and use along Fulford Road. The existing building on site fronting Fulford Road, is primarily orientated south; its main orientation is not towards the street and it is diminutive in scale. The existing building has unsympathetic extensions and does not address the street in the same manner as the remainder of buildings on this side of the street within the Conservation Area (identified in the area appraisal as being of "positive value" or are Listed Buildings), taking into account orientation, building line and layout and scale. The proposed frontage buildings are a mirrored pair of 3-storey buildings with butterfly roof. The design has been subject to multiple iterations and pre-application discussions with input from the Design and Conservation team. Officers are satisfied with the scheme (as advised in paragraph 3.8). The scheme is mindful of local advice in policy D1: Place-making which asks that developments are not a pale imitation of past architectural styles. The proposed buildings, and specifically the roof form, was arrived at taking into account the principles of buildings not appearing as a lesser-scaled imitation of the imposing Wenlock Terrace, allowing the scale of

the terrace to remain dominant in the street scene. Visually it also gives a coherent appearance to the entire scheme, adding to local distinctiveness. The building addresses the street and the commercial uses at ground floor (which turn the corner, leading into the site) will help entice people into the site (rather than giving the impression of a residential only community). Officers are content the scheme would not harm the setting of the Fulford Road Conservation Area.

## Secure by Design

5.20 Crime prevention has informed the scheme and the Police Architectural Liaison Officer only commented on the low-level lighting (which can be addressed through condition). Key measures are that public spaces all have good natural surveillance. Public and private space is evident due to boundary treatment. The communal courtyards between the terraces have access control and provide secure space for residents. There would be boundary treatment between amenity space in the scheme and the alleyway to the north.

5.21 The apartments at the married quarters and the neighbouring block (blocks 7 & 8) have an external access at first floor on the north side of the buildings. There is reference in paragraph 3.7 to the communal access areas as potentially being anti-social or fearful spaces. The concern is due to the lack of natural surveillance with the area being at the rear / north side of the site. The access deck enables inclusive access to the upper floor flats and is located to preserve the main south facing elevation of the Married Quarters. The applicants design and access statement contains a summary of secure by design measures. The decks will have access control systems, as required by secure by design guidance. An external lighting plan is included in the submission. This includes average levels, which are reasonable for the area type (as defined in Institute of Lighting Engineers Guidance). Communal cycle stores within outbuildings are provided with additional lighting and main streets through the site are provided with 3m high lighting columns (as recommended by the police). There will be reasonable measures in respect of deterring crime, including access control, building security and lighting.

## Sustainable design and construction

5.22 The scheme is within the Council's Housing Delivery programme and all new build dwellings will be to Passivhaus standards. The Married Quarters, being retained and refurbished, will not be as energy efficient as the new buildings. The scheme will incorporate low / zero carbon technology - mechanical heat and ventilation and PV panels. The intention is the PV panels provide almost all of the anticipated energy requirements of the buildings. The proposals for the scheme will exceed the local requirements for carbon reductions in policy CC1 of the 2018 eLP.

## Impact on surrounding residents

5.23 The impact on the neighbouring houses to the north - Ambrose Street and Wenlock Terrace is deemed acceptable, as explained below. Also, multiple trees are proposed adjacent the north boundary, which will be 'extra heavy' standard when planted. There is also a block of development referred to as The Stables between these two terraces. The scheme proposes soft landscaping / public open space opposite The Stables and would have no adverse effect.

#### Ambrose Street

5.24 Block 5 would be to the south of, and parallel to, the terrace of houses on Ambrose Street. The proposed block is predominantly 2-storey. Only the houses at each end step up, to 2.5-storey (with the top floor set further back from the north boundary at house 10) and 3 storey at the opposite end. The 3-storey dwelling has a separation of 21m from the main rear elevation of the houses opposite. The separation decreases down to just over 19m at the other end of the proposed terrace. The lesser separation distance is comparable with back-to-back distances established locally, for example between Frances Street and the north side of Ambrose Street.

5.25 Block 5 is predominantly 2-storey (lower in height than Ambrose Street and other more dominant local buildings). Separation distances between terraces would reflect what is typical for the area, in accordance with NPPF design policy to respect local character (considering scale and layout). The proposed buildings would not be unduly dominant or over-bearing.

5.26 The house at the east end of block 5 (house 10) has outside amenity space proposed at first floor and top floor levels. The outside spaces have privacy screens (1.8m high) supplemented with planting to prevent overlooking over Ambrose Street. As such and taking into account the separation distances achieved, there would be no undue overlooking / loss of privacy.

5.27 The BRE Site layout planning for daylight and sunlight: a guide to good practice has been applied, and its 25 degree guide, which determines that the houses on Ambrose Street would not suffer an undue impact in respect of both daylight and sunlight. The guide is applied where buildings are directly facing windows (i.e. the rear elevation of Ambrose Street; not side windows in rear extensions). A further technical study undertaken by the applicant's consultants, again following BRE guidance, has also been issued which evidences that outside amenity space at the rear of houses on Ambrose Street would experience no material impact on receipt of daylight and sunlight. The proposed buildings would cause no further overshadowing to rear yards than existing outbuildings and boundary walls.

#### Wenlock Terrace

5.28 Blocks 7 and 8 are proposed to the south of Wenlock Terrace. Block 7 being the retained Married Quarters building.

5.29 Block 7 has communal and commercial units at ground floor level and therefore a new external access staircase and deck at first floor level (the latter connecting to the lift in block 8) are proposed on the north side of the buildings, to provide access into the upper floor residential. Block 8 also has outside amenity space at 2<sup>nd</sup> floor level facing north, towards Wenlock Terrace.

5.30 The access deck and external amenity space on the north side of proposed blocks 7 and 8 is between 19m – 22m from the main rear elevation of Wenlock Terrace. The outside space on block 8 has a reasonable degree of enclosure. The buildings on Wenlock Terrace are sub-divided into apartments; the rear courtyard areas are communal and provide ancillary storage space. The proposed outside amenity spaces do not have privacy screens, as proposed on the outside amenity space opposite Ambrose Street. Given the scale and use of Wenlock Terrace, it is considered the external access deck would not lead to undue overlooking / loss of privacy.

5.31 Block 8 would be 3-storey, comparable in height to the retained Married Quarters building and lesser in scale compared to Wenlock Terrace. It would not be overbearing or over-dominant.

#### Highway Network Management

5.32 NPPF para 111 establishes that refusal on highways ground is only sustainable if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.33 NPPF paragraphs 110 and 112 advise when considering development proposals

- Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up.
- Highway design reflects current national guidance, including the National Design Guide and the National Model Design Code (topic covered in design section).
- Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- Give priority to walking and cycling.
- Address the needs of people with disabilities and reduced mobility in relation to all modes of transport.
- Create places that are safe and allow for servicing and emergency access.
- Enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

5.34 Considering NPPF requirements the scheme is not objected to on either highway safety grounds or considering effects on the highway network. In respect of the low car parking provision there is deemed to be suitable mitigation; the promotion of and ability for sustainable modes of travel and provision for resident's parking schemes in the area.

#### Impact on the network

5.35 There would be 85 dwellings and 28 car parking spaces on-site. The 10 spaces behind blocks 7 and 8 would be controlled by the applicant/developer and priority given to disabled persons. The other spaces would all be on-street (and therefore a resident's parking scheme would be required to manage their use). A further 10 spaces can be accommodated on-street on Hospital Fields Lane (to the west of the site, not to the south) and 3 further spaces that would be associated with the electric vehicle charging facility proposed and car club. This equates to 41 spaces overall – 48% provision.

5.36 NPPF advice on parking standards is they can be informed by – location and accessibility, public transport, type of development proposed, local car ownership levels and the need to provide adequate facilities for electric vehicles.

5.37 In respect of the NPPF criteria, the site is within an acceptable walking distance of the city centre and services to cater for residents day-to-day needs and there is sufficient public transport on Fulford Road. However 39 of the 85 dwellings would have 3 or more bedrooms. Local statistics for the area (2011 census figures for Fishergate) show some 0.9 car ownership per dwelling.

5.38 Highway Network Management have concerns that, without mitigation based on the house types proposed and car ownership levels locally, there is a risk future residents would look to park off-site causing disruption to the network. There are objections from local residents, specifically along Ambrose Street, to this effect. Letters in support welcome the scheme because it discourages car use in what is a suitable location for a low-car development given accessibility to amenities and services and taking into account air quality on Fulford Road.

5.39 The recommendation from Highway Network Management is that a min-residents parking scheme be introduced at the site, this would control parking and make allowances for visitors and deliveries. They also deem it necessary the developer funds the costs associated with facilitating the introduction of Residents Parking in surrounding streets to address the possible issue of residents of the proposed scheme parking in such areas.

5.40 The projected full costs of the residents parking processes are -

Implementation of a residents parking scheme within the site and funding measures towards administration.

- £17k (costs to include Traffic Regulation Order associated with establishment and administration (enforcement of parking restrictions – street patrol officers / admin of fines and challenges to fines / responding to phone calls regarding cars parked without permits (over a 5-year period)).

Implementation of a residents parking scheme in the surrounding area.

- Traffic Regulation Order - £25k (allowing for two rounds of consultation for implementation of a residents parking scheme, the first prior to first occupation, the second within 1 year of 90% occupation). This would not be required if the res-park comes into force regardless.
- Administration (enforcement of parking restrictions – street patrol officers / admin of fines and challenges to fines / responding to phone calls regarding cars parked without permits (over a 5-year period)) - £95,428.
- Funding of residents permits - £40,400 (per-year membership for residents).

Promotion of sustainable travel / mitigation of effects on the network

5.41 The Council is already due to go out to re-consultation in respect of introducing residents parking to the streets to the north of the site. This consultation includes Frances Street, Ambrose Street, Holly Terrace, Carey Street and Wenlock Terrace (agreed at Executive Member for Transport Decision Session on 19.4.2022). There is already agreement for introducing resident's parking at Kilburn Road, Alma Terrace and Alma Grove. There is already resident's parking at Maple Grove to the south.

5.42 It is recommended that should resident's parking not be taken forward following the process set out above, then another consultation, if/when this housing scheme is complete, would be funded by the developer. There would also be resident's parking at the application site. These measures will control parking locally. Officer advice is that requiring the developer to fund the administration (over a 5-year period) of the off-site scheme would not meet the NPPF tests in respect of planning conditions and obligations. The full administration of the neighbouring residents parking area would not be directly related to this development and nor would it be fairly and reasonably related in scale and kind. Also, the Council has already secured a planning obligation for establishment of residents parking zones locally through the Frederick House development (19/00603/FULM) and in accordance with planning guidance the Council would need to evidence obligations have been spent on the infrastructure referenced or returned.

5.43 In addition to controlling car parking, the main principles of the Council's Housing Delivery Programme (of which this scheme is part of) include supporting

sustainable transport, reducing environmental impact and building healthy neighbourhoods. Low car use is a fundamental component. To this effect the layout is designed to promote wider connectivity through sustainable modes of travel and provide a setting not dominated by cars. The scheme will be marketed on the basis of low car ownership and sustainable travel modes encouraged through the travel plan, provision of on-site facilities for cycles, a scheme for free electric cargo bike hire and car club (vehicle provided at the site and discounted membership for residents). Prioritising active travel is a requirement of the National Design Guide and this scheme is compliant.

### Cycle parking provision

5.44 Locally minimum cycle standards are 1 space for a 1 or 2 bed sized dwelling; 2 spaces for larger dwellings. LTN 1/20 is national guidance which recommends 1 space per bedroom and 5% of provision to be for non-standard cycles.

5.45 The scheme would provide 195 bedrooms. Some 250 cycle parking spaces are proposed that are covered and secure. Additionally there are 16 external visitor spaces, spaced over the site and 8 spaces for cargo bikes. The provision is acceptable. Highway Network Management note that the stores which are in front and rear gardens of terraced houses would only fit 1 cycle if applying local guidelines. If this were the case, the provision would reduce to 220 spaces. This remains in excess of the LTN 1/20 recommendation. However it is noted that stores of comparable dimension (approx. 2m x 1m) and design are typically quoted by manufacturers as able to accommodate 2 – 3 cycles.

5.46 LTN 1/20 recommends 5% provision be for non-standard cycles. In addition to the 8 cargo bike spaces the communal stores within blocks 2 and 4 also have space for over-sized cycles (which would take the provision beyond 5%). The homes in blocks 1-5 all have private yard areas which could provide such storage space.

### Highway design and priority for walking and cycling.

5.47 The National Design guide refers to patterns of movement that encourage activity and social interaction and that incorporate green infrastructure.

5.48 The scheme contains a public realm design which promotes health and well-being, recreation, walking and cycling. The layout of streets and spaces improves wider connectivity for pedestrians and cyclists (which is essentially car-free), between Fulford Road, the amenities to the south of the site and the recreation facilities and walking and cycling routes by the riverside.

### Mobility

5.49 The scheme takes mobility reasonably into consideration.



- Access into dwellings - all buildings have level access and are Building Regulation compliant in respect of access.
- Allocation of car parking spaces – priority will be given to blue badge holders.
- Communal cycle stores have space for over-sized cycles.

### Safe access and provision of servicing

5.50 Details have been provided that illustrate waste collection and emergency vehicles can fully access the site. Emergency access is from either Main Street or via Hospital Fields. Waste services have no objections to the servicing arrangements.

### EV provision

5.51 NPPF requirements are to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. For cars one Rapid charger and one Fast charge-point are proposed, to be installed as part of the Council's EV network programme (the car club space will also be served by an ev charging point). These facilities will be for public use and have been agreed with the Council's EV Strategy officers. The four cargo bikes to be provided for hire will be electric also.

### Open Space

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

5.53 Policy GI6 (new open space provision) of the 2018 eLP states 'all residential development proposals should contribute to the provision of open space for recreation and amenity'.

5.54 Compared to local guidance for space standards there is a shortfall in proposed provision of 4,460qm amenity open space and 504sqm of playspace). There is no on-site sports provision and therefore an off-site contribution is required. The contributions would be committed at the locations specified in paragraph 3.28 & 3.30.

5.55 Off-site contributions required (rounded) -

Application Reference Number: 21/02573/FULM

Item No: 4a

Amenity space	£16,610
Play	£55,230
Sports	£41,535

## Ecology

5.56 NPPF paragraph 174 states decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity (10% is national best practice and due to become mandatory).

5.57 Some 17 trees will be removed to accommodate the scheme. Of these two are category B (one located on the south east side of the site on the corner with Hospital Fields Road and one by the group of trees outside of the site, to the south of the married quarters), the others are category C or U. The layout allows for retention of trees on site of the highest value (see landscape officer comment in 3.11). In terms of amenity value both Category B trees to be removed are adjacent retained Category B trees. Over 100 trees will be planted as part of the proposals.

5.58 The proposals include the submitted Landscape Management and Maintenance Report and Landscape Statement, which set out aspirations for the scheme in respect of biodiversity value. A detailed planting schedule commits to planting multiple 'extra heavy' standard trees. The measures would deliver biodiversity net gain on-site, as required by the NPPF. In landscape and biodiversity terms, the benefits of the scheme outweigh the loss of 16 trees proposed to accommodate the scheme. Full details of tree planting will be required to ensure trees have sufficient soil volumes and protection, where in close proximity to hard-standing. It is noted that due to the Yorkshire Water drainage easement between blocks 3 and 4 tree planting will be constrained in this area.

## Drainage

5.59 Relevant NPPF advice on flood risk is not to increase flood risk elsewhere. With regards to drainage developments should incorporate sustainable systems (following the hierarchy in national planning guidance), unless there is clear evidence that such would be inappropriate. 2018 eLP policy ENV5 requires surface water run off at brownfield sites is restricted to 70% of the existing rate, where practical.

5.60 In respect of the sustainable drainage hierarchy, site investigations suggest that ground conditions mean soakaway will not be feasible. Drainage will connect into the existing network. The connection and run-off rates will accord with local policy and be as required by the Council's Flood Risk Management Team. Surface water will be restricted to 70% of the existing (proven) rate, retained in over-sized pipes on-site before connecting into the network. In accordance with best practice,

connection will be into the surface water sewer (the existing connects into the combined sewer). The site-specific details and arrangements for future maintenance will be required through planning condition.

### Education

5.61 NPPF paragraph 95 states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Officers have advised contributions would be required for primary, secondary and early years places. The table in section 3 identified the no. of places, contributions required and where they would be committed.

### Public Protection

5.62 NPPF policy on land contamination and noise is set out in section 15 of the NPPF. There will be a condition to deal with construction management, due to the scale of the development, proximity to residential and as demolition is involved.

5.63 Noise – the dominant noise source was road traffic (rather than from any surrounding commercial premises) and the submitted noise assessment illustrates that with mitigation (double glazed windows in this case) noise levels within dwellings would be acceptable. A condition proposes approval of a detailed scheme for each block.

5.64 Land contamination – standard conditions recommended regarding a site investigation and implementation of a remediation strategy.

## **6.0 CONCLUSION**

6.1 The social and environmental objectives of the NPPF are as follows –

- **social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- **environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using

natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

6.2 The scheme meets these objectives. It proposes residential lead development within a setting designed to encourage recreation and social interaction, taking into consideration the public realm and the community uses proposed within the buildings. 40% of the homes will be affordable. In respect of health and moving to a low carbon economy the proposed homes will exceed optional national space standards and target Passivhaus standards that latter significantly exceeds local or national energy efficiency requirements. There will biodiversity net gain on-site and a significant increase in the number of trees on-site. These benefits weigh strongly in favour of the scheme and justify the demolition proposed.

6.3 The NPPF requires, as set out in paragraph 11d, this development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies the Framework taken as a whole.

6.4 The adverse effects identified are the demolition of existing buildings and potential effects on surrounding streets in respect of car parking. The demolition is justified due to housing need the environmental quality of the proposed homes and a reasonable scheme of mitigation has been identified to manage on street car parking. There are no adverse effects which justify refusal of the scheme.

6.5 Conditions will secure provision of the following items, which would normally be secured through a planning obligation, because the council is the landowner.

- Affordable housing
- Education
- Open space and sports provision
- Residents parking – funding for Traffic Regulation Orders for residents parking at this site and towards establishment at residents parking on streets to the north

## **7.0 RECOMMENDATION: Approve subject to the following planning conditions -**

### **1 Time**

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 Approved plans

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

Site Location Plan (EX) 002 P3

### Proposed Site Plans

Site Plan 001 P4

Roof Plan 002 P1

Demolition Plan 003 P1

### Proposed Site Elevations

Site Elevations A, F, G 220 P1

Site Elevation B-B 221 P1

Site Elevation C-C 222 P1

Site Elevations D & E 223 P1

Site Elevations H224 P2

### Proposed Block Plans

Block 1 GA Plans GF & 1F 101 P1

Block 1 GA Plans 2F & Roof Plan 102 P1

Block 2 GA Plans GF & 1F 103 P1

Block 2 GA Plans 2F & Roof Plan 104 P1

Block 3 GA Plans GF & 1F 105 P1

Block 3 GA Plans 2F & Roof Plan 106 P1

Block 4 GA Plans GF & 1F 107 P1

Block 4 GA Plans 2F & Roof Plan 108 P1

Block 5 GA Plans GF & 1F 109 P2

Block 5 GA Plans 2F & Roof Plan 110 P2

Block 6 GA Plans GF, 1F, Roof Plan 111 P2

Block 7 GA Plans GF & 1F 112 P1

Block 7 GA Plans 2F & Roof Plan 113 P1

Block 8 GA Plans GF & 1F 114 P1

Block 8 GA Plans 2F & Roof Plan 115 P1

Block 9 & 10 GA Plans GF & 1F 116 P1

Block 7 & 10 GA Plans 2F & Roof Plan 117 P1

### Proposed Site Sections

Site Sections A-A, B-B 320 P1

Site Sections C-C, D-D, E-E 321 P1

### Proposed Block Elevations

Block 1 Elevations	201 P1
Block 2 Elevations	202 P1
Block 3 Elevations	203 P1
Block 4 Elevations	204 P1
Block 5 Elevations	205 P2
Block 6 Elevations	206 P2
Block 7 Elevations	207 P1
Block 8 Elevations	208 P1
Block 9 Elevations	209 P1
Block 10 Elevations	210 P1

### Proposed House Types Plans and Elevations

House Type A	120 P1
House Type B	121 P1
House Type C	122 P1
House Type D	123 P1
House Type E	124 P1
House Type F Plans	125 P2
House Type F Elevations	126 P2
House Type H	128 P1
Type I GF / 1F	129 P1
Type I 2F / Roof	129.1 P1

### Other Site Structures Details

Typical Back Garden Bike & ASHP Stores	250 P1
Typical Cargo Bike Store	251 P1
Bin Stores -	252 P1, 253 P1, 254 P1, 255 P1, 256 P1, 257 P1, 258 P1
Sub Station Detail	259 P1

### Landscape Plans

Landscape Plan P13	L-S-001-21218-PGA01
Tree Planting Plan	P06
Hard Surfacing Plan	P05

### Other Plans

Tree Constraints Plan	1349 Rev 1
Site External Lighting Plan	E-010 P3
Site Utilities Plan - Proposed	ME-001 4

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

## 3 Affordable Housing

No development shall commence unless and until a scheme for affordable housing provision has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall thereafter be provided in accordance with the approved scheme.

The scheme shall include:

- The amount type / tenure and location of the affordable housing.
- The timing of the construction of the affordable housing.
- The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing.
- The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced.

Reason: In order to meet identified need for affordable housing in accordance with policy H10 of the Publication Draft Local Plan 2018.

#### 4 Education

No development shall commence unless and until a scheme to ensure the provision of adequate additional early years / pre-school (funding for 8 places), primary (12 places) and secondary (7 places) facilities within the local catchment area, or alternative arrangements, has been submitted to and approved by the local planning authority. The facilities shall thereafter be provided in accordance with the approved scheme, or the alternative arrangements agreed in writing by the Local Planning Authority prior to first occupation of the development.

Reason: The education provision within the catchment area of the development has insufficient capacity to take more pupils, such that additional places are required in the interests of the sustainable development of the city. The provision is required in accordance with NPPF paragraph 94, Policy DM1 of the Publication Draft Local Plan 2018 and the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated June 2019 update.

#### 5 Open Space and Sports Provision

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

Reason: In order to comply with the provisions of Policy G16 of the Publication Draft Local Plan 2018 which requires that all new housing sites make adequate

provision for the open space needs of future occupiers.

## 6 Tree protection

Trees shown as retained on the approved plans shall be protected in accordance with BS: 5837: Trees in relation to construction and details within the Quants Arboricultural Impact Assessment 1349b revision 1.

Reason: In accordance with NPPF paragraph 55, to ensure protection of existing trees that make a significant contribution to the amenity of the area and to biodiversity and are fundamental to whether the scheme would be acceptable when assessed against policies within the NPPF.

## 7 Construction management

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

The plan shall include: -

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



every month during construction works by email to the following addresses - public.protection@york.gov.uk and [planning.enforcement@york.gov.uk](mailto:planning.enforcement@york.gov.uk)

Reason: To ensure before development commences that construction methods will safeguard the amenities of neighbouring properties in accordance with Policy ENV2 of the City of York Publication Draft Local Plan 2018.

## 8 Construction working hours

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

Reason: To protect the amenities of adjacent residents.

## 9 Public sewers

Prior to demolition or groundworks within 5 metres of the centreline of the public sewer which crosses the site, measures to protect the sewer shall be submitted to the Local Planning Authority, approved in writing and the development hereby approved shall take place in accordance with the approved measures thereafter. The protection measures shall include details in respect of demolition and site enabling works, and the construction and hard and soft landscaping.

Reason: In the interests of good design and flood risk, to protect Yorkshire Water infrastructure.

## 10 Archaeology - Watching Brief

a) No archaeological evaluation or development shall take place until a written scheme of investigation (WSI) for evaluation and watching brief has been submitted to and approved by the local planning authority in writing. The WSI shall conform to standards set by LPA and the Chartered Institute for Archaeologists.

b) The evaluation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under part (a) and the provision made for analysis, publication and dissemination of results and archive deposition 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 on the evaluation and an assessment of the impact of the proposed development on any of the archaeological remains identified in the evaluation shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 6 weeks of completion or such other period as

may be agreed in writing with the Local Planning Authority.

d) Where archaeological features and deposits are identified proposals for the preservation in-situ, or for the investigation, recording and recovery of archaeological remains and the publishing of findings shall be submitted as an amendment to the original WSI. (There shall be presumption in favour of preservation in-situ wherever feasible.

Reason: In accordance with Section 16 of NPPF. The site lies within an area of archaeological interest. An investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ.

#### 11 Archaeology - Building recording

Prior to demolition of buildings 1-12 Ordnance Lane a written scheme of investigation (WSI) for a building recording shall be submitted to and approved by the local planning authority in writing. No demolition of the relevant buildings shall take place until the photographic recording as proposed in the WSI has been carried out. A copy of the recording 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: In accordance with Section 16 of NPPF and Policy D7 of the Publication Draft York Local Plan 2018 as the buildings on this site are of historic and social interest and must be recorded prior to demolition.

#### 12 Nesting birds

No tree maintenance, vegetation clearance, demolition or renovation works to the buildings on site shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of suitable habitat for active birds' nests immediately before the works and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the local planning authority in advance of works.

Reason: To ensure that breeding birds are protected from harm during construction. All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended.

#### 13 LC1 Land contamination - Site investigation

- 14 LC2 Land contamination - remediation scheme
- 15 LC3 Land contamination - remedial works
- 16 LC4 Land contamination - unexpected contamination
- 17 Drainage

Surface water run-off from the site shall be no more than 75.2 litres per second. Site specific details of the final drainage strategy shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of construction of the development hereby permitted. The development shall be carried out in accordance with the approved scheme.

Site specific details shall include the following -

- The means by which the surface water discharge rate shall be restricted to a maximum rate of 75.2 litres per second. To include the means by which the on-site surface water attenuation shall accommodate up to the 1 in 100 year event with a 30% climate change allowance shall be achieved.
- Storage volume calculations, using computer modelling, which must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 30% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.
- Existing and proposed ground levels.
- Future management and maintenance of the proposed drainage scheme.

Reason: In the interests of preventing increased flood risk, as required under NPPF section 15, policy ENV5 of the Publication Draft Local Plan 2018 and the City of York Council Sustainable Drainage Systems Guidance for Developers.

- 18 Biodiversity net gain

Biodiversity enhancements shall be provided in accordance with the recommendations set out in section 5.4 of the Landscape Statement dated 12.11.2021) provided by Urbed Ltd. Details of the scheme shall be submitted to and approved in writing by the Local Planning Authority prior to construction of the buildings hereby permitted and the enhancements shall be installed in accordance with the approved details prior to first occupation of the relevant building.

The development shall operate / be occupied in accordance with the measures set out in the Landscape Management and Maintenance report by Urbed dated 3.11.2021.

Reason: To enhance the biodiversity and wildlife interest of the area, in accordance with Paragraph 174 d) of the NPPF.

## 19 Noise insulation to dwellings

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

Daytime (07:00-23:00 hrs)

- No greater than 35 dB LAeq (16 hour)

Night (23:00-07:00 hours)

- 30 dB LAeq (8 hour)

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

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

Prior to construction of the relevant residential building, a detailed scheme of noise insulation measures for protecting the approved dwellings from externally generated noise shall be submitted to and approved in writing by the Local Planning Authority. The building shall be constructed in accordance with the approved details.

Reason: To protect the amenity of people living in the new property from externally generated noise, in accordance with the NPPF paragraphs 130 and 185.

## 20 Materials

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

- a) Manufacturer's details and colour finish of render, vertical hung clay tiles and metalwork.
- b) Sample panels of the brickwork to be used (which shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used). This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: In the interests of visual amenity and local distinctiveness, in accordance

with paragraph 127 of the NPPF.

## 21 Large scale details

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

blocks 1-5

doors and windows in context

balconies and balustrades in context

block 6

doors and windows in context

block 7

metal clad walkway and storage

new windows to west elevation

block 8

balconies and balustrades in context

blocks 9 and 10

doors and windows in context

boundary walls and railings

Reason: In the interests of good design, in accordance with NPPF paragraph 130.

## 22 Secure by Design

The development shall not be occupied until there has been submitted to, and approved in writing by the Local Planning Authority details of secure by design measures. The approved measures shall be instated prior to first occupation of the relevant buildings. The measures shall include details of access control (to private/semi-private spaces and cycle storage).

Reason: In accordance with NPPF paragraph 130f to ensure crime and disorder, and the fear of crime do not undermine the quality of life or community cohesion and resilience.

## 23 Landscaping / public realm

The development shall not be occupied until there has been submitted to, and approved in writing by the Local Planning Authority, a detailed hard and soft

landscaping scheme (following the principles shown on submitted urbed landscape and tree planting drawings (although it is noted planting between blocks 3 and 4 may be compromised by presence of existing drainage)). The scheme shall illustrate the number, species, height and position of trees and shrubs, tree planting details and details of play equipment, street furniture and surfacing.

Tree planting details shall include: means of support, protection (including prevention of strimmer damage), irrigation; soil volumes and structural soil cell systems where applicable, and the corresponding surfacing detail, locations of underground utilities; maintenance regime and responsibilities. Where trees are to be located within, or adjacent to, hard-standing, the surface area of soil cell systems, soil volumes, and tree species, and any utilities, shall also be shown on a tree planting plan.

The approved landscaping scheme shall be installed in accordance with the approved plans and details prior to first occupation of the development hereby permitted, unless an alternative phasing scheme has been approved in writing by the Local Planning Authority, which shall subsequently be implemented in accordance with the approved details.

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

Reason: In the interests of good design, in accordance with paragraph 130 of the NPPF.

## 24 Resident's Parking

Prior to first occupation of the development hereby permitted details of a scheme to provide residents parking, both within the site and in the local area, shall be submitted to and approved in writing by the Local Planning Authority. The approved schemes shall be fully implemented thereafter.

Reason: To reasonably control on-street car parking locally, in the interests of highway network management and in accordance with NPPF paragraphs 110d) and 111.

## 25 Electric Vehicles

Prior to occupation of 25% of the dwellings hereby permitted the electric vehicle charging facilities (and vehicles) detailed below shall be provided on-site and made available for public use at all times thereafter -

- Electric cargo bike storage, four charging points and hire bikes as detailed in section 4.5 of the Transport Statement V1.0 (by Civic Engineers).
- Two car parking spaces with rapid and fast charging and a fast charging facility serving the car club bay. The parking spaces, as shown on the approved site plan, shall be exclusively for use by electric or car club vehicles.

In addition to the above an electric vehicle charging facility for at least one of the parking spaces to the north of blocks 7 and 8 shall be provided prior to first occupation of blocks 7 and 8. The details of the provision shall be approved by the Local Planning Authority in advance of installation.

Reason: To encourage the use of electric vehicles and reduce emissions, in accordance with paragraphs 110 and 186 the NPPF and policy ENV1 of the Publication Draft Local Plan 2018.

## 26 Travel Plan

The development hereby permitted shall be occupied in accordance with the Civic Travel Plan V1.0.

Following the annual surveys and reports should the travel plan targets not be met details of further actions and measures to achieve the plan targets shall be submitted (by the travel plan co-ordinator) to the Local Planning Authority for approval and subsequently implemented in accordance with the approved details.

Reason: In order to promote sustainable travel, in accordance with section 9 of the NPPF and Publication Draft Local Plan 2018 policy T7.

## 27 Cycle and bin storage

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

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

## 28 Commercial units – times of operation

The commercial units hereby permitted shall only be open to customers between the hours of 07:00 and 23:00 each day of the week.

All deliveries and collections to the commercial units shall only occur during the following times -

Monday to Friday 08:00 to 18:00 hours

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

Reason: To protect the amenity of occupants of the nearby properties from noise, in accordance with the NPPF paragraphs 130 and 185.

### 29 Commercial unit – any plant and machinery

The combined rating level of any building service noise associated with plant or equipment within the commercial and community units shall 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 surrounding residential in accordance with NPPF paragraphs 130 and 185.

### 30 Sustainable construction

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

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.

### 31 Overlooking

The roof terrace screens for house type F, as shown on drawing (00) 126 P2, shall be installed prior to first occupation of the relevant dwellings and retained as such at all times.

Reason: To prevent overlooking of surrounding homes in accordance with NPPF paragraph 130.

## 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: sought revised plans and negotiation to address issues in respect of amenity, highways and drainage and through the use of planning conditions.

**Contact details:**

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