



Notice of a public meeting of

Planning Committee B

- To:** Councillors Hollyer (Chair), Melly (Vice-Chair), Craghill, Crawshaw, Daubeney, Fisher, Galvin, Orrell and Perrett
- Date:** Monday, 17 October 2022
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

This is the reconvened Planning Committee B meeting postponed from 13 October 2022.

1. Declarations of Interest

At this point in the meeting, Members are asked to declare any disclosable pecuniary interest or other registerable interest they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests.

2. Minutes

(Pages 1 - 14)

To approve and sign the minutes of the last Planning Committee B meeting held on 01 September 2022.

3. Public Participation

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

Please note that our registration deadlines are set as 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is **5:00pm on Thursday, 13 October 2022**. Please also note, due to the availability of resources, we are unable to accommodate remote speakers at this meeting.

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

Webcasting of Public Meetings

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

During coronavirus, we made some changes to how we ran council meetings, including facilitating remote participation by public speakers. See our updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

4. Plans List

This item invites Members to determine the following planning applications:

**a) Central Library Gardens, Museum Street, York (Pages 15 - 58)
[21/02758/FUL]**

Change of use of land to form a 12-hole mini-golf course for a period of 7 years. [Guildhall Ward]

**b) Clifton Without County Junior School, (Pages 59 - 92)
Rawcliffe Drive, York [22-00685-OUTM]**

Part demolition of former school buildings and erection of two storey block and single storey extension for new library and associated uses, external works including car park, terrace, play areas and pedestrian and cycle access to adjacent school. Outline proposals for residential development. [Rawcliffe and Clifton Without]

**c) Bootham and Monk Ward Conservative Club, (Pages 93 - 138)
77-79 Clarence Street, York [22/00599/FULM]**

Erection of two and three storey 34no. room student accommodation building following demolition of existing buildings at 75-79 Clarence Street (revised scheme) Clarence Street York Limited. [Guildhall Ward]

d) **36 Farndale Avenue, York, YO10 3NH** (Pages 139 - 150)
[22/00611/FUL]

Two storey side and single storey rear extensions, dormer to rear, bin and bicycle storage structure to side. Demolition of garage. [Osbalwick and Derwent Ward]

5. Urgent Business

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

Democracy Officer:

Jane Meller

Contact details:

- Telephone: (01904) 555209
- Email: jane.meller@york.gov.uk

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

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

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

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City of York Council

Committee Minutes

Meeting	Planning Committee B
Date	1 September 2022
Present	Councillors Hollyer (Chair), Melly (Vice-Chair), Craghill, Fisher, Orrell, Perrett and Looker (Substitute for Cllr Crawshaw)
Apologies	Councillors Crawshaw and Galvin
Officers Present	Gareth Arnold, Development Manager Mark Baldry, Development Officer Cathryn Moore, Corporate Business Partner (Legal) - Remote

13. Declarations of Interest (4.31 pm)

Members were asked to declare at this point in the meeting any disclosable pecuniary interests or other registrable interests that they might have in the business on the agenda, if they had not already done so in advance on the Register of Interests.

Cllr Looker and Cllr Craghill noted a non-prejudicial interest in items 4c, d, e and f, as local Ward Councillors.

14. Minutes (4.33 pm)

Resolved: That the minutes of the last meeting held on 11 August 2022 were approved and signed by the Chair as a correct record, subject to the amendment of the voting record for item 4a which was four in favour, two against and one abstention. Also for item 4a, the final sentence for the public speaker, Peter Rollings, was amended to 'The village needed houses that people with young families could afford to buy.'

15. Public Participation (4.34 pm)

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

16. Plans List (4.34 pm)

Members considered a schedule of reports of the Development Manager, relating to the following planning applications, outlining the proposals and

relevant policy considerations and setting out the views of consultees and officers.

17. Former Storage Facility Site, Derwent Valley Industrial Estate, Dunnington, York [21/02601/FULM] (4.34 pm)

Members considered a major full application from Joanne MacLean for the erection of storage and distribution warehouse (Use Class B8) and office building including associated car parking, perimeter security fencing and new vehicular access from Chessingham Park at the Former Storage Facility Site, Derwent Valley Industrial Estate, Dunnington.

The Development Manager gave a presentation on the application and provided an update which amended 1.1 of the report to thirty three car parking spaces rather than fifty. Condition 14 had been removed as the issue was covered by condition 12.

In response to questions from Members, officers clarified that:

- The number of electric vehicle (EV) charging points was in line with the guidance provided to developers. If Members wished to increase the number in the guidance, the Supplementary Planning Document (SPD) would need to be changed.
- It was agreed to re-examine the wording of condition 3, as this appeared to exclude hybrid vehicles from using the EV points.
- Officers would request an explanation for the low emissions strategy which had been written by Public Protection (PP).
- The solar panels and air source heat pumps were shown on the plans and were therefore integral to the application.
- A highway construction management plan was not considered necessary due to the location and lack of requirement for road closures.

There were no public speakers for the application. Cllr Fenton moved to approve the officer recommendation. This was seconded by Cllr Fisher. On being put to the vote, with Members voting unanimously in favour, it was;

Resolved:

- i. That the application be approved subject to the recommended S106 agreement and the amendment and conditions contained within the update, as outlined above.

- ii. The Development Manager would seek clarification for Condition 3, whether it was correct that it excluded the charging of hybrid vehicles, and amend accordingly.

Reason: The development would accord with the NPPF, the Draft Local Plan (2005) and the Draft Local Plan (2018). On balance, the proposal complied with the thrust of national and local planning policy.

18. Northminster Business Park, Harwood Road, Upper Poppleton, York [22/00794/FUL] (4.47 pm)

Members considered a full application from Alastair Gill for the installation of timber clad container for use as security cabin and the construction of gravel path.

The Development Manager gave a presentation on the application detailing the site plan and access roads. There were no updates for the Committee and the officer responded to further questions from Members as follows:

- The container was to be placed within the business park which was a developed area within the Green Belt.
- The number of businesses on the park that operated with delivery restrictions was not to hand, officers had not come across any records of enforcement.
- To condition the hours of use of the cabin would negate the applicant's intention for the cabin.

Public Speakers

The Chair read out a statement on behalf of local residents who objected to the application. This outlined a number of their concerns including increased traffic levels and HGV's parking overnight in the entrance and running their engines. They requested deferment of the item until a site visit could be arranged for Members.

Alastair Gill, the applicant, spoke in support of the application. He highlighted the benefit for both the site and neighbours of having a constant security presence on site. He also explained the current operation of the site and how access to the site would be improved. In response to questions, he confirmed that the management company enforces the delivery restrictions imposed on some businesses and that there had been no enforcement notices issued. There was no expected difference in the timing or frequency of deliveries.

Cllr Looker moved to approve the officer recommendation, this was seconded by Cllr Fenton. On being put to the vote, with seven Members in favour and one abstention, it was;

Resolved: That the application be approved.

Reason: The application site lies within the general extent of the Green Belt but due to the scale and location of the proposal it was not considered to constitute inappropriate development. The proposed gatehouse was not considered likely to harm neighbour amenity. Subject to conditions for precaution methods to protect nesting birds the proposal complies with the Neighbourhood Plan, the National Planning Policy Framework, and the Publication Draft Local Plan 2018.

**19. Minster Stoneyard, 4 Deangate, York, YO1 7JA
[22/00788/FUL] (5.12 pm)**

Members considered a full application from Alexander McCallion for the redevelopment of the Stoneyard, including demolition of mason's workshop, erection of roof structure and mezzanine floor and reordering of existing buildings and uses to provide internal and external workshops, storage and offices at Minster Stoneyard, 4 Deangate, York.

The Development Manager gave a presentation on the application, detailing the site plan, proposed elevations and access. Officers provided Members with an update that included a letter of support from the York Conservation Trust and the following additional conditions:

Additional Conditions

An additional condition to secure the submission of large scale details relating to a new window opening within the rear of 4 Deangate is recommended.

Further details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant part of the development and the works shall be carried out in accordance with the approved details;

- (a) The replacement window to be inserted into the first floor rear elevation of 4 Deangate. The details shall be large scale (1:10) joinery details.

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

An additional condition is also recommended to require large scale details of the standing seam roof shall be submitted.

Prior to the commencement of development large scale construction details (1:20 scale) of the new roof shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: To ensure a satisfactory external appearance in the interests of preserving the character and appearance of the Conservation Area.

Officers responded to further questions from Members as follows:

- The height of the proposed roof was detailed in paragraph 5.44 of the report. The height increase starts further back due to the flat roof inset around the perimeter of the arched roof.
- The National Planning Policy Framework (NPPF) was the national policy on design and should be weighted accordingly.

Public Speaker

Alexander McCallion, Director of Works at York Minster, spoke in support of the application. He explained the plans for the Technology Hub and Centre of Excellence, the sustainable nature of the development and noted the co-dependent nature of the application with item 4e. Following Member questions, he confirmed that the roof height was dictated by the machinery in the workshop below as well as by the solar panels.

Following debate, Cllr Looker proposed the officer recommendation to approve the application. This was seconded by Cllr Craghill. On being put to a vote, with Members voting unanimously in favour, it was;

Resolved:

- i. That the application be approved subject to the addition of a construction environmental management plan (CEMP) and

the additional conditions contained in the update.

- ii. Authority be delegated to officers to amend the wording of detailed design conditions

Reason:

Regard is had to the advice within paragraph 199 of the NPPF that when considering the impact of a proposed development on the significance of a designated heritage asset's conservation (and the more important the asset, the greater the weight should be) and to the legislative requirements to give special regard and considerable importance and weight to the desirability of preserving listed buildings and their settings or features of special architectural or historic interest, and paying special attention to the character and appearance of the conservation area. The applicant's public benefits are summarised in the earlier sections of this report above. Whilst it is acknowledged the proposed development will give rise to a degree of less than substantial harm to the setting of the Listed Buildings and the Conservation Area, by virtue of introducing a new form of development. It is on balance, considered that these less than substantial harms would be outweighed by the public benefits; namely the fostering of vital skills important to the upkeep of heritage buildings in the city and the opportunity for these skills to be shared and showcased to the public. The proposals would deliver a very clear objective of the Minster Neighbourhood Plan. The proposals would also facilitate the delivery of the Centre of Excellence for Heritage and Craft Skills.

**20. Minster Stoneyard, 4 Deangate, York, YO1 7JA
[22/00789/LBC] (5.12 pm)**

Members also considered the application for Listed Building Consent at Minster Stoneyard, 4 Deangate, York alongside item 4c. During his presentation on that item, the Development Manager gave an update to Members with the following additional conditions:

Additional conditions

An additional condition requiring details of the materials to be used raising of the existing wall between the application site and Goodramgate is recommended including details of the mortar specification.

Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used in increasing the height of the wall between the application and the properties on Goodramgate including a specification of the mortar to be used shall be submitted to and approved in writing by the Local Planning Authority prior to their use in the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance

A condition requiring the submission of large scale details showing how the wall capping is to be attached to the boundary wall is recommended.

Notwithstanding any details shown on the approved drawings or stated within the application form. Prior to its use in the development large scale details (1:20 scale) of the metal wall capping shown in drawing 547-TL-S-0300 including details of the material and exterior finishes and how it will be affixed to the wall shall be submitted to and approved in writing by the Local Planning Authority prior to their use in the development. The development shall be carried out using the approved materials and specifications.

Reason: In interests of safeguarding adjacent Listed Buildings.

A condition requiring the submission of large scale construction details showing how the new structure will interact and connect with the existing boundary wall with the properties along Goodramgate is also recommended.

Notwithstanding the details submitted, prior to the commencement of development large scale construction details (1:20 scale) showing the detail of each junction including any new foundations for each neighbouring property 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 and specifications.

Reason: In interests and preserving and safeguarding the character and setting of adjacent listed buildings.

Cllr Looker moved to approve the officer recommendation and this was seconded by Cllr Craghill. On being put to the vote, Members voted unanimously in favour and it was;

Resolved:

- i. That the application be approved subject to the additional conditions contained in the update (below).
- ii. Authority be delegated to officers to amend the wording of detailed design conditions.

Reason:

- i. The proposals were not considered to cause harm to the character, setting or significance of the listed building. The proposals would therefore accord with the provisions of Policy D5 of the DLP and Section 16 of the NPPF. The proposals would deliver a very clear objective of the Minster Neighbourhood Plan. The proposals would also facilitate the delivery of the Centre of Excellence for Heritage and Craft Skills.
- ii. It was therefore recommended that Listed Building Consent be granted; subject to any conditions outlined below. However, it should be noted that a number of matters relating to the eventual operation of the site, the implementation of any development and relevant protection measures to mitigate the impacts of development are covered by conditions attached to the associated application for planning permission therefore they do not require repeating in the granting of Listed Building Consent.

**21. The Deanery, Minster Yard, York, YO1 7JQ [22/00803/FUL]
(5.41 pm)**

Members considered a full application from Alexander McCallion for the conversion of existing garages and erection of new building to apprentice's accommodation, stone workshop and ancillary storage after demolition of greenhouse, potting shed and garden structures at The Deanery, Minster Yard, York YO1 7JQ.

The Development Manager gave a presentation on the application and the Development Management officers provided an update noting the additional letter of support from York Conservation Trust and the following additional conditions:

Additional conditions

The following additional condition is recommended following the comments received from the Flood Risk Management Team:

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

Reason: In the interest of satisfactory and sustainable drainage

An additional condition requiring details of the design of the foundations to be used in the Breakout Pavilion is also recommended:

Prior to the construction of the Breakout Pavilion commencing details of the design of the foundations to be used in the building including a statement of working methods in relation to the adjacent tree (T26) shall be submitted to and approved in writing by the Local Planning Authority. The construction of the Breakout Pavilion shall then be implemented in accordance with the approved details.

Reason: The development would be located within the root protection area of the tree identified as T26 and the design of the foundations needs safeguard this tree.

Changes to conditions

Within the published report Condition 2 (Exterior Materials) reads as: Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used, including the PV roof covering shall be submitted to and approved in writing by the Local Planning Authority prior to their use in the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance

It is now recommended to amend the condition to read as:

Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used, including surfacing materials of roadways and the PV roof covering of the scaffold store shall be submitted to and approved in writing by the Local Planning Authority prior to their use

in the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance

Within the published report Condition 17 (Occupancy Condition) reads as:

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

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

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

It is now recommended that this condition be amended to read as:

The apprentice accommodation hereby approved shall be occupied only as apprentice housing accommodation. No person other than an apprentice registered with, and engaged in, a course of full time further or higher education and enrolled or employed by York Minster as an apprentice shall occupy the residential accommodation at any time.

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

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

Officers responded to questions from Members and clarified the plans for existing trees. They also explained that condition 20 varied the plan to provide sufficient space for 14 cycles.

Public Speaker

Alexander McCallion, Director of Works for York Minster, spoke in support of the application. He explained the proposed plan and spoke about the ambitions for the project. He highlighted the roof design which had featured in the Royal Academy of Arts Summer Exhibition. He responded to questions from Members and stated that, subject to funding, they expected to expand the apprenticeship programme. He noted that condition 17 conflicted with the current apprenticeship plans. He also explained the plans for a green roof and rainwater capture

In response to Member questions, officers agreed to examine the wording of condition 17, in relation to who could stay in the apprentice accommodation.

Following debate, Cllr Fenton moved to approve the officer recommendation, this was seconded by Cllr Melly. Members voted unanimously in favour and it was;

Resolved:

- i. That the application be approved subject to the additional conditions and amendments to conditions contained in the update (below).
- ii. Authority be delegated to officers to amend the wording of detailed design conditions.
- iii. To explore the wording of condition 17 with the applicant to avoid excluding visiting workers.

Reason:

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with development plan. The Minster NHP forms part of the statutory development plan for the City of York; and as is set out above the proposed development is considered to accord

with the provisions of the Minster NHP. Regard is had to the advice within paragraph 199 of the NPPF that when considering the impact of a proposed development on the significance of a designated heritage asset's conservation (and the more important the asset, the greater the weight should be) and to the legislative requirements to give considerable importance and weight to the harm to listed buildings and conservation area. The public benefits are summarised in the earlier sections of this report above. The proposed development will give rise to varying degrees of harm to various designated heritage assets and the Conservation Area. It is on balance, considered that these less than substantial harms would be outweighed by the public benefits the proposals would bring about even when giving great weight to the conservation of these assets. The proposals would deliver a very clear objective of the Minster Neighbourhood Plan. The proposals would also facilitate the delivery of the Centre of Excellence for Heritage and Craft Skills.

22. The Deanery, Minster Yard, York, YO1 7JQ [22/00804/LBC] (5.41 pm)

Members also considered the application for Listed Building Consent at Minster Stoneyard, 4 Deangate, York alongside item 4e. During his presentation on that item, the Development Manager gave an update to Members with the following additional conditions:

Additional conditions

A sample panel (measuring 1sq metre) of the brickwork to be used for the new wall between the Deanery Garden and the application site and for the new garden wall attached to the bedroom wing shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location.

Prior to their use in the development details of any fence, means of enclosure or boundary treatment to enclose the lapidarium shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory external appearance.

Prior to works commencing a methodology for the demolition and rebuilding of the stone wall to the side of the Deanery adjacent to the access drive of the development shall be submitted to and approved in writing by the Local Planning Authority. The methodology shall detail measures to ensure the existing stone is not damaged and then when rebuilt the construction and exterior finish is of the same character. The methodology shall also include details of the mortar mix to be used in the works.

Reason: In interests of ensuring a satisfactory external appearance and to preserve the character and appearance of the existing wall.

Prior works commencing large scale construction details shall be submitted to and approved in writing by the Local Planning Authority showing how the existing boundary wall shall be incorporated into the wall of the bedroom wing. The details shall include details of any new structures and foundations, any insulation, capping, installation of new lintols over new openings and any repointing. The works shall be carried out in accordance with the approved details.

Reasons: In the interests of safeguarding the character and appearance of the existing boundary wall and ensuring it can be suitably incorporated into the development.

Cllr Fenton moved to approve the officer recommendation, this was seconded by Cllr Melly. Members voted unanimously in favour and it was;

Resolved:

- i. That the application be approved subject to the additional conditions contained in the update (below).
- ii. Authority be delegated to officers to amend the wording of detailed design conditions.

Reason :

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance

with development plan. The Minster NHP forms part of the statutory development plan for the City of York; and as is set out above the proposed development is considered to accord with the provisions of the Minster NHP. Regard is had to the advice within paragraph 199 of the NPPF that when considering the impact of a proposed development on the significance of a designated heritage asset's conservation (and the more important the asset, the greater the weight should be) and to the statutory duty to give considerable importance and weight to the harm to listed buildings and conservation area. The public benefits are summarised in the earlier sections of this report above. Whilst it is acknowledged the proposed development will give rise to varying degrees of harm various designated heritage assets and therefore the Conservation Area. It is on balance, considered that these less than substantial harms would be outweighed by the public benefits the proposals would bring about even when giving great weight to the conservation of these assets. The proposals would deliver a very clear objective of the Minster Neighbourhood Plan. The proposals would also facilitate the delivery of the Centre of Excellence for Heritage and Craft Skills.

It was therefore recommended that Listed Building Consent be granted; subject to any conditions outlined below. However, it should be noted that a number of matters relating to the eventual operation of the site, the implementation of any development and relevant protection measures to mitigate the impacts of development are covered by conditions attached to the associated application for planning permission therefore they do not require repeating in the granting of Listed Building Consent.

Cllr A. Hollyer, Chair

[The meeting started at 4.30 pm and finished at 6.17 pm].

COMMITTEE REPORT

Date: 13 October 2022
(postponed from 13
and 26 September
2022) **Ward:** Guildhall

Team: East Area **Parish:** Guildhall Planning Panel

Reference: 21/02758/FUL
Application at: Central Library Gardens Museum Street York
For: Change of use of land to form a 12-hole mini-golf course for a
period of 7 years
By: Mr D Finch
Application Type: Full Application
Target Date: 31 August 2022
Recommendation: Refuse

1.0 PROPOSAL**THE SITE**

1.1 The application site is Library Lawn, to the south-west side of the York Explore Library on Museum Street. The site is bounded by a section of the city walls to the west and north, the library to the east, and the remains of St Leonard's Hospital to the south. The site is accessed from the front of the Library through a gated railed entrance, and through a breach in the city walls from the Museum Gardens.

1.2 The site is part of the historic Mint Yard enclave, lying wholly within and forming part of the City Walls scheduled monument. The site is bounded by the St Leonard's Hospital Remains to the south-east (Grade I), the Multangular Tower and City Wall (Grade I) to the south-west, the Central Library (Grade II) and the Anglian Tower (Grade I) to the north-east. The City Wall from the Multangular Tower to the rear of No.8 St Leonards Place is separately listed as Grade I and lies to the north of the site. Abutting the site to the south lies the Museum Gardens, a Registered Park and Garden (Grade II). Whilst the Multangular Tower and City Wall are within the listed Registered Park and Garden, Library Lawn falls outside. The site lies within the

Central Historic Core Conservation Area and the City Centre Area of Archaeological Importance.

1.3 The site is in flood zone 1 (low risk of flooding). The Publication Draft Local Plan identifies the site as 'existing open space' on the Policies Map (City Centre Inset).

PROPOSAL

1.4 The application is for a 12-hole mini-golf course for a period of seven years on the Library Lawn. The site of the golf course is roughly rectangular in shape with a 6m buffer to the St Leonards Hospital Remains and a 6m buffer to the Multangular Tower. The revised site plan shows the course and landscaping extending right up to the City Walls with the previous 2m grass margin shown on earlier plans now removed. The footpath running parallel to the Central Library and connecting to Museum Gardens is proposed to be resurfaced from gravel to an in-situ cast concrete 'slab' finish.

1.5 The mini-golf course would have a historic theme, with each hole denoting a significant element of York's history in chronological order from Roman, Anglian, Viking and Norman York through to Georgian, Victorian and 'Chocolate' York. Each hole would have an information board for the time period reaching up to 900mm in height. The boards would be of timber construction.

1.6 Paths within the mini-golf game would be coloured and textured concrete with a flagstone effect imprinted in its surface, brown resin flexi-pave to resemble a medieval track and rubber mulch. Buff curb stones are proposed to line an artificial grass carpet surface for the holes themselves in 'lawn green'. A number of models would line the holes; Viking boat, Clifford's Tower, Bar Walls, canon, all made from 'art concrete' in a range of colours and finishes. The scheme includes planting to reflect historic events (e.g. red and white roses for 'War of the Roses' hole). Operational development would be limited to a maximum depth of 300mm. The mini-golf would be fully wheelchair accessible. The existing dedicated benches would be restored and maintained rather than replaced.

1.7 The applicant states that 1 full time and 3 part-time jobs would be created. The facility would be open 7 days per week from 10:00 hours to 20:00 hours (summer) with spring closing at 18:00 hours and winter at 15:00 hours. No external lighting is proposed.

1.8 The applicant has indicated that part of the area in the St Leonard's Hospital undercroft will be used as a ticket office and for storage of clubs, however this is not included in the application. The agent advised it would be a person with a ticket machine carrying balls and clubs situated by the course. It is anticipated that once the temporary permission expires, the lawn will be reinstated.

1.9 The application has been called in for determination at Planning Committee B by Councillor Looker because of the sensitive nature of the site which she feels demands clear debate on the proposed change of use.

2.0 POLICY CONTEXT

Publication Draft Local Plan (2018)

D1 Placemaking

D4 Conservation areas

D5 Listed buildings

D6 Archaeology

D8 Historic Parks and Gardens

D10 York Walls

GI1 Green Infrastructure

GI5 Protection of open space and playing fields

3.0 CONSULTATIONS

Design, Conservation and Sustainable Development (Conservation Officer)

3.1 The mini-golf course would introduce a novel and artificial landscape design, incongruous materials and forms of activity into the Library Lawn area, the course representing a much busier landscape. The formal rectilinear character of the space as a neutral setting and green foil to the designated heritage assets of the highest significance will be lost, as well as to the setting of the Grade II listed buildings, historic park and causing harm to character and appearance of this part of the conservation area. The close proximity of miniature buildings and artificial materials to the authentic monuments would be architecturally and aesthetically confusing, and this would have a discordant effect on their setting. The golf course, which would extend close to the base of the City Wall, would interfere with access to the north side of the Wall and the use of the Lawn area for quiet enjoyment.

3.2 The proposed development is not temporary in planning terms. The harm is therefore not considered to be temporary. The application contains no evidence for the extent or nature of anti-social behaviour within the Library Lawn area and that the mini-golf course would have a deterrent effect and thus the harm is not clearly justified. In fact it could increase anti-social activity including climbing on or vandalising the monuments. It is not a form of conservation-led management of the area.

3.3 The officer identifies a moderate level of harm to the aesthetic and communal heritage values of the site within the less than substantial category. Considering public benefits, including historic interpretation to a wider audience and possibly as a deterrent to anti-social activity, these are of marginal quality and do not outweigh the moderate level of harm identified to the setting of the heritage assets of the highest significance.

Design, Conservation and Sustainable Development (Archaeologist)

3.4 With a maximum construction depth of 30cm, there would not be any impact on significant archaeological levels. However there is a Roman Oven situated between the Undercroft and Multangular Tower on this site, within 2m of the Roman Wall and this is not shown on the plans. The proposed scheme must not impact on the Oven and it must remain in-situ.

3.5 While there is no harmful archaeological impact anticipated there will be an above-ground impact in regard to the setting of the surrounding monuments. Whilst there are some benefits of the proposal, including greater engagement of the heritage assets with a wider audience, a fun activity, and potential deterrent to anti-social behaviour, there are some aspects which will remain a concern such as the loss of a tranquil space and the potential impact on the setting of the surrounding structures. Should planning permission be granted, the course must be maintained to a high standard and this still needs to be addressed. Scheduled Monument Consent (SMC) from Historic England is required. A condition for an archaeological watching brief should be attached to any permission.

Design, Conservation and Sustainable Development (Landscape Architect)

3.6 The library gardens is a relatively tranquil open space from which views of the surrounding buildings and structures can be appreciated from any location of choice within the garden. The expanse of grass surface is an effective, simple foil that

unites a complex collection of juxtaposed, historic buildings and ancient monuments. The existing landscape is appropriate.

3.7 The space is secluded, and lacks public invitation, by way of its relatively hidden situation and gated points of entry. The southeast corner of the garden is accessed through a pair of iron gates set back between St. Leonard's hospital and the front elevation of the library. There is another very discreet, elevated, access point from the north, an entrance that is almost hidden from within museum gardens. The seclusion provides a tranquil lawn, hidden from Museum Street and Museum Gardens; somewhere to rest, meet, take in the sounds of nature. The library gardens is a simple open space from which views of the surrounding buildings and structures can be appreciated, in relative stillness, from any location of choice within the garden.

3.8 Crazy golf is a fun activity, and in this case, informative as well. However, the proposed development would change the character and nature of the site, both in its appearance and the level and type of activity. The binding quality of the lawn would be lost, and the peaceful atmosphere offered by the simple green space, adjacent to the sights and sounds of nature within Museum gardens, would be vastly diminished. The very nature of the proposed development would introduce a busy and slightly chaotic arrangement of objects and planting; all of which would be of a very different scale to the very real, bold structures around it. This is mitigated by the temporary nature of the proposed development (although 7 years is a long time frame). The proposals are unlikely to pose a significant risk of harm to the large mature Sycamore tree on the southwest boundary of the site.

Public Protection

3.9 A noise survey was requested to understand whether it is likely that noise nuisance would arise from the customers of the mini-golf for users of the library. Following the submission of a noise report, the environmental health officer advised that he was satisfied that the mini-golf would not result in significantly increased noise levels and that it would not have a negative impact upon the use of the library nor local residents. A condition restricting hours of use is recommended and a standard condition on the finding of unexpected contaminated land.

EXTERNAL

Historic England

3.10 The application site is a sensitive city centre location within the nationally important Scheduled Monument of 'St Mary's Abbey', the Central Historic Core Conservation Area, the Area of Archaeological Importance and being immediately adjacent to the grade II listed public library. Scheduled Monument Consent will be required in addition to any planning permission before works can commence.

3.11 The archaeological potential of the site has been clearly established through several phases of archaeological training excavation, demonstrating that there is a paucity of remains until considerable depths have been reached. The lawn is a popular recreational space for York residents in summer and is often used as short cut between the Museum Gardens and city centre. However, the undercroft and space behind the library both suffer from a degree of anti-social behaviour making the whole area less welcoming than is desirable.

3.12 In construction terms the physical impact of the mini-golf course on the standing fabric and buried archaeological deposits is inconsequential. The infrastructure and features of the proposed mini-golf course are all low-level. As currently conceived, any harm to designated heritage assets is 'less than substantial'. The physical impact of the proposal on the archaeology of the site is known to be acceptable and it could be argued that the impact on 'setting' is also beneficial in that it could transform a sometimes intimidating space into something active, positive and inclusive.

3.13 The plans are only 'illustrative' and therefore the proposal represents 'less than substantial harm' to the significance of the site, albeit at the very 'slight' end of harm. Given the sensitivity of the city centre location it is essential that the details of all the elements of the scheme are confirmed in order to ensure that the quality of the final scheme does not detract from the setting of the surrounding listed buildings and the character of the adjoining registered park and garden. HE consider that this aspect of the application can be dealt with by condition. No objection to the application on heritage grounds.

Council for British Archaeology

3.14 This is a highly significant site in central York, in close proximity to a large number of designated heritage assets with communal significance. The proposed works are unlikely to impact on any significant archaeological remains, and therefore no objections are raised. The Library Gardens have been the site of antisocial

behaviour and the proposed change of use may deter much of this activity. Its proposed use for a recreational activity can also be seen as a modern progression of its nineteenth-century role as a designed pleasure landscape. The theming of the site around the city's history may offer an entertaining alternative form of heritage engagement, particularly for younger visitors.

3.15 However, in order to ensure it makes a positive contribution to the site's setting, there must be a comprehensive management plan in place as if the installation becomes tatty it will detract from the appearance of the setting. Details plans must be agreed with ensure that the proposed new features of the golf course leave open, as far as possible, lines of sight to key parts of the historic setting. As the commercialisation of the site makes it less accessible to residents, we welcome the application for only a temporary consent.

Historic Buildings and Places

3.16 Historic Buildings and Places considers that the impact of the mini-golf course on the surrounding above and below ground heritage assets would be at the lower end of 'less than substantial harm'. They request further details of the ticket office and club storage proposed for St Leonard's undercroft and whether alterations to the structure are required, where WC facilities will be and what security arrangements will be in place.

Yorkshire Gardens Trust

3.17 The Museum Gardens were laid out by Sir John Murray Naesmyth for the Yorkshire Philosophical Society in 1844. They were designed as pleasure grounds to provide a setting for the Yorkshire Museum (listed grade I) and the many ancient monuments in its vicinity and to incorporate botanical gardens.

3.18 The Central Library Lawn is a secluded green space adjacent to the much more-busy Museum Gardens. It is a valued space from which to view and appreciate the Roman Walls and their full evolutionary history as the city walls from Roman to Medieval, the interior of the Multangular Tower and the remains of St Leonard's Hospital, and therefore it also contributes positively to the setting of these buildings and structures. The introduction of a mini-golf course will detract from the heritage assets and their setting and introduce a visually and audibly distracting environment. The proposed development would affect the aesthetic and communal heritage values of the site.

3.19 The timescale of seven years is not temporary and such commercial development may continue for longer once established. This could lead to a permanent change in the aesthetic and communal characters of the site so that future decisions would be based on the character of the site as it then was, not on its current character.

3.20 The Gardens Trust object to the proposal. The proposed location is far too sensitive for such a proposal; totally the wrong place. The proposal is contrary to the NPPF 2021 paragraphs 199, 200, and 202, as the harm to the significance of the designated heritage assets is not outweighed by any public benefits of the proposal. Other locations should be explored in less historically sensitive areas.

Guildhall Planning Panel

3.21 The Panel objects to the application on the grounds of loss of green space for locals to enjoy, being currently a freely accessible green quiet space which would be lost to commercial enterprise. The proposed development is out of character with this important part of the historic city wall and the Multangular Tower. It is unclear where toilet facilities will be provided.

Conservation Areas Advisory Panel

3.22 Whilst the Panel could understand a proposal to provide a mini-golf facility for tourists within the city this was considered to be totally the wrong location. The area alongside the Library and the wall is a valuable local amenity, an area of peace and tranquillity and important to the setting of the adjacent structures. A more suitable site for a mini-golf could be within the Museum Gardens or to the rear of the Art Gallery.

York Civic Trust

3.23 York Civic Trust object in principle and consider Library Lawn an inappropriate location for a mini-golf course due to its highly sensitive historic location being within the setting of seven designated heritage assets, and for its value as a secluded green space in the centre of York. The Lawn is the foremost location from which to appreciate the Roman Walls and interior of the Multangular Tower, as well as providing access to part of the remains of St Leonard's Hospital. It is an area of green space which contributes positively to the setting of the buildings and

structures surrounding it. At present, the open space of the Lawn is the sole location in the city to see the full evolutionary history of the city walls from Roman to Medieval. It is enjoyed for its quieter and secluded green space. Therefore, any changes made to Library Lawn should be considered in the wider context of its setting and relationship with the surrounding designated heritage assets. The introduction of a mini-golf course to the Lawn would have a negative impact on the surrounding designated heritage assets as it would introduce elements of modern commercial activity and entertainment to a sensitive historic location. There is also a loss of a much-needed green space.

3.24 The introduction of a mini-golf course would compromise this setting and detract from the primary focus of the City Walls and St Leonard's hospital remains. This impact on the setting, and therefore the conservation of the designated heritage assets is not sufficiently justified, nor is the choice of the site. Therefore, the proposal does not conform to the requirements of paragraphs 199 or 200 of the NPPF, as clear and convincing justification for the development has not been given.

4.0 REPRESENTATIONS

Neighbour Notification and Publicity

4.1 Four letters of support have been received from three interested parties. Sixty-seven letters of objection have been received to the proposed mini-golf on the following grounds:

Conservation

- Entirely inappropriate for this historic and important site, which is of outstanding national importance. The structures should not be trivialised or denigrated.
- Appropriate for Disneyland or Scarborough Pleasure Beach, not here. A garish tasteless themed playground.
- The proposals cheapen York's image and cause damage to the city's reputation as a cultural destination with international tourists coming to see physical history, not childish amusements.
- York has one of the most extensive sequences of above ground Roman remains in Europe. It is one of the best historical sites in the country that attracts millions of tourists every year. Why spoil it?

- York's Association of Voluntary Guides provides two free tours each day of the city centre and they state that 'It's Mint Yard that grabs tourists' interest'.
- The Guides also provide academic talks for visiting universities in Mint Yard.
- The quiet seclusion provides the perfect setting for the tour guides to explain York's 2000 year old history in one place. The noise and activity will distract from the tours.
- A crazy golf-based history is not appropriate in the midst of Roman and medieval ruins. The site's dignity, history and culture should be protected.
- Proposals are contrary to paragraphs 199 and 200 of the NPPF. The grounds for accepting any harm should be exceptional for scheduled monuments, grade I or II* listed buildings, this is certainly not exceptional. The harm is not justified.
- Harm to the character and appearance of the conservation area.
- Proposal will obstruct clear views of the historic site.
- St Leonard's hospital should not be used as a ticket office.
- Concrete pads will be built over much archaeology, with concerns future archaeological digs will be damaged. The Roman oven will become invisible.
- York University has just begun a two year conservation study of Roman walling and this study could be affected by the mini-golf.
- Whilst there is no physical harm to the surrounding heritage assets, there is harm to people's experience of them, by changing their setting.
- Too much clutter.
- A crazy golf course will encourage children to climb on the ruins.
- Potential damage to the ruins from golf balls being hit on them / needing to be collected and the increased visitors to the area. Potential damage to the library windows.

Noise and disturbance

- Noise disturbance for local residents and library users.
- A community focused activity for the space, aligned to the users of the library would be more appropriate.
- The mini-golf is likely to encourage further anti-social behaviour, rather than detract it. Considered an ideal hen and stag activity.
- Concerns that floodlighting will be necessary.

Loss of public open space/access

- Loss of community accessible open space including immediate residential neighbours who do not have outside space.
- The commercialisation of this public open space is not the best use of this space. It would be better as a multi-use location for a variety of temporary community, arts and cultural events (e.g. Northern Girls Theatre Project who found it the perfect stage setting).
- Crazy golf will provide for tourists, not local people who may only go to once, or be priced out of using.
- The Museum Gardens (including this space) is the most tranquil and peaceful place in the city. It is enjoyed as such by residents, city centre workers and visitors as a peaceful place to sit, read and picnic and appreciate the historical surrounds. Crazy mini-golf will completely spoil it and is contrary to CYC's published cultural strategy. It is the most precious area of the city.
- Concerns that the operators will lock the gates into the Library Lawn and only permit customers of the mini-golf in, thereby preventing public access to the ruins.
- Value of keeping some relatively 'unknown' places in York – although it is used. Don't fill every green space with tourist activities.
- Value for residents and visitors by being quiet and beautiful, benefitting mental well-being.
- Retaining benches and small sections of lawn whilst providing mini-golf course will not mitigate against the overall loss of tranquillity and peaceful setting of the beautifully enclosed space.

Not temporary

- 7 years is not a temporary facility.
- Space will be lost indefinitely to commercial use.
- There will be no other community/cultural uses permitted on the space such as York Bloom Festival.

Proposed benefits

- Repair of the benches is not sufficient mitigation to the harm.
- Applicant states landscaping will be to a higher standard, but the lawn is appropriate and formal planting is not appropriate here. Landscaping around the perimeter will obstruct views of the historic setting and the walking route on grass along the Roman Wall.

- Loss of valued open tranquil space and benefits for users for mental health and well-being. Mini-golf not a benefit for existing users of the space.
- The existing path is flat and firm enough to be accessible by wheelchair, although it could be improved. However the proposals still lead to steps into the Museum Gardens and a steep ramp down which is not wheelchair friendly so this entrance remains inaccessible to wheelchair users.

Other

- The interpretative value of the golf course is questionable, and the historical theme of little or no educational value.
- Unlikely that anyone would interrupt their game of Crazy Golf to read all the information boards. They would be more effective if placed elsewhere and sponsored by local firms.
- A variety of alternative locations suggested.
- There are alternative mini-golf courses already operating within the city centre and at Monks Cross.
- There are no WC facilities and those in the library not sufficient for extra customers.
- CYC have declared a climate emergency but there is a lot of concrete proposed and no attempt to reduce carbon emissions.
- The proposed mini-golf hours of opening align with the existing hours of opening and therefore is no access to the space without the golf in operation.
- Concerns that people will try and drop-off mini-golf customers in front of the Library, which is already used as a drop off and waiting area (unauthorised), exacerbating problems for local residents.

5.0 APPRAISAL

KEY ISSUES

5.1 The key issues are:

- Impact on designated heritage assets
- Design
- Loss of open space
- Loss of community facility
- Noise and disturbance

Legislation

5.2 Section 66 of the Planning (Conservation Areas and Listed Buildings) Act 1990 requires that the local planning authority in determining planning applications for development which affects a listed building or its setting, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the Act requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of a conservation area.

Planning Policy

National Planning Policy Framework 2021

5.3 The National Planning Policy Framework was re-published in July 2021 (NPPF) and its planning policies are material to the determination of planning applications.

5.4 The NPPF sets out the Government's overarching planning policies. Paragraph 7-11 explains that the purpose of planning is to contribute to achieving sustainable development. Development proposals that accord with an up-to-date development plan should be approved without delay. Where there are no relevant development plan policies or where they are out of date, planning permission should be granted unless policies in this framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. If the proposal conflicts with the application of NPPF policies relating to designated heritage assets, this presumption in favour of development does not apply (in accordance with footnote 7).

Publication Draft Local Plan (February 2018)

5.5 The Publication Draft Local Plan 2018 (eLP) was submitted for examination on 25 May 2018. Phases 1 and 2 of the hearings into the examination of the Local Plan have taken place with phase 3 now underway and phase 4 scheduled for autumn 2022. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

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

Central Historic Core Conservation Appraisal (2012)

5.6 The Conservation Area Appraisal forms one of a suite of documents forming the evidence base for the draft Local Plan. It therefore carries some limited weight in planning decisions, but highlights an agreed approach to conservation in the city centre.

ASSESSMENT

Impact on designated heritage assets

National Planning Policy Framework (2021)

5.7 The NPPF 2021 at Section 16, paragraph 189 states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. In determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses, consistent with their conservation; the positive contribution they can make to sustainable communities, including their economic vitality, and the positive contribution new development can make to local character and distinctiveness (para. 198).

5.8 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any harm amounts to substantial, total loss or less than substantial harm to significance (para. 199). Any harm to, or loss of, the significance of a designated heritage asset (including development within its setting) should require clear and convincing justification. Substantial harm to grade II registered parks and gardens should be exceptional, and to assets of the highest

significance (scheduled monuments, grade I and II* listed buildings) should be wholly exceptional (para. 200).

5.9 Where a proposed development will lead to substantial harm to a designated heritage asset, planning permission should be refused (para. 201). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal (para. 202). New development within conservation areas and the setting of heritage assets should enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably (para. 206).

Publication Draft Local Plan (2018)

5.10 The following emerging policies are relevant:

- Policy D4 states that development proposals should preserve or enhance the special character and appearance of the conservation area and better reveal its significance, and respect important views. Harm to buildings, open spaces, views or other elements which make a positive contribution to a conservation area will only be permitted where this is outweighed by substantial public benefits.
- Policy D5 requires development affecting listed buildings and their settings to preserve, enhance, or better reveal those elements which contribute to its significance, and the more important the building, the greater weight attached to its conservation. Any harm to an element of significance, must be outweighed by public benefits.
- Policy D6 protects archaeology and requires development not to result in harm to the significances of the site or its setting and should enhance it.
- Policy D8 requires development proposals affecting a registered historic park and garden and their wider setting to not harm the layout, design, character, appearance or setting of the park or garden, or key views into or out from the park, are sensitive to the original and subsequent layers of design and evolution of the park and would enhance or better reveal significance. Harm must be outweighed by public benefits.

- Policy D10 states that development proposals within the areas of York Walls designated as Scheduled Monuments will be supported where they are for the specific purpose of enhancing physical and intellectual access to York Walls. Development proposals adjacent to or likely affect the setting of the City Walls Scheduled Monuments should not cause harm to the significance or setting of York Walls, and must be of the highest design quality and where possible, enhance significance.

Central Historic Core Conservation Area Appraisal

5.11 The appraisal identified the Multangular Tower and St Leonards Hospital remains as key assets in the area. It states that Museum Gardens has a unique ambience in the city where visitors and locals can relax and absorb the natural and historic elements of the surrounds. It identifies an opportunity to improve links between the library and St Leonard's Hospital and the Multangular Tower as a route into Museum Gardens. This small green space (Library Lawn) could be enhanced for library users and is shown as an opportunity of for 'public space improvements'.

Context

5.12 The application site is part of the historic Mint Yard enclave, lying within the City Walls scheduled monument, bounded by the ruins of St Leonard's Hospital (Grade I listed) to the south-east, the Multangular Tower and City Wall (GI) to the southwest, the Central Library building (GII) and the Anglian Tower (GI) to the north-east. Abutting the site to the south lies the Museum Gardens, a Registered Park and Garden (GII). The site lies within the heart of the central historic core conservation area. The Mint Yard Conservation Management Plan (2012) prepared by Simpson and Brown for City of York Council in connection with the extension of the Library to accommodate the City Archives is referenced by the conservation officer as it sets out an agreed set of aspirations and principles for the space.

5.13 Mint Yard occupies the west corner of the Roman legionary fortress of Eboracum, c. AD71, and the Multangular Tower is believed to date from the second century. It is possible that the hospital of St Peter (St Leonard from the later twelfth century) was established here in 936, and it existed during the post-Conquest period until the Reformation, becoming a very large hospital during the medieval period. The earliest infirmary of the hospital occupied the site of the Library Lawn probably in the eleventh century, and was extended with the infirmary undercroft and chapel

to the south-east at the beginning of the fourteenth century, the remains of which survive. Soon after the Dissolution, the Crown established the Royal Mint there 1546-1553, the association surviving in the 'Mint Yard' name for the area, still identified as such on maps of the late nineteenth century.

5.14 Following a series of ownerships and uses of the site, including during the Civil War when the enclosing walls regained their defensive purpose during the Siege of York (1643-4), the Mint Yard was purchased by the City in 1675.

5.15 In 1822 The Yorkshire Philosophical Society prefaced a sustained interest in the management of the site to reveal and protect its 'antique' ruins and archaeology. Mint Yard, including Library Lawn and St Leonards Hospital ruin were conceived as a 'garden of antiquities'. The final stage in the creation of the modern site was the construction of the Central Library, now York Explore by Brierley and Rutherford (1927 and 1938). The west wing facing the Library Lawn is designed with as much formality and quality as the front elevation, and was clearly intended to be a principal front to be viewed from the Lawn and, over the top of the Abbey wall, from the Museum Gardens.

5.16 At the beginning of the Second World War an air raid shelter was constructed beneath the Library Lawn, which seemed to involve the levelling of the formerly sloping Victorian garden. The clearance of the shelter after the war apparently presaged the current arrangement of the Library Lawn, constituting a fairly formal space with rectangular lawn, limited planting and a straight path between lawn and the Library. Repair works took place in the 20th century.

Assessment

5.17 The objections from interest parties and neighbours, together with objections from Yorkshire Gardens Trust (statutory consultee), Guildhall planning panel, Conservation Areas Advisory Panel, York Civic Trust and CYC officers identify harm to aesthetic and communal heritage values of the site caused by the proposed mini-golf course on the setting of these designated assets of the highest significance, which also have additional group value due to their proximity and juxtaposition within and surrounding Mint Yard. Whilst there is no direct physical harm to the buildings and structures, the NPPF makes it clear that significance derives not only from a heritage asset's physical presence, but also from its setting. Grade I listed buildings are of the highest value and of exceptional interest. Scheduled monuments are archaeological sites of national interest, also of the

highest value and exceptional interest. St Leonard's Hospital Remains and City Walls, the Multangular Tower, the Anglian Tower and The City Wall from the Multangular Tower to the rear of No.8 St Leonards Place are all of this exceptional interest. Of lesser value, but still significant, are the Grade II listed Central Library, Grade II Registered Park: Museum Gardens and the character and appearance of the conservation area.

5.18 The proposed mini-golf is considered to harm the setting of these nationally significant designated heritage assets surrounding the site, by largely removing the lawn from which they are currently viewed and appreciated, with the introduction of a busy activity, artificial pleasure ground of miniature buildings, artificial mounds, paths and course detailing. Lines of sight will be obscured, access will be restricted to view the historical structures at close range, and in panorama, and the tranquil setting lost. The mini-golf course would introduce a novel landscape design, incongruous materials and forms of activity in the Library Lawn area. The course will represent a much busier landscape design with paths, model monuments and structures, information boards, planting and a large number of artificial and colourful materials which would contrast with the sober built and landscape character and natural materials of the existing site. The eye would be drawn to the mini-golf course, and views disrupted of the surrounding historic landscape, currently enjoyed and valued by local residents and visitors alike.

5.19 The area of existing lawn would no longer be a foil for the surrounding monuments but a focal point, and the activity generated by the commercial visitor attraction would transform the general peace and solitude of the area. It would prevent tour guides, and those visiting, to appreciate the monuments at various points within the Lawn, nor appreciate the full 360 degree panoramic setting of the space. The latest revised site plan takes the course right up to the City Wall and the grass margin removed to be replaced by artificial surfacing and ornamental planting. The 2m grass buffer shown on previous plans has been removed and any access for maintenance of the wall prevented. This increases the harm to setting.

5.20 The defined harm is therefore to the aesthetic and communal heritage values of the site and setting of these scheduled monuments and listed buildings, and the character of this part of the conservation area by creating a busy activity in a currently sombre and peaceful location. A moderate level of harm to significance is identified, in the less than substantial category, to the setting of these structures both individually, with the greatest harm attributed to those immediately bordering the space (St Leonard's Hospital Remains, Multangular Tower, City Walls, Library),

and as a group, and to the character and appearance of this part of the conservation area and to the setting of the historic park. The Museum Gardens planning policy is very clear that the significance of the setting must be conserved and or enhanced, and that any harm must thus be given very great weight considering the exceptional interest of the site, and should be clearly and convincingly justified. The harm is to numerous designated assets of the highest significance, although the harm identified would be less than substantial within the meaning of the NPPF. In such circumstances, paragraph 202 of the NPPF identifies that the public benefits of the proposals, which includes where appropriate securing the optimal viable use of the heritage asset, should be assessed in terms of outweighing the harm.

5.21 The justification for this harm put forward is additional income generation for the York Explore Library as a public facility, general deterrent for anti-social activity currently experienced in the area through increasing activity in this space, and as an accessible facility providing an educational experience and fun activity for tourists and locals.

5.22 No details have been provided of the level and type of anti-social activity which could be deterred by other less harmful means, or alternative ways to bring more people and activity into the space from community and cultural events, genuinely temporary in nature with temporary structures (e.g. marquees, stage for performances), more security personnel, CCTV, more seating). These alternatives have neither been presented, nor discounted. There are alternative mini-golf facilities in the city centre at The Hole in Wand, Coppergate, and out of centre at Puttstars, Monks Cross..

5.23 The identified harm has not been clearly and convincingly justified and public benefits would need to be fairly substantial to outweigh the scale of the harm identified to the setting of numerous designated heritage assets of the highest significance, plus the character and appearance of the conservation area, the grade II library and registered park (Museum Gardens). There are a variety of opportunities that could be explored for income generation for York Explore other than leasing the Lawn for mini-golf, including for genuine temporary (short term) community and cultural events as highlighted by objectors.

5.24 There are also concerns that the proposed plans are illustrative. The photomontages in the design guide show a scheme in context but we do not have details at this stage. Despite requests for an 'existing' drawing showing the designated assets and Roman Oven, and then superimposed on the course, this

has not been forthcoming. The replacement of the concrete path with York flagstones on drawings, as requested, has not been made. Detailed landscaping and a maintenance plan could be conditioned but in highly sensitive context, the preference is for detailed plans prior to decision and amendments shown on revisions to such plans including but not limited to a 2m buffer of lawn to the city walls (which in the latest revision of the site plan has been completely removed), protection and buffer to the Roman oven, details of the ticket sales and golf club storage, and a management plan for visitors and queuing.

5.25 The proposals are therefore contrary to section 16 of the NPPF at paragraphs 199, 200, 202 and 206 through the unjustified harm to the setting of designated heritage assets of the highest significance, to which is given great weight, and to which there are no defined public benefits that mitigate or outweigh this level of harm.

Temporary Planning Permission

National Planning Practice Guidance: Use of Planning Conditions (March 2014)

5.26 The applicant has advised that they are applying for a temporary permission for seven years. National Planning Practice Guidance explains it is rarely justifiable to grant a second temporary permission, but further permissions should normally be granted permanently or refused if there is a clear reason for doing so. Temporary permissions are usually only appropriate where a trial run is needed in order to assess the effect of the development on an area or where it is expected that the planning circumstances will change in a particular way at the end of that period, or for the temporary use of land prior to any longer-term proposals coming forward (e.g. a larger regeneration project such as Spark, Piccadilly. This is not the case here). A condition requiring demolition of a building or structure that is clearly intended to be permanent is unlikely to pass the test of reasonableness (para. 14).

Historic England's Guidance on Temporary Structures in Historic Places (2010)

5.27 HE advise that temporary structures are not appropriate in every location and need to be carefully positioned and designed to avoid potentially disfiguring or damaging sites of heritage importance. The length of time for which a structure is erected is an important factor in assessing its impact (para.6.10) and defines 'temporary' as 'short term events' in days or weeks and 'longer duration' events in months.

Assessment

5.28 The application is described as a temporary facility for seven years, not weeks of months as stipulated by the HE guidance. In planning terms, the siting of the mini-golf course for seven years as a permanent facility throughout the year, is not considered to reasonably fall within the definition of “temporary” and the proposal should be assessed as a permanent structure. The course is set into the ground and comprises of solid materials (unlike a marquee, timber stage for events, or portacabin). It is considered, therefore, that it would not meet the planning test of reasonableness to condition the time period of the development to seven years, as the mini-golf construction is of permanent materials and scope. If it is considered acceptable now, it would be considered acceptable for an indefinite time period.

5.29 Officers consider the harm to visual impact, ambience and appreciation of the place is significant, whether temporary or otherwise. If planning permission is to be granted, it must be understood that any renewal of such permission would be extremely hard to resist, any condition limiting the development to a time period is not reasonable, and could potentially be removed on these grounds through an application under the provisions of Section 73 of the Town and Country Planning Act 1990 (or subsequent appeal). Finally, any alternative commercial venture in the space would be assessed against the space with mini-golf installed, rather than the neutral foil of lawn as is. Any harm to the setting of the designated heritage assets of the highest significance should thus be considered permanent.

Design

National Planning Practice Guidance (2021)

5.30 The NPPF sets out requirements on achieving well-design places at Section 12 stating that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what planning and the development process should achieve (para 126). Planning decisions should ensure that developments will (para 130):

- Function well and add to the overall quality of the area;
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- Are sympathetic to local character and history, including the surrounding built environment and landscape setting;
- Maintain a strong sense of place;
- Create places that are safe, inclusive and accessible which promote health and well-being with a high standard of amenity for existing and future users where crime and disorder, and fear of crime do not undermine quality of life.

5.31 Development that is not well-designed should be refused (para 134).

Publication Draft Local Plan (2018)

5.32 Policy D1 'Placemaking' in the eLP requires development to enhance York's special qualities and better reveal the significances of the historic environment. Development proposals that fail to make a positive design contribution to the city or cause damage to the character and quality of an area should be refused. Proposals should enhance and complement the character of landscape, city parks and open space, planting and boundary treatment. Appropriate building materials should be used. Policy GP1 in the 2005 plan requires development proposals to be of a layout and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate building materials.

Assessment

5.33 Notwithstanding that officers have advised that the application would be recommended for refusal, the applicant has been advised to confirm various elements of the design and prepare revisions to reduce the level of harm.

5.34 However, information has not been supplied showing features of importance on an existing site plan, i.e. Roman sarcophagi (coffins), Roman Oven, benches etc. nor for this information to be overlain on the proposed plan, so it is clear what remains in situ and what is to be moved. Confirmation of the proposed layout and buffer to the City Walls of 2m (inconsistency between the site plan and planting plan) has been requested, in addition to a revision to the proposed plans showing natural York Stone flags to the permanent path adjacent to the Library rather than in-situ cast concrete 'slabs' to be installed instead of the existing gravel path, a more muted colour palate, refinement of planning proposals by a suitable landscape architect to complement the qualities of planning in the Museum Gardens, an undertaking to provide significant funding for a consistent and holistic scheme of

interpretation for the Mint Yard area as a whole, and a historical interpretation specialist to verify and refine the historical information.

5.35 Whilst the applicant states that the course will be high quality, it includes kerbed paths of concrete with imprinted shapes and surfaces, rubber mulch, resin flexipave, and permeable grass-coloured carpet putting surface, models of buildings and other features in 'art concrete' modelled and coloured to resemble natural materials, up to 900mm in height, information plinths, with areas between holes dressed with pebbles or bark chippings and intermittent low level planting. The dominance of artificial materials and surfaces will be discordant with the remaining grassed lawn and stonework of the historic monuments and Library. The emerging Local Plan is clear that development must enhance York's special qualities, and that appropriate materials are used. Artificial grass, imprinted concrete, coloured concrete, and rubber mulch are considered incongruous in this setting and will not preserve nor enhance the city's special qualities.

5.36 The applicant has advised that customers will be served from outside the site. The agent has advised this could be a person with a ticket machine and carrying golf balls and clubs. Customers waiting to play would presumably queue in the lawned buffer areas to the north or south of the course.

5.37 The proposals are considered to be of poor design, using inappropriate materials for the sensitive historic context. They do not enhance York's special qualities and are thus contrary to emerging local plan policies.

Loss of open space and impact on health and well being

National Planning Policy Framework (2021)

5.39 In promoting sustainable development as a golden thread running through planning, the NPPF at paragraph 8(b) underlines the social objective of supporting strong, vibrant and healthy communities ... fostering well designed, beautiful and safe places, with ... open spaces that reflect current and future needs and support communities health, social and cultural well-being.'

5.40 The promotion of healthy and safe communities continues at section 8 requiring planning to ensure the provision of high quality public space to encourage the active and continual use of public areas, and to ensure they are safe from crime and disorder. Development should support healthy lifestyles and wellbeing (para.

92). Planning decisions should plan positively for the provision and use of shared spaces and community facilities (including open space), guarding against the unnecessary loss of valued facilities (para. 93). It continues at paragraph 98 stating that access to a network of high quality open space is important for health and well-being of communities.

5.41 Paragraphs 99 and 100 state that existing open space should not be built on unless (a) an assessment has been undertaken that clearly shows the open space to be surplus to requirements; or (b) the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or (c) the development is for alternative sport and recreation provision, the benefits of which clearly outweigh the loss of the current or former use. Planning decisions should protect and enhance public rights of way and access.

Publication Draft Local Plan (2018)

5.42 The City Centre Policies Map in the eLP identifies the site as 'existing open space'. The following policies are relevant:

- DP2 'Sustainable development' requires development to conserve and enhance York's green infrastructure;
- DP3 'Sustainable communities' requires development to respect and enhance the historic character, green spaces and landscape of York;
- GI5 Protects open space and playing fields. It states development proposals which would harm the character of, or lead to the loss of open space of environmental or recreational importance will not be permitted unless the open space uses can be satisfactorily replaced in the area of benefit in terms of quality, quantity and access with an equal or better standard that that which is proposed to be lost.

Assessment

5.43 The proposals would result in the loss of open space which is clearly of significant recreational and well-being value to local residents and those working in the city. This loss of open space is as a result of the commercial use of the majority of the Lawn, which is currently publicly accessible when the gates are unlocked during library hours. Whilst it is less busy than the adjacent Museum Gardens, it is this tranquillity that is reported as being particularly valued. No alternative or replacement provision has been proposed. In any instance, the space is considered

unique, due to its ambience and aesthetic value as a result of the designated heritage assets which define the space, that it is considered to be irreplaceable. It is concluded that the principle of the loss of the publicly accessible open space does not meet the requirements of Policy GI5 of the eLP.

Amenity considerations

5.44 In terms of amenity there are two strands; potential impact on the customers of the Central Library from the additional noise and activity, and impact on local residents.

National Planning Policy Framework (2021)

5.45 Section 8 of the NPPF protects community facilities which includes open space (discussed above) but also facilities such as libraries. Paragraph 93 requires planning decisions to provide the social, recreational and cultural facilities and services the community needs to enhance the sustainability or communities. They should guard against the unnecessary loss of valued facilities and services, ensuring such facilities can develop and modernised and are retained for the benefit of the community.

5.46 Paragraph 130 requires planning decisions to ensure developments will function well and add to the overall quality of the area. They should also create places which promote health and well-being with a high standard of amenity for existing and future users.

Publication Draft Local Plan (2018)

5.47 Emerging policy ENV2 of the eLP protects environmental quality stating that development will not be permitted where existing communities would be subject to significant adverse environmental impacts such as noise, and lighting, without effective mitigation measures. Accompanying text explains that this is most likely where the development is in an inappropriate location which results in loss of amenity, affecting people's quality of life.

5.48 Concerns were raised by environmental health officers on the impact of increased noise and activity on users of the Library, particularly the study and research area at first floor where large windows, often open, face directly towards Library Lawn. They requested a noise survey. Local residents expressed concerns

about noise and activity and potential nuisance. However, the submitted noise report confirms that anticipated noise levels would be at acceptable levels. A condition could be attached on hours of use.

Highways and access

5.49 As a facility in the city centre, existing access and public transport connections are considered to be suitable with no additional requirements. General cycle storage is available throughout the city centre and it would not be appropriate to secure additional on Library Lawn. Neighbours have expressed concerns about Library Square used increasingly for dropping off customers for the mini-golf, exacerbating existing issues with indiscriminate parking, but that would be an issue for parking enforcement to control.

6.0 CONCLUSION

6.1 The proposal for a mini-golf course on Library Lawn in the city centre is not supported. There is moderate level of harm within the less than substantial category to the setting of designated heritage assets of the highest significance individually and for their group value in Mint Yard, with monuments spanning York's 2000 year history. This harm is caused by the removal of the neutral green foil of the lawn and replacement with a busy mini-golf course constructed of artificial materials, including miniature buildings and structures from coloured concrete, with rubber mulch, resin flexi-pave and imprinted concrete surfacing. The statutory duty in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. The proposal would be harmful to the significance of the Conservation Area and neither its character nor appearance would be preserved or enhanced and would have an adverse effect on the significance of designated heritage assets. These harms would be less than substantial within the meaning of the NPPF. Any such harm nevertheless is given great weight in accordance with paragraph 199 of the NPPF and fails to be outweighed in the heritage balance with the public benefits of the development. The harm is not clearly and convincingly justified and is not outweighed by sufficient public benefits. Therefore, in accordance with paragraphs 199 and 202 of the NPPF, the public benefits do not outweigh the great weight to be given to the less than substantial harm identified.

It is therefore contrary to Section 16 of the NPPF and emerging policies D4, D5, D8 and D10 of the eLP. Further to this the design is inappropriate for the historic

context and is thus not in accordance with Section 12 of the NPPF and D1 Placemaking.

6.2 There is also harm caused by the commercialisation and therefore loss of public open space which is unique in character, is not surplus to requirements and cannot be replaced with space of equivalent value. As such it is contrary to section 8 of the NPPF and emerging policies DP3 and G15 of the eLP.

7.0 RECOMMENDATION: Refuse

1 The site is part of the historic Mint Yard enclave, lying wholly within the City Walls scheduled monument, and bounded by St Leonard's Hospital ruins, Roman Multangular Tower and City Wall, Anglian Tower, each listed Grade I, and the Central Library (Grade II) and Museum Gardens (Historic Park Grade II) and within the Central Historic Core Conservation Area. There is a moderate level of harm to aesthetic and communal heritage values of the site, in the less than substantial category, to the setting of these buildings, and the character and appearance of this part of the conservation area through the loss of simple lawned setting to these monuments and its replacement with a mini-golf course. Great weight is given to this harm. It is not clearly justified nor outweighed by public benefits. The proposals are therefore contrary to section 16 of the National Planning Policy Framework (2021) particularly paragraphs 199, 200, 202 and 206 and policies D4 'Conservation Areas', D5 'Listed Buildings', D8 'Historic Parks and Gardens' and D10 'York Walls' of the Publication Draft Local Plan (2018).

2 The proposal is not considered good design. The proposed artificial materials and site layout are not sufficiently sympathetic to the historic setting, a 2m buffer to the walls has not been confirmed and recommendation on the use of good quality materials not adopted through the submission of revised plans. The miniature buildings would appear entirely incongruous. As such, the proposals are considered to represent poor design, using inappropriate materials for the context, not enhancing York's special qualities, harming the historic landscape, and for the lack of clarity on how the course will function in terms of ticketing and queuing on the green buffer areas. It is therefore not in accordance with paragraphs 126, 130 and 134 of the National Planning Policy Framework 2021 and contrary to policy D1 'Placemaking' of the Publication Draft Local Plan 2018.

3 Library Lawn is identified as 'existing open space' on the City Centre Policies Map of the Publication Draft Local Plan (2018). It is freely accessible to the general

public during library opening hours. The proposed mini-golf course commercialises the open space and prevents general access and thereby results in a loss of open space which is of significant value to the community as a recreational and cultural resource and for health and well-being. No replacement open space is proposed to compensate for the loss, and as the character of its setting is so unique, it is nevertheless considered irreplaceable. The loss of open space is therefore contrary to paragraphs 99 and 100 of the National Planning Policy Framework 2021 and policies DP2 'Sustainable Development' and GI5 'Protection of Open Space' in the Publication Draft Local Plan 2018.

8.0 INFORMATIVES:

Notes to Applicant

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

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

Advised at pre-application stage that the scheme was not supportable. Suggested design improvements to reduce the harm; these have not been incorporated.

However, the applicant/agent was unwilling to withdraw the application, resulting in planning permission being refused for the reasons stated.

Contact details:

Case Officer: Sophie Prendergast

Tel No: 01904 555138



Planning Committee B

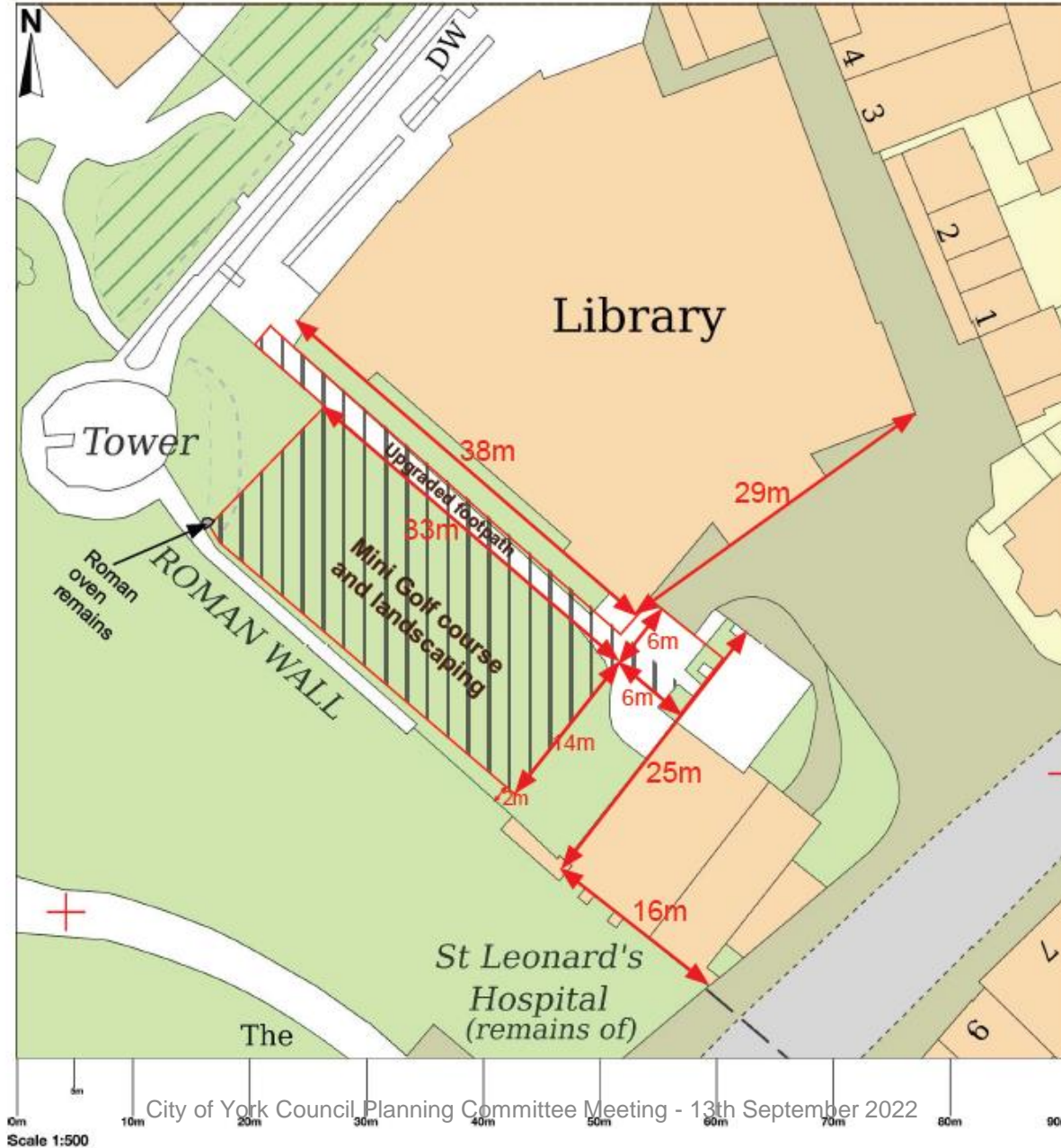
To be held on Thursday 13th September 2022

21/02758/FUL - Central Library Gardens, Museum Street, York

Change of use of land to form a 12-hole mini-golf course for a period of 7
years

Library Lawn, Library Square, York, YO1 7DS

Location Plan



Location of Proposals



View of Site toward St Leonards



View of Site toward
Wall and Tower



View toward Multi-
angular Tower

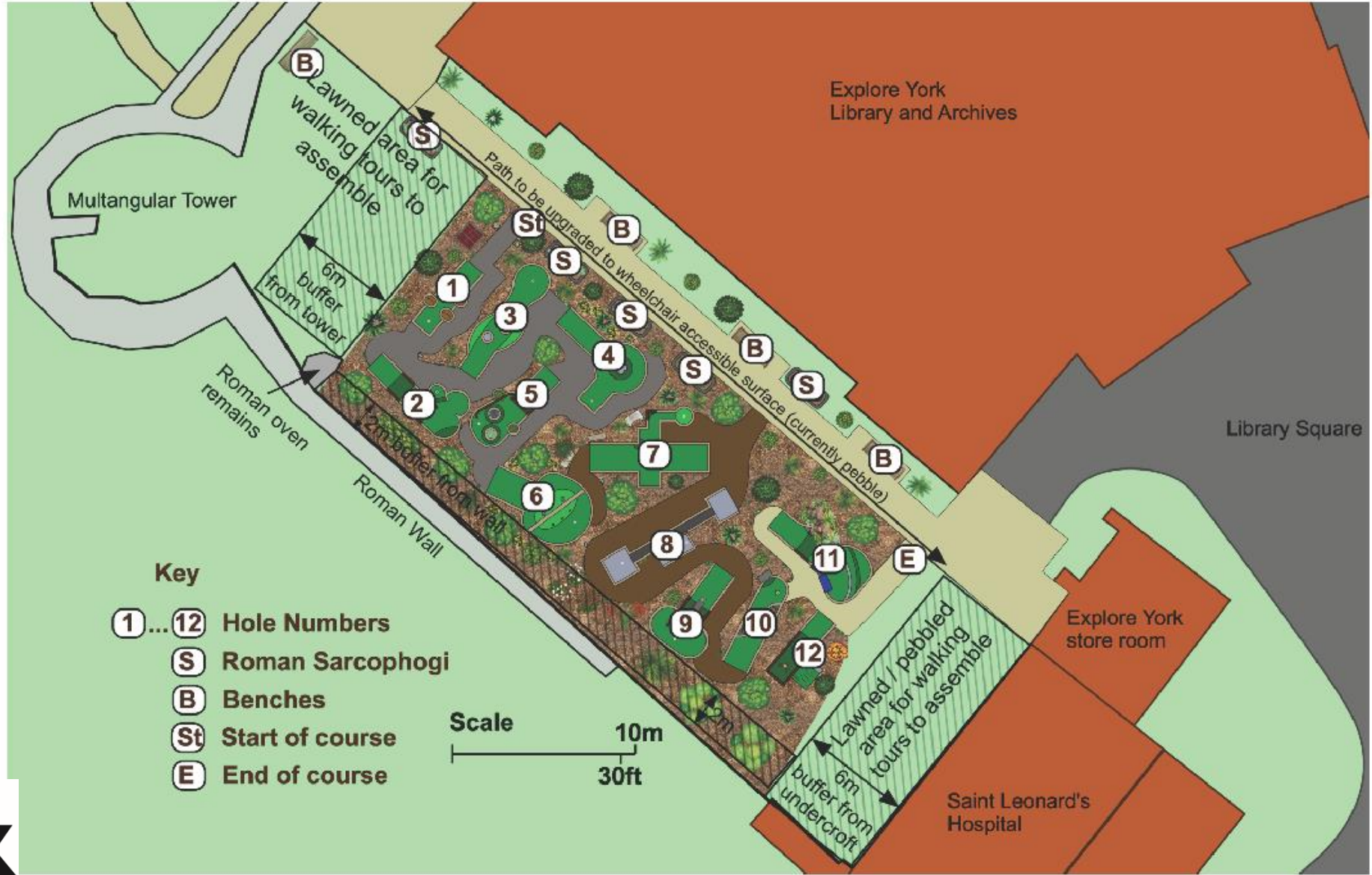


View toward Library and Roman Tombs

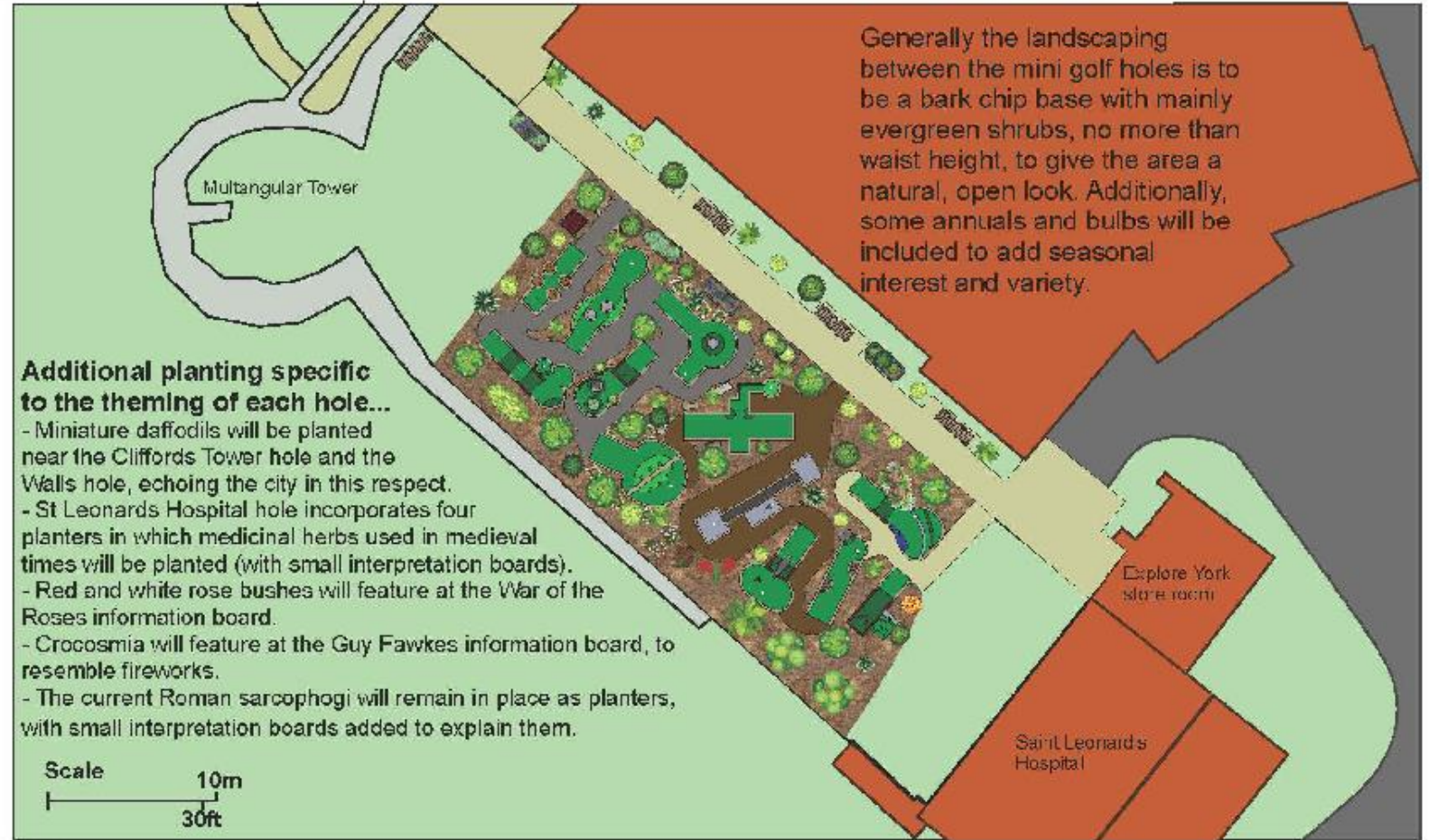


Proposed Site Layout

York Mini Golf: Site Plan (1:200 scale at A3)



Planting plan

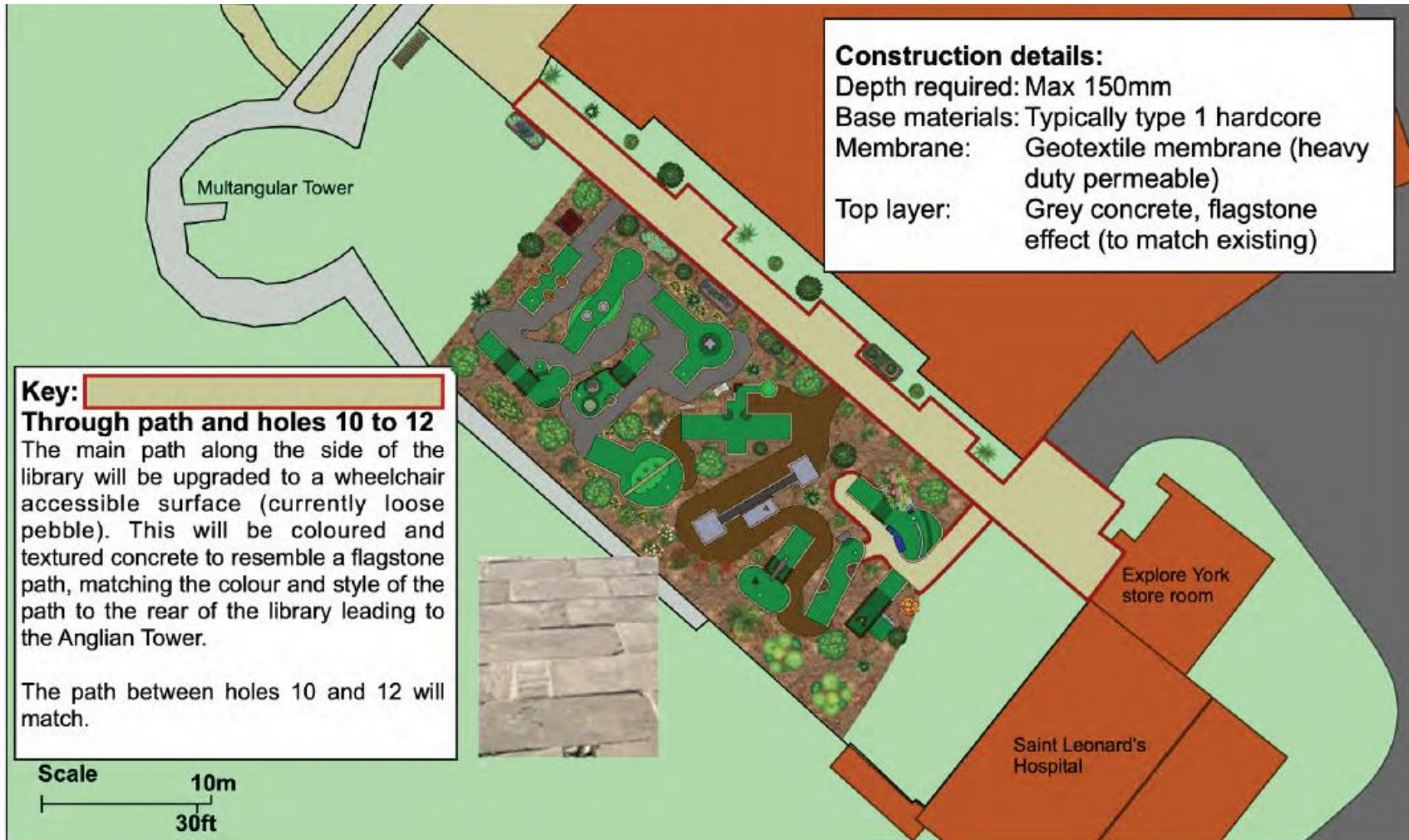


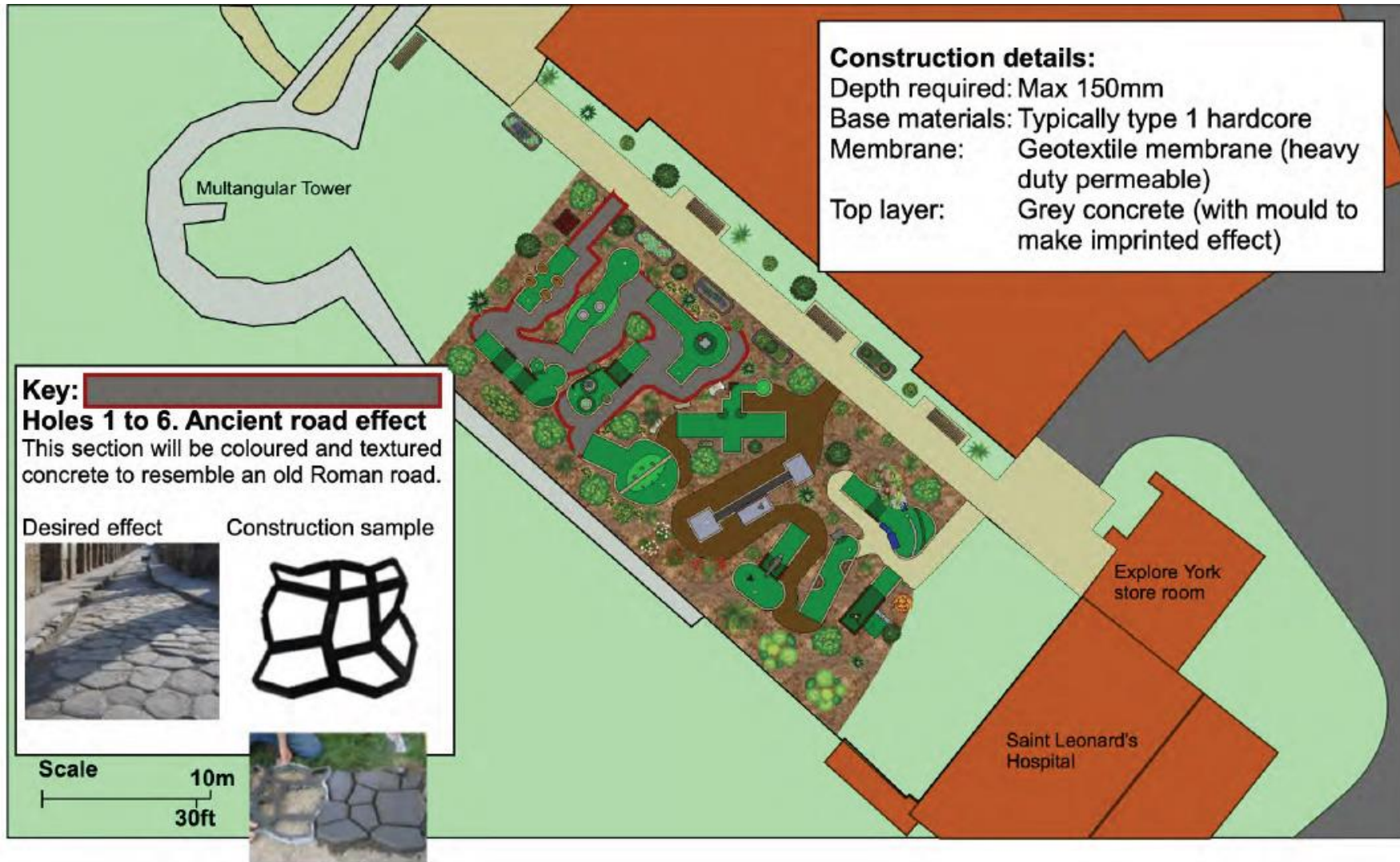
Note:
 This planting plan is intended to give a general overview of the nature of the planting and isn't meant to give exact positions and types of plants to be used.

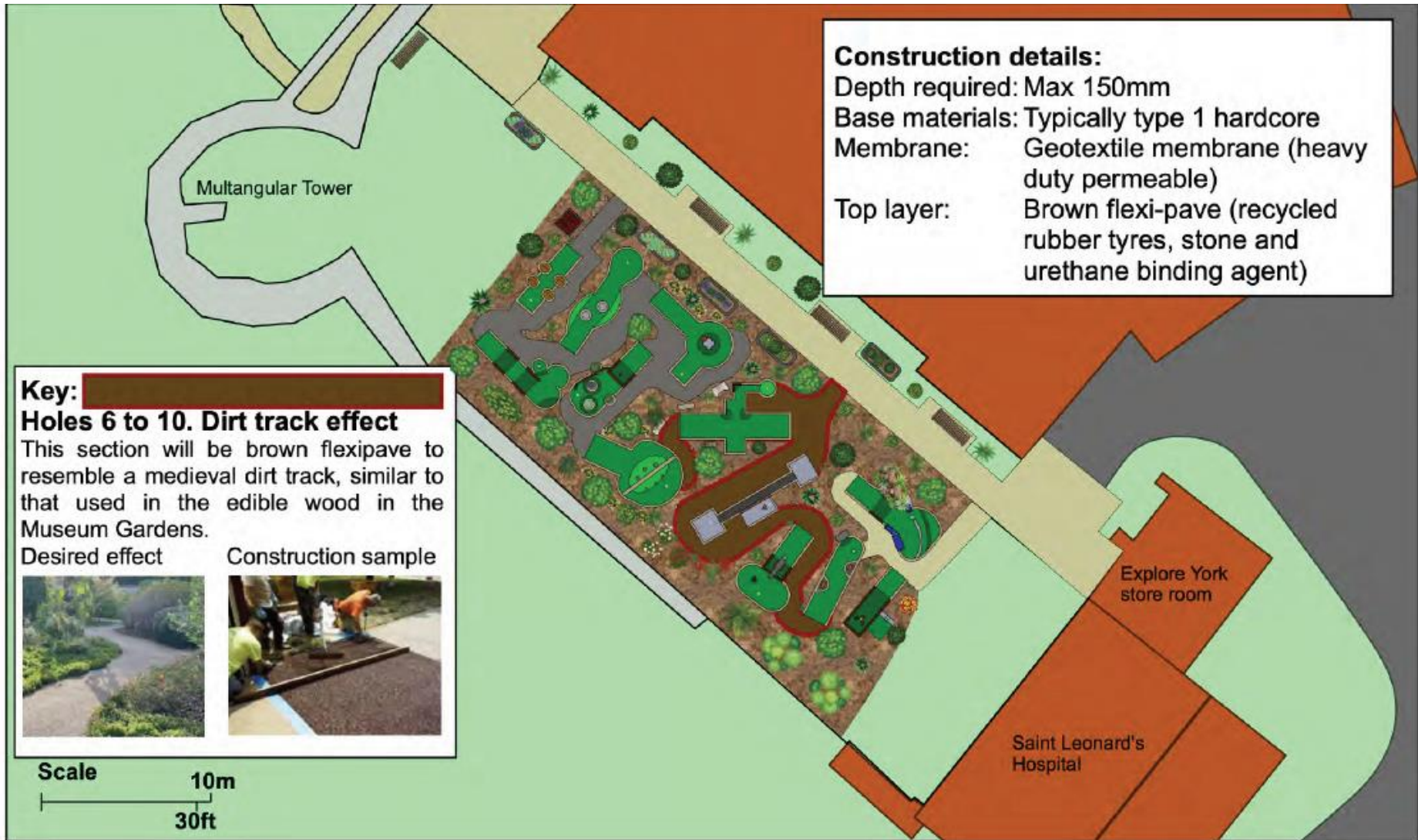
21/02758/FUL - Central Library Gardens Museum Street York

Change of use of land to form a 12-hole mini-golf course for a period of 7 years









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COMMITTEE REPORT

Date: 13 October 2022
(postponed from 13
and 26 September
2022)

Ward: Rawcliffe And Clifton
Without

Team: West Area

Parish: Clifton Without Parish
Council

Reference: 22/00685/OUTM

Application at: Clifton Without County Junior School Rawcliffe Drive York
YO30 6NS

For: Full details for part demolition of former school buildings and
erection of two storey block and single storey extension for
new library and associated uses, external works including car
park, terrace, play areas and pedestrian and cycle access to
adjacent school. Outline proposals for residential
development.

By: City Of York Council

Application Type: Major Outline Application

Target Date: 16 September 2022

Recommendation: Approve

1.0 PROPOSAL

1.1 The former Clifton Without CJ School site at Rawcliffe Drive comprises a medium sized brick built structure set within a large site last used as a school in 2011. Planning permission is sought for partial demolition of the building and construction of a replacement 'Clifton Explore' (Library). The scheme retains the original central main hall and entrance block dating from 1932. The remainder of the site to the south adjoining The Fairway seeks Outline Planning Permission for residential development.

1.2 The site is not within a conservation area and is not in either Flood Zones 2 or 3. The application site is identified in the Publication Draft Local Plan as a housing land allocation within Policy H1 (ref H58).

2.0 POLICY CONTEXT

NPPF

2.1 The revised National Planning Policy Framework was published on 21 July 2021 (NPPF) and its planning policies are material to the determination of planning applications. It is against the NPPF (as revised) that this proposal should principally be assessed.

LOCAL PLAN

2.2 The Publication Draft City of York Local Plan 2018 (2018 eLP') was submitted for examination on 25 May 2018. Phase 1 of the Hearings into the Local Plan was held in December 2019, Phase 2 was held in May 2022, Phase was held in July 2022 and Phase 4 is scheduled to take place in September 2022. In accordance with paragraph 48 of the NPPF as revised in July 2018, the relevant 2018 eLP policies can be afforded weight according to:

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

2.3 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF as revised in July 2018, although the weight that can be afforded to them is very limited.

2.4 City of York Publication Draft Local Plan (2018) Policies:

- H1 Housing Allocations

- H2 Density of Residential Development
- H3 Balancing the Housing Market
- HW2 New Community Facilities
- CC1 Renewable and Low Carbon Energy Generation and Storage
- D1 Placemaking
- G14 Trees and Hedgerows
- ENV5 Sustainable Drainage
- T1 Sustainable Access

2.5 York Development Control Local Plan (2005) Policies:

- H1 Housing Allocations
- CYGP1 Design
- CYGP15a) Development and Flood Risk
- CYNE1 Trees, Woodland and Hedgerows
- CYH5 Residential Density
- CYC1 Community Facilities

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 Raise no objection to the proposal subject to any permission being conditioned to require prior approval of audible plant, facilities for dispersal of cooking odours, charging of electric vehicles, remediation of contaminated land and the submission of a CEMP (Construction Environmental Management Plan).

Design, Conservation and Sustainable Development (Landscape)

3.2 Raise no objection to the library element of the proposal subject to conditions seeking a detailed landscape scheme and a method of works statement to safeguard existing trees along Rawcliffe Drive. Objection is however made to the housing element of the proposal which it is felt would likely require removal of a number of trees of high townscape value, together with the boundary hedge adjacent to the Fairway.

Design, Conservation and Sustainable Development (Ecology)

3.3 Raise no objection to the proposal subject to any permission being conditioned to enhance the biodiversity value of the site.

Highway Network Management

3.4 Raise no objection to the proposal subject to a defined access point to the housing site being established and a Traffic Regulation Order being put in place on Rawcliffe Lane to restrict parking in respect of the library element of the development.

Front Line Flood Risk Management

3.5 Raise no objection to the proposal subject to surface water flows being connected to the public surface water sewer in The Fairway at a maximum flow of 5 litres per second.

EXTERNAL

Clifton Without Parish Council

3.6 Object to the proposal on the grounds of the potential loss of the hedge of townscape importance bounding on to the Fairway and also the formation of a pedestrian /cycle access through the site to the Fairway.

Kyle and Upper Ouse IDB

3.7 Were consulted with regards to the proposal on 15 August 2022. No response to date.

4.0 REPRESENTATIONS

4.1 The proposal was publicised by site notice on 21 April and then 26 June and by press notice and neighbour notification at the same time. 45 letters of objection

and one letter of support have been received. The objections raise the following issues:

- Objection to the loss of any of the hedge fronting on to the Fairway with a minimum of 100 metres retained.
- Concern in respect of the density and pattern of housing proposed
- Objection to the demolition of the 1930s school building
- Concern that the provision of a pedestrian/cycle access on the Fairway will lead to pedestrian/vehicle conflict
- Concern that adequate parking spaces be provided for the library element of the site.
- Concern that the pedestrian access on to the Fairway would provide a magnet for parent cars picking up pupils from the Vale of York Academy
- Insufficient consultation has taken place in respect of the proposal
- Concern that the proposed pedestrian/cycle access on to the Fairway will lead to an increase in anti-social behaviour in the area.

4.2 The letter of support wishes to see any permission conditioned in respect of construction hours.

5.0 APPRAISAL

KEY CONSIDERATIONS

5.1 KEY CONSIDERATIONS INCLUDE

- Principle of the Development
- Design of the Housing Scheme
- Impact upon Local biodiversity
- Impact upon the Safety and Convenience of Highway Users
- Impact upon the Local Pattern of Surface Water Drainage
- Impact upon Anti-Social Behaviour in the Locality.

PRINCIPLE OF THE DEVELOPMENT:-

5.2 Central Government Planning Policy as outlined in paragraph 93 of the NPPF indicates that planning decisions should plan positively for the provision and use of community facilities and other local services to enhance the sustainability of local communities and residential environments. At the same time, Policy HW2 of

the Publication Draft Local Plan indicates that the Council will support applications for new community facilities where a deficit has been identified. They should be adaptable, enable a wide range of community uses and be accessible by sustainable means of transport.

5.3 The proposal seeks to replace the existing Clifton Library some 500 metres to the north east with an 'Explore' community hub bringing together a range of community activities on the model of the existing Acomb 'Explore'. The existing site is not felt to be suitable for re-development because of its physically confined nature and the structural difficulties associated with the building. The application site is capable of partial redevelopment to facilitate the introduction of community uses and has good functional links with the adjacent secondary school Vale of York Academy.

5.4 The existing school comprises a central two storey teaching block with hall dating to 1932 with later wings and a smaller teaching extension circa 2000. It is proposed to retain the central 1932 block which is in a Neo Georgian style and of some townscape merit along with the more recent teaching extension which would be refurbished with the remainder demolished and replaced with a new part single part two storey block including a café. The pattern of scale and massing together with the palette of materials would respect the retained structure. A series of arts, craft and study spaces including specialist IT teaching, would be provided for local groups and nursery and after-school club would occupy part of the building. An office space would be provided for staff of the home tuition service. The building is also felt to be sustainably located. It is felt that the requirements of paragraph 93 of the NPPF and HW2 of the Publication Draft Local Plan would be complied with.

5.5 In terms of the principle of use of part of the site for housing it forms an allocation within Policy H1 of the Publication Draft Local Plan with allocation ref: H58. This allows for a notional quantum of 25 dwellings over an area of 0.7 hectares which would match with the density requirements for the suburban area . Central Government Planning Policy as outlined in paragraph 69 within part 5 of the NPPF highlights the contribution that small and medium sized sites can make to the housing requirements of an area. At the same time paragraph 120 c) and d) of the NPPF indicates that planning decisions should give substantial weight to the use of suitable brownfield land for homes and promote and support the use of under-utilised land and buildings especially if it would meet identified housing needs where supply is constrained. It is felt that the development of the southern section of the site for housing would meet these clear policy imperatives at the

same time as making modest but important contribution to the deliverable Five Year Housing Land Supply for the City which is at present deficient.

DESIGN OF THE HOUSING SCHEME

5.6 In terms of the design of the development paragraph 130 b) and c) indicates that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping whilst at the same time being sympathetic to local character and history including the surrounding built environment and landscape setting. In terms of detail Policy D1 of the Publication Draft Local Plan seeks that development proposals should enhance, complement and respect the historic arrangement of street blocks , plots and buildings together with the character and appearance of landscape , planting and boundary treatment.

5.7 The section of the site proposed for housing development lies at the south and south-west and comprises the former hard play area of the school. It is bounded by a mature hedge adjoining the Fairway which is of some considerable importance in terms of defining the character of the wider street scene. At the same time to the rear of the hedge is a grouping of mature trees which also contribute to the wider visual amenity of the street scene. Concern over the loss of either has been expressed by objectors, with a clear wish to retain a 100 metre section at least of the hedge. No detail has been offered in terms of the housing scheme with all matters including access reserved. It is indicated that a lease arrangement would be sought to develop the site for affordable housing and any development of the site would make a contribution towards the requirement for a five-year housing land supply which the authority is presently significantly deficient in.

5.8 In terms of securing the future of the hedge and mature trees as well as the wider visual amenity of the street scene two issues are of particular significance, the pattern of development whether as apartments or conventional dwellings and also the point of access, whether individual points of access are taken from The Fairway and so puncturing the hedge or whether a single point of access is taken from the junction of the Fairway and Rawcliffe Drive or through the parking area to the library development. The applicant has indicated themselves potentially amenable to either option. It is therefore recommended that any permission be conditioned to secure a vehicular access route with associated service runs away from the line of the hedge.

5.9 In terms of the layout of the development, the site available taking account of the grouping of trees is relatively narrow. This largely precludes a solution involving conventional dwellings with a section at the south eastern edge of the site left landlocked behind the hedge. It may however be possible to develop an apartment solution accessed from a parking court which would allow for retention of the hedge together with the majority of the grouping of trees. The surrounding properties are generally a mix of two storey detached and semi-detached properties however, the school site is physically distinct with higher elements within the adjacent secondary school site giving a degree of scope for a three-storey apartment led solution.

IMPACT UPON LOCAL BIODIVERSITY

5.10 Paragraph 174 d) of the NPPF indicates that planning decisions should minimise impacts upon and provide net gains for biodiversity. At the same time Policy G14 of the Publication Draft Local Plan indicates that development will be supported where it recognises the value of existing tree and hedge cover, its biodiversity value, the contribution that they make to the quality of a development and its assimilation into the landscape context.

5.11 Detailed concern has been expressed by objectors in relation to the potential loss of the existing mature hedge fronting on to the Fairway and also the associated grouping of trees. A detailed tree survey has been submitted with a number identified as being category A or B and therefore of high amenity value. Whilst a small section of hedgerow would be removed to allow for the formation of the proposed new cycle/pedestrian access to Vale of York Academy and support for residential development would be conditional upon retention of the trees in the survey categorised as Class A or B, detailed consideration of options will take place in the context of the Reserved Matters submission in respect of the housing area. The proposal envisages additional hedge planting to the south of the proposed library which would create an additional wildlife corridor. These mitigations have been put forward in the context of the Preliminary Ecological Survey together with a detailed lighting scheme. Further habitat enhancements involving bat and bird boxes and additional native planting and should form a significant element of the design of the housing element of the proposal particularly if an apartment led solution is chosen. In order to ensure that the proposed biodiversity enhancements are delivered as well as safeguarding biodiversity during the construction process it is recommended that detailed conditions including requirements for a lighting scheme be appended to any permission.

IMPACT UPON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS

5.12 Central Government Planning Policy as outlined in paragraph 111 of the NPPF indicates that development should only be prevented or refused on highway grounds if there would be unacceptable impact upon highway safety or if the residual cumulative impacts upon the road network would be severe. At the same time Policy T1 of the Publication Draft Local Plan indicates that proposals will be supported where it can be demonstrated that there is safe and appropriate access to the adjacent adopted highway, there are safe and appropriate links to local services and facilities, safe and secure layouts are provided for vehicles and pedestrians and sufficient secure and covered cycle storage is provided.

5.13 The proposal comprises two elements, a detailed design for a replacement Clifton Library accessed from Rawcliffe Lane and an Outline proposal for housing adjacent to the Fairway. An additional pedestrian/cycle access is also proposed running to the south of the site on to the Fairway. Based upon user surveys and operator requirements a total of 26 vehicle parking spaces are proposed for the library element of the proposal. It is anticipated that much of the demand for the facility as with the existing library would be generated in the immediate locality and would walk or cycle. It is felt that the 32 cycle parking spaces proposed would be acceptable in terms of the use. Concerns have been expressed by objectors in terms of the potential for increased on-street parking on both Rawcliffe Drive and The Fairway associated with the proposed use. In order to address the issue the imposition of Traffic Regulation Orders (TROs) to control on-street parking is recommended which can be secured by means of a Grampian style condition attached to any planning permission. Detailed conditions would also be required in terms of the configuration of the cycle access from The Fairway and the vehicular access from Rawcliffe Drive. A Method of Works Statement to co-ordinate construction activity across the site will also be required as a function of the site's location relative to the secondary school and adjoining housing.

5.14 A potential access point into the housing site has been identified in the area of the access of the former Junior School which previously served approximately five vehicles. Alternatively, as suggested by Highway Network Management, potential access could be provided from a spur linking on to the car park serving the library. These options are felt to be acceptable on highway safety grounds. It is recommended that any permission be conditioned to secure access away from the boundary hedge adjoining The Fairway. The new school access is beneficial in terms of promoting sustainable travel and will help to relieve pressure around the existing access on Rawcliffe Drive at peak times.

IMPACT UPON THE LOCAL PATTERN OF SURFACE WATER DRAINAGE

5.15 Central Government Planning Policy as outlined in paragraph 167 of the NPPF indicates that when determining planning applications local planning authorities should not increase flood risk elsewhere. At the same time Policy ENV5 of the Publication Draft Local Plan indicates that for all development on brownfield sites surface water flow should be restricted to 70% of the existing run off rate unless it can be demonstrated that it would not be reasonable to achieve this reduction in run off. Sufficient attenuation should be provided to ensure that run-off does not exceed the agreed rate. The Council's Sustainable Drainage Systems Guide for Developers advises that the discharge of surface water should follow the hierarchy set out below. The methods are to be prioritised in order; infiltration, watercourse, and combined/surface water sewer. Discharge to an existing public sewer network must only be specified as a last resort with sufficient evidence that other methods are not appropriate.

5.16 Surface water from the existing site is understood to drain into two locations, a foul sewer in Rawcliffe Lane and a heavily obstructed connection into an unidentified outfall in The Fairway. Both connections are clearly inappropriate in terms of accommodating the surface water run off from the new development. Following of from detailed negotiation a new connection to the public surface water sewer in The Fairway has been agreed subject to a flow rate of 5 litres per second. This may be secured by condition appended to any permission. Approval from Yorkshire Water is pending in respect of the connection into the existing drainage network.

IMPACT UPON ANTI-SOCIAL BEHAVIOUR IN THE LOCALITY

5.17 Concern has been expressed by objectors in respect of the potential increased anti-social behaviour arising from the construction of an additional pedestrian/cycle access from Vale of York Academy to The Fairway. The proposed access would be closed outside of school opening and closing times and would be closely controlled by supervisory staff when in use. The proposal would also be subject to a Traffic Regulation Order (TRO) to restrict waiting and parking by parents in the vicinity of the new access. It is not therefore felt that the proposal would lead to a material increase in anti-social behaviour in the locality.

6.0 CONCLUSION

6.1 The former Clifton Without CJ School site Rawcliffe Drive comprises a medium sized brick-built structure set within a large site last used as a school in

2011. Outline planning permission is sought for partial demolition of the building and construction of a replacement Clifton 'Explore' (Library) with all detailed matters within this application and the remainder of the site to the south adjoining The Fairway for residential development. It is felt that the replacement library subject to appropriate conditions restricting on-street parking and surface water drainage together with biodiversity enhancements would be acceptable in planning terms and approval is recommended. In terms of the proposed residential development at the southern edge of the site, the land includes a mature boundary hedge adjoining the Fairway with a grouping of trees of significant townscape importance to the rear. Residential development of this land in principle accords with policy. All matters are reserved. As such, consideration of details of access, appearance, layout and scale will be subject to reserved matters applications. A condition is proposed requiring retention of category A and B trees as part of this scheme.

7.0 RECOMMENDATION: Delegated Authority to officers to approve subject to agreement of surface water drainage details.

1 OUT1 Approval of Reserved Matters

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

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

2 Fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works, and the development shall be carried out in accordance with such details:

Details to be submitted: access, appearance, landscaping, layout and scale of the proposed development to be carried out, including a schedule of all external materials to be used.

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

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

Drawing Refs: 200043L1 ; 200043P101C ; 200043P102D ; 200043P103G ; 200043P104A ; 200043P105B ; 200043P106A ; 3770/1

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

4 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used on the library building hereby authorised shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development beyond foundation level. The development shall be carried out using the approved materials.

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

Reason: So as to achieve a visually cohesive appearance.

5 Prior to the commencement of each phase of development (i.e. the library scheme and the housing scheme), including the importing of materials and any excavations, a method statement regarding protection measures for existing trees and hedgerows shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved method statement. For the avoidance of doubt this condition excludes works necessary for routine tree maintenance, pruning and crowning works.

The method statement(s) shall include details and locations of protective fencing, and construction details where any change in surface material or installation of services is proposed within the canopy spread and likely rooting zone of a tree. No trenches, pipe runs for services or drains shall be sited within the root protection area of the tree(s) on the site which are to be retained without the prior approval in writing of the Local Planning Authority.

Reason: This condition is required pre-commencement to safeguard existing trees on the site which make a positive contribution to visual amenity and the landscaped setting of the area and biodiversity, in accordance with sections 12 and 15 of the NPPF.

6 Within three months of commencement of each phase of development a detailed landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants; and seed mixes, sowing rates and mowing regimes where applicable. This scheme shall be implemented within a period of six months of the practical completion of the development. Any trees or plants which within a period of ten years from the substantial completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing. This also applies to any existing trees that are shown to be retained within the approved landscape scheme.

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

7 In respect of the housing element of the development all trees identified in the Rosetta Landscape Design Tree Survey Dated March 2022 as being Category A or Category B shall be retained as part and parcel of the finished layout.

Reason: To safeguard trees of high amenity value and to secure compliance with paragraph 174 d) of the NPPF.

8 A Biodiversity enhancement scheme for each phase of development shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of works. The plan shall include, but not be limited to, the recommendations set out in the Preliminary Ecological Appraisal (February 2022) and Bat Survey (May 2022) provided by Wold Ecology Ltd.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraph 174 d) of the NPPF (2021) to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.

9 Prior to the installation of any new external lighting a lighting design plan(s) shall be submitted to and approved in writing by the local planning authority.

The plan(s) shall:

- Demonstrate that required external lighting has been selected in-line with current guidance - Bat Conservation Trust (2018) Bats and artificial lighting in the UK.

<https://cdn.bats.org.uk/pdf/Resources/ilp-guidance-note-8-bats-and-artificial->

[lighting-compressed.pdf?mtime=20181113114229&focal=none](#)

- Demonstrate how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications), clearly demonstrated where light spill will occur.

Reason: To protect the habitats of European Protected Species where there might be changes on site in accordance with Section 15 of the National Planning Policy Framework.

10 No vegetation removal, construction or demolition works shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation and structures 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 should be submitted to the local planning authority.

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.

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

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

12 A strategy for the provision of EV charging facilities on the library site, as shown on the approved plans shall be agreed in writing with the Local Planning Authority prior to first use of the library site. The strategy shall include full specifications for the charge points and details of the management, servicing and access arrangements for each EV charge points for a period of 10 years. The strategy shall be implemented in accordance with the approved details.

Reason: To ensure provision of EV charging facilities in line with the NPPF and CYC's Low Emission Strategy / Low Emission Planning Guidance

13 Prior to commencement of each phase of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases

of the development shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must include a site specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and include a package of mitigation measures commensurate with the risk identified in the assessment. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of the locality

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

Monday to Friday 0800 to 1800 hours

Saturday 0900 to 1300 hours

Not at all on Sundays and Bank Holidays

Reason: To safeguard the amenities of the area.

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

- measures to prevent the egress of mud and other detritus onto the adjacent public highway;
- a dilapidation survey jointly undertaken with the local highway authority;
- the routing for construction traffic that will be promoted;
- a scheme for signing the promoted construction traffic routing;
- where contractors will park; and
- where materials will be stored within the site.

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

16 LC1 Land contamination - Site investigation

17 LC2 Land contamination - remediation scheme

18 LC3 Land contamination - remedial works

19 LC4 Land contamination - unexpected contamination

20 Prior to the development commencing beyond foundation level details of the cycle parking areas in respect of the library, including means of enclosure, shall be

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

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

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

Reason: In the interests of highway safety.

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

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

23 The development shall not come into use until the existing vehicular crossing from the site into Rawcliffe Drive not shown as being retained on the approved plans have been removed by reinstating the footway to match adjacent levels.

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

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

Conversion of the Zebra Crossing at Junction of The Fairway and Rawcliffe Lane to a parallel crossing with detailed design including a full road safety audit to be agreed.

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

25 Prior to the development of the library commencing beyond foundation level

details of the new vehicle site entrance onto Rawcliffe Drive, as identified on the approved site plan, shall be approved in writing by the Local Planning Authority. The development shall not come into use until that junction has been constructed in accordance with the approved plans.

Reason: In the interests of road safety.

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

Provision of parking restrictions including a TRO in the direct surrounds of the pedestrian/cycle access hereby authorised from Vale of York Academy to The Fairway to deter overflow parking and to keep the school access clear.

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

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

Provision of parking restrictions including a TRO with associated works in respect of the new access from the site to Rawcliffe Drive to deter overflow parking and keep the school access clear.

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

28 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Details shall include -

- Surface water discharge via storage with a restricted discharge of 5 litres per second.
- 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.

- Evidence of existing positive drainage to public sewer, the points of connection and proposed outfall.

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

29 Prior to commencement of the construction of the library development, details of the proposed building design to reduce carbon emissions, shall be submitted to the local planning authority and approved in writing. The development shall be carried out in accordance with the approved details.

The details shall evidence either 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 or compliance with any approved Part L document dated 2021 or thereafter.

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

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

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

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

8.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38)

in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- i) Sought a detailed justification for the level of vehicle parking to be provided
- ii) Sought clarification of a means of vehicular access which would secure the retention of the boundary hedge and grouping of trees adjoining the Fairway
- iii) Sought clarification of a surface water outfall and discharge rate for the site.

2. AVOIDING DAMAGE TO THE HIGHWAY GRASS VERGE

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

3. HIGHWAY WORKS:-

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

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

4. HEDGEHOGS

To ensure hedgehogs can make use of the soft landscaping within the proposed development the applicant is advised to consider using permeable fencing or leaving occasional gaps suitable to allow passage of hedgehogs. Any potential hibernation sites including log piles should be removed outside the hibernation period (which is between November and March inclusive) to avoid killing or injuring

hedgehog.

Hedgehogs are of priority conservation concern and are a Species of Principal Importance under section 41 of the NERC Act (2006). An important factor in their recent population decline is that fencing, and walls are becoming more secure, reducing their movements and the amount of land available to them. Small gaps of approximately 13x13cm can be left at the base of fencing to allow hedgehogs to pass through. Habitat enhancement for hedgehogs can easily be incorporated into developments, for example through provision of purpose-built hedgehog shelters or log piles.

<https://www.britishhedgehogs.org.uk/wp-content/uploads/2019/05/developers-1.pdf>

5. NESTING BIRDS

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Suitable habitat is likely to contain nesting birds between 1st March and 31st August inclusive. As such habitat is present on the application site and is to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is certain that nesting birds are not present.

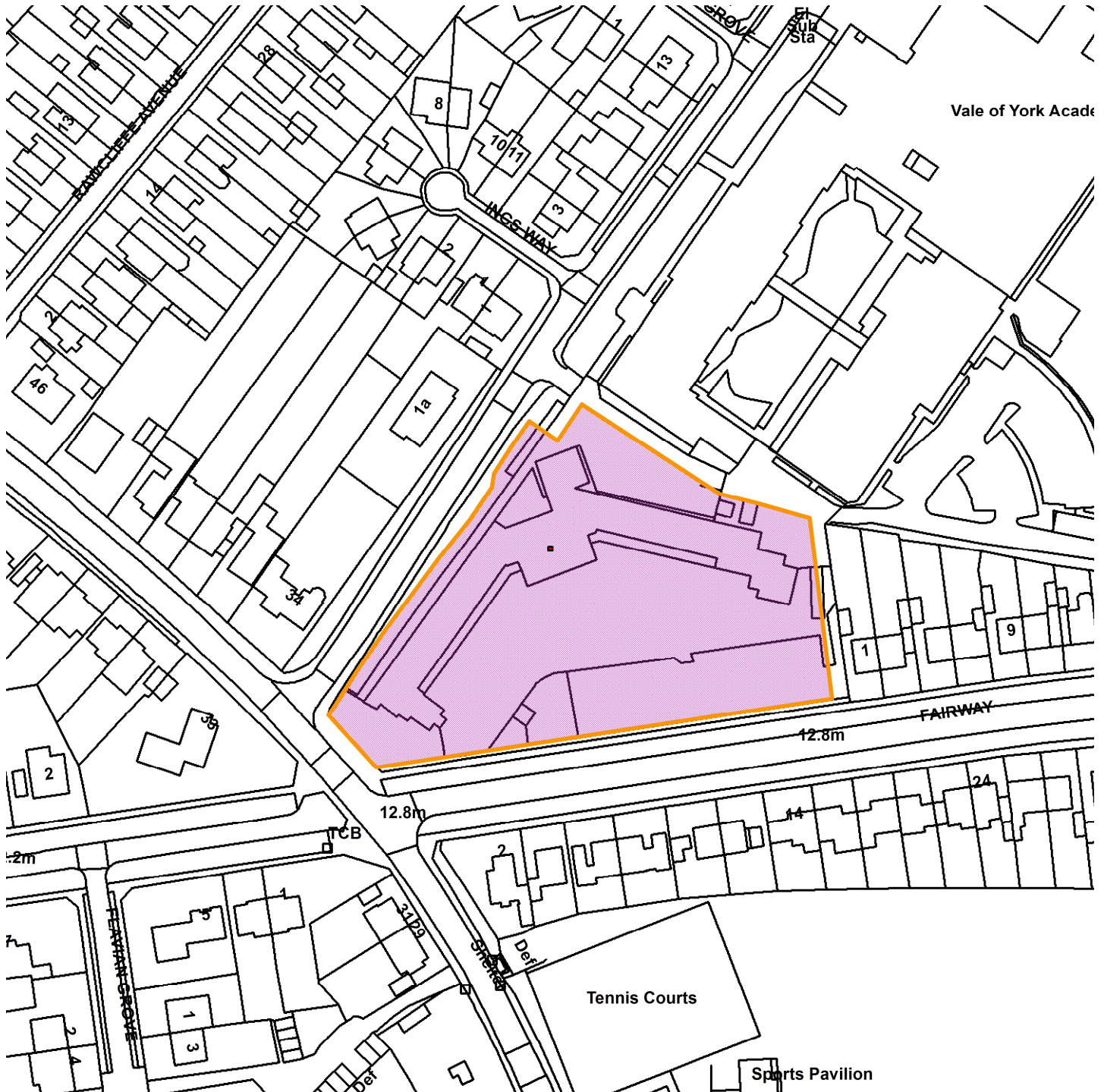
Contact details:

Case Officer: Erik Matthews

Tel No: 01904 551416

22/00685/OUTM

Clifton Without County Junior School, Rawcliffe Drive, YO30 6NS



Vale of York Acade

Scale : 1:1366

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

Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	05 September 2022
SLA Number	Not Set

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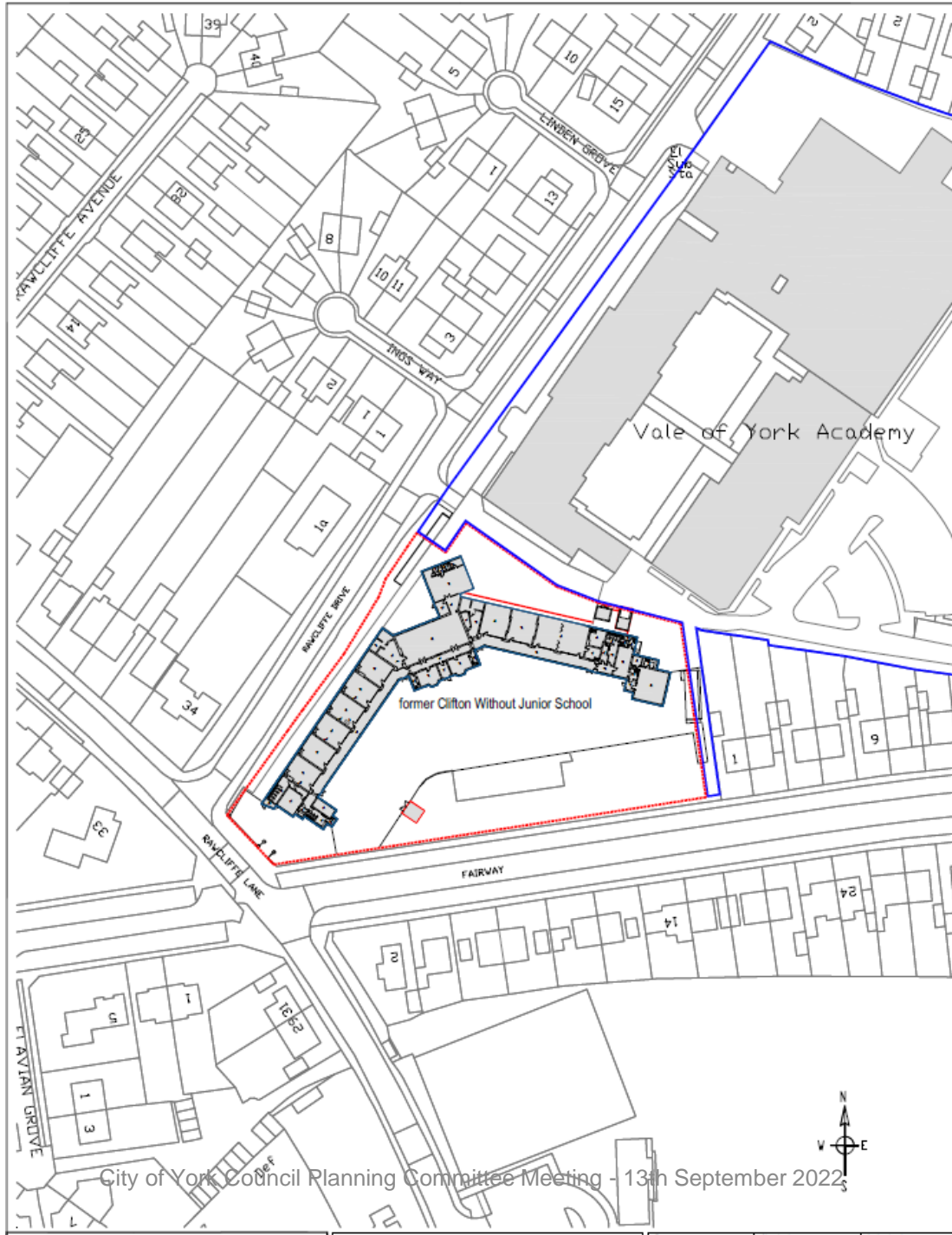
Planning Committee B

To be held on Thursday 13th September 2022

22/00685/OUTM - Clifton Without County Junior School, Rawcliffe Drive, York

Full details for part demolition of former Clifton Without Junior School buildings and erection of two storey block and single storey extension for new library and associated uses, external works including car park, terrace, play areas and pedestrian and cycle access to adjacent school. Outline proposals for residential development.

Site Location Plan



Clifton Without
Junior School, from
the North



Clifton Without
Junior School,
taken from the East



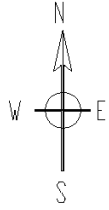
View toward Fairway



Existing Hedge facing Fairway



Site Layout Plan



All dimensions must be checked on site and not scaled from this drawing
 RESIDUAL DESIGN RISKS - CDM REGS ARE IDENTIFIED WITH THIS SYMBOL. SEE DESIGN RISK SHEET OR LAYOUT!
 REVISION NOTES



City of York Council Planning Committee Meeting - 13th September 2022

Rev	Date	Revision	By
C	18-3-22	E.V chargers added + access path updated	AT
B	17-3-22	Updated for planning submission	AT
A	7-3-22	Car park layout revised for housing site access	AT



Contact:
 Tel No:
 FAX No:
 Email:

Job Title:
CLIFTON EXPLORE LIBRARY
 SITE PLAN AS PROPOSED

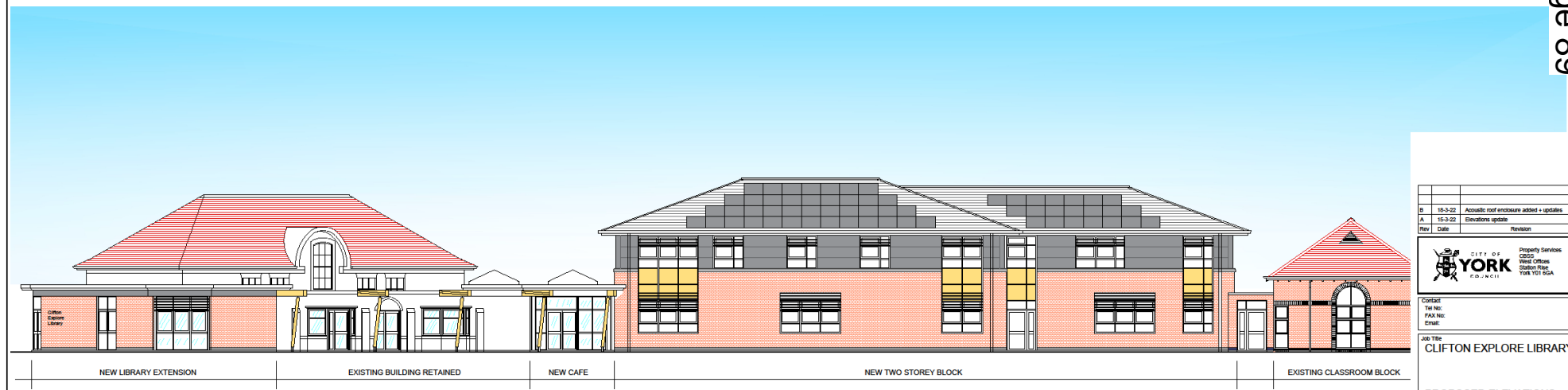
Drawn	Checked	Authorised
AT		
Date	Mar 2022	Scale: A1 1/200
Issue Status:	PLANNING	
Drawing Number	200043/P101	Revision
		C

Proposed North and South Elevations

All dimensions must be checked on site and not scaled from this drawing.
 RESIDUAL DESIGN RISKS- CDM REGS ARE IDENTIFIED WITH THIS SYMBOL. SEE DESIGN RISK SHEET OR LAYOUT.
 REVISION NOTES



NORTH ELEVATION



SOUTH ELEVATION

Page 89



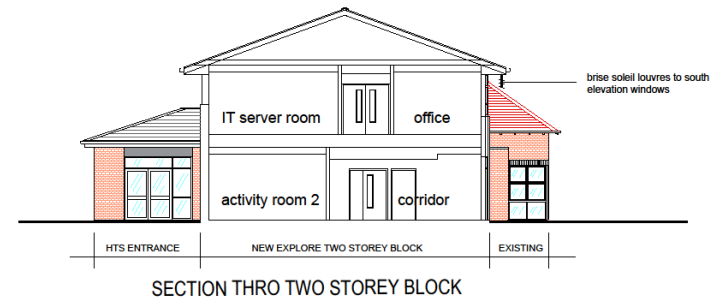
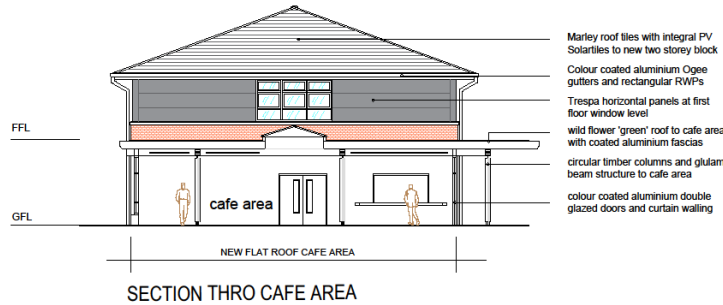
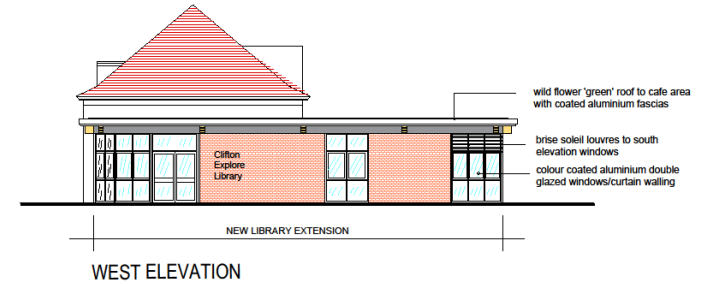
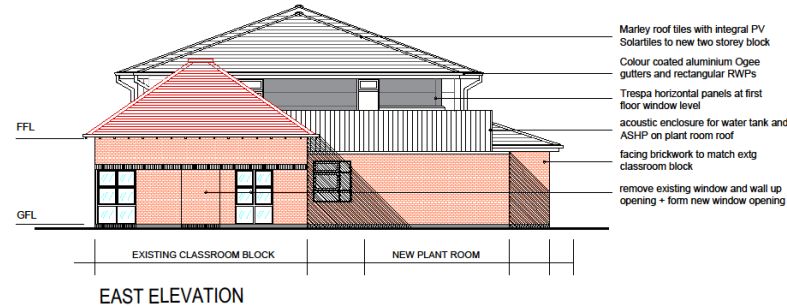
City of York Council Planning Committee Meeting - 13th September 2022

Rev	Date	Revision	By
B	15-3-22	Acoustic roof enclosure added + updates	AT
A	15-3-22	Elevations update	AT

		Property Services CABE Head Office Station Road York YO1 1DA
Contact: Tel No: FAX No: Email:		
Job Title: CLIFTON EXPLORE LIBRARY		
PROPOSED ELEVATIONS SHEET 1 OF 2		
Drawn	Checked	Authorised
AT		
Date:	Scale:	
JUN 2022	A1 1/100	
Title: PLANNING		
Drawing Number	Revision	
200043/P105	B	

Proposed East and West Elevations and Cross Sections

All dimensions must be checked on site and not scaled from this drawing
 RESIDUAL DESIGN RISKS- CDM REGS ARE IDENTIFIED WITH THIS SYMBOL. SEE DESIGN RISK SHEET OR LAYOUT.
 REVISION NOTES



Rev	Date	Revision	By
A	21-3-22	Acoustic roof enclosure + notes added	AT

CITY OF YORK
 Property Services
 CLIFTON
 CLIFTON EXPLORE LIBRARY
 YORK YO1 6GA

Contact:
 Tel No:
 FAX No:
 Email:

Job Title:
CLIFTON EXPLORE LIBRARY

PROPOSED ELEVATIONS
 SHEET 2 OF 2

Drawn	Checked	Authorised
AT		

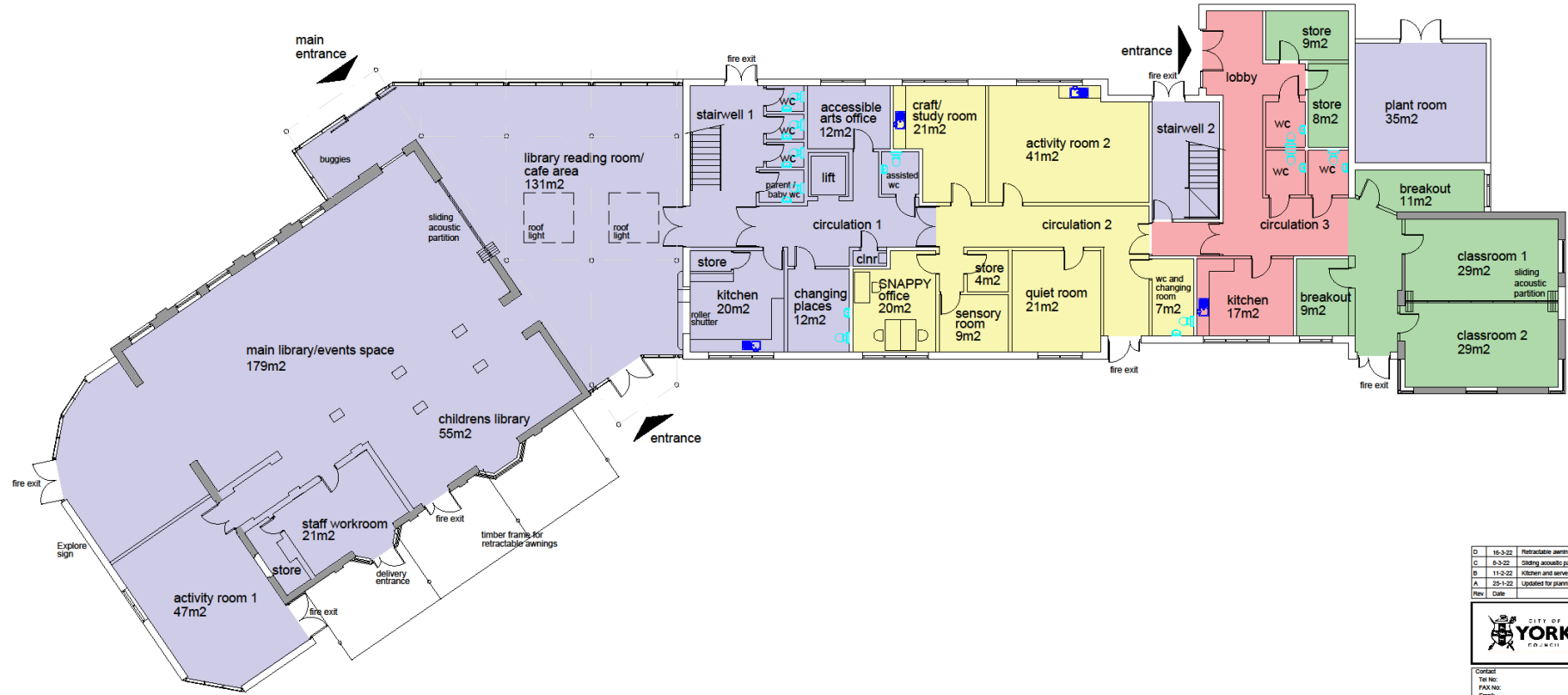
Date: March 2022
 Scale: A1
 1/100

PLANNING

Drawing Number	Revision
200043/P106	A

Proposed Ground Floor Plan

All dimensions must be checked on site and not scaled from this drawing
 RESIDUAL DESIGN RISKS- CDM REGS ARE IDENTIFIED WITH THIS SYMBOL SEE DESIGN RISK SHEET OR LAYOUT
 REVISION NOTES



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City of York Council Planning Committee Meeting - 13th September 2022

Rev	Date	Description	By
D	16-3-22	Retractable awnings to terrace added	AT
C	8-3-22	Sliding acoustic partitions added	AT
B	11-2-22	Kitchen and sensory layout altered	AT
A	23-1-22	Updated for planning	AT



Contact:
 Tel No:
 FAX No:
 Email:

Job Title
CLIFTON EXPLORE LIBRARY

GROUND FLOOR PLAN AS PROPOSED

Drawn	Checked	Authorised
AT		

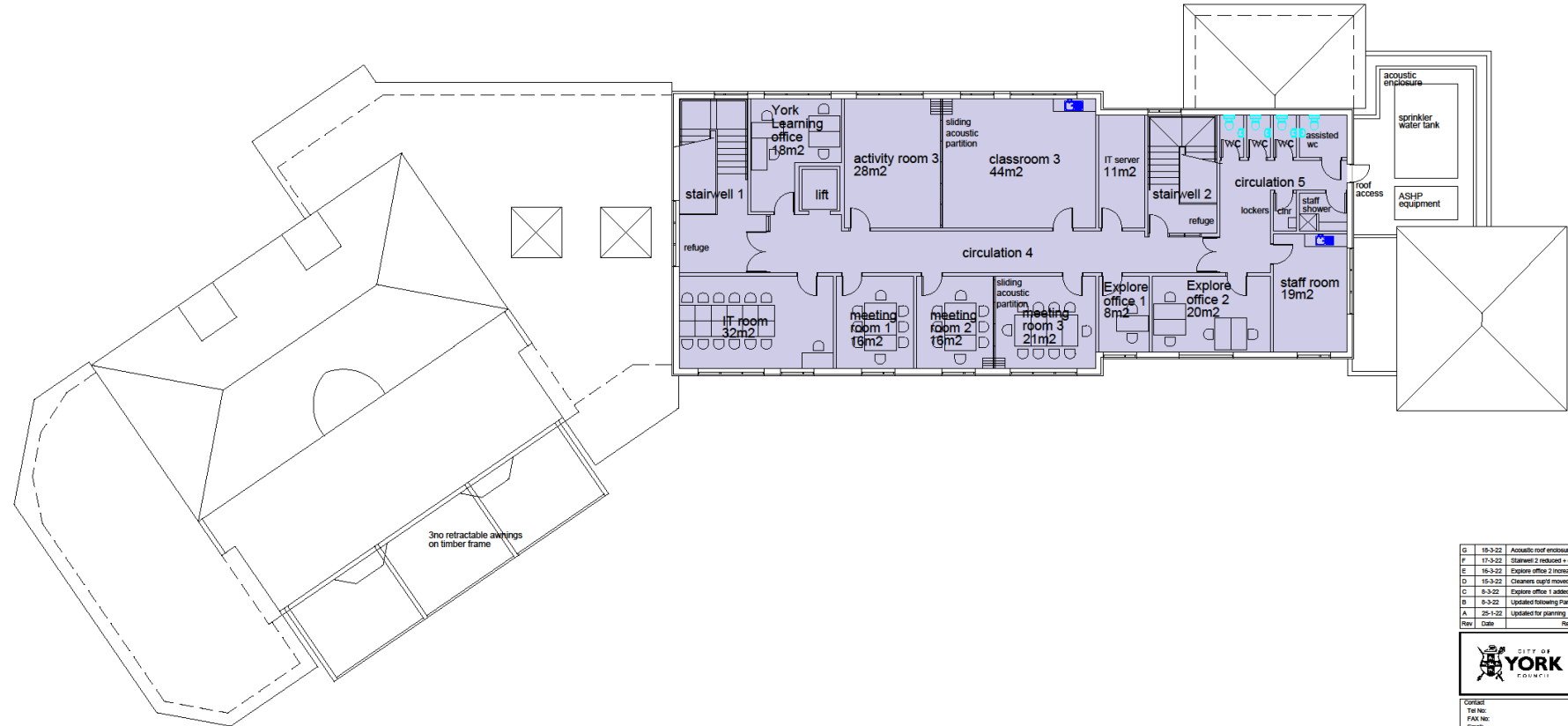
Date: **Jan 2022** Scale: **A1 1/100**

Issue Status:
PLANNING

Drawing Number: **200043/P102** Revision: **D**

Proposed First Floor Plan

All dimensions must be checked on site and not scaled from this drawing
 RESIDUAL DESIGN RISKS- CDM REGS ARE IDENTIFIED WITH THIS SYMBOL SEE DESIGN RISK SHEET OR LAYOUT
 REVISION NOTES



G	19-3-22	Acoustic roof enclosure + access door added	AT
F	17-3-22	Stairwell 2 reduced + corridor extended	AT
E	16-3-22	Explore office 2 increased in size	AT
D	15-3-22	Classroom height revised + window added	AT
C	9-3-22	Explore office 1 added on first floor	AT
B	9-3-22	Updated following Partner meeting	AT
A	25-1-22	Updated for planning	AT
Rev	Date	Revision	By



Contact:
 Tel No:
 FAX No:
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PLANNING

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COMMITTEE REPORT

Date: 13 October 2022
(postponed from 13
and 26 September
2022)

Ward: Guildhall

Team: East Area

Parish: Guildhall Planning Panel

Reference: 22/00599/FULM

Application at: Bootham And Monk Ward Conservative Club 77 - 79 Clarence Street York YO31 7EL

For: Erection of two and three storey 34no. room student accommodation building following demolition of existing buildings at 75-79 Clarence Street (revised scheme)

By: Clarence Street York Limited

Application Type: Major Full Application

Target Date: 17 June 2022

Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 The Bootham and Monk Ward Conservative Club fronts onto the north-west side of Clarence Street, approximately 60m to the south-west of its signalised junction with Wigginton Road and Haxby Road. The site is bound to the rear by Union Terrace. The site comprises No's 75 and 79 Clarence Street; single fronted mid-nineteenth century terraced houses, between is No.77 which is a circa 1960s infill. To the Union Terrace side of the site is a single storey building with pitched roof. Between the buildings, flat roofed extensions provide the principal ground floor space of the club. The buildings are now disused and boarded up.

1.2 The site is immediately north of the city centre, as defined on the 2018 Draft Local Plan proposals map. The site lies outside the Central Historic Core Conservation Area, the boundary of such terminates along Union Terrace to the west. The remaining houses on the west side of the Union Terrace are identified as buildings of merit within the Central Historic Core Conservation Area Appraisal. The properties along the section of Clarence Street where the application site sits are largely two with

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some three storey buildings. The site lies with the Central Area of Archaeological Importance and Flood Zone 1 (low probability).

Proposals

1.3 The application seeks to demolish all buildings and redevelop the site for purpose-built student accommodation. The part two, part three storey development would provide 34 one bed student rooms in the form of 6No. clusters of between 4 and 6 rooms and 8 studios. Ground floor accommodation would include a communal lounge and ancillary storage areas for plant, bikes, and bin stores. The principal access will be from Clarence Street with a secondary access off Union Terrace providing direct access to the cycle store and ground floor lounge. A green roof is proposed above the single storey area and above the 3 storey flat roofed part of the building which lies between the blocks fronting Union Terrace and Clarence Street.

1.4 Pre-application advice was sought in 2019 for student accommodation on this site, followed by an application (21/00781/FULM) which was subsequently withdrawn due to the number of concerns raised. This application, submitted earlier this year, has been significantly revised since submission in relation to such matters as height, roof forms, fenestration, siting, and articulation of entrances.

Supporting statement

1.5 The application is accompanied by a supporting letter from York St John University (YSJU) who confirm their commitment to taking a long-term lease upon completion of the proposed development. The design has been conceived and agreed specifically to meet the needs and requirements of YSJU and its students. The letter includes the following;

YSJU will be solely responsible for operating and managing the accommodation for the duration. YSJU is committed to improving the provision, quality and choice of residential accommodation for all our students within York, and this new development will make an important contribution to addressing the shortage in the supply of well-located, high quality purpose-built accommodation.

A number of aspects of this bespoke development which YSJU considers pertinent are;

- *The mix of room types and sizes, including kitchens and living rooms, and other communal areas, have been tailored to and accord with YSJU requirements to ensure a generous layout incorporating social space.*
- *Inclusion of accessible rooms.*

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- *This new development will be highly energy efficient. Central heating and hot water will be provided by centrally controlled electric heating.*
- *Secure, internal cycle storage is included.*

2.0 POLICY CONTEXT

2.1 The National Planning Policy Framework ('NPPF') key sections are as follows –

- 5 Delivering a sufficient supply of homes
- 9 Promoting sustainable transport
- 11 Making effective use of land
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change

2.2 PUBLICATION DRAFT LOCAL PLAN (DLP 2018)

The Publication Draft City of York Local Plan 2018 was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. Phase 2 of the hearings concluded in May 2022. Phase 3 of the hearings took place in July 2022 and Phase 4 is currently scheduled for September 2022. In accordance with paragraph 48 of the NPPF its policies can be afforded weight according to:

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

2.3 Key relevant Publication Draft Local Plan 2018 Policies are as follows;

DP3	Sustainable Communities
D1	Place-making
D6	Archaeology
D4	Conservation Areas
CC1	Renewable and Low Carbon Energy Generation and Storage
ENV1	Air Quality
ENV5	Sustainable Drainage
H7	Student Housing
HW1	Protecting Existing Facilities
T1	Sustainable Access

3.0 CONSULTATIONS

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Design, Conservation and Sustainable Development – Conservation Officer

Comments to revised plans

3.1 The loss of the two historic houses on either side of the existing club is regrettable due to their townscape value as characteristic of the historic streetscape. However as the site is outside of a conservation area control to retain them is very limited; the buildings do not merit consideration as non-designated heritage assets due to the substantial degree of alteration. Officers don't consider their loss would be a justifiable reason for refusal.

3.2 The design of the replacement building has been amended to reflect design advice, its massing, scale, and articulation are now generally characteristic or respectful of the Clarence Street context. On the Union Terrace side the character of that side of the street is more mixed and generally smaller scale than the proposed block, reflecting the backland nature of that site, but there is no consistency of scale or alignment and the amended design of 2.5 storeys would not have an incongruous appearance in that context.

Design, Conservation and Sustainable Development - Archaeology

3.3 The information in the heritage statement suggests that the historic buildings on the site do not merit preservation or recording prior to demolition. As the site is within the Central Area of Archaeological Importance, a watching brief should be maintained during the grubbing up of foundations and during construction as a precaution to record any pockets of archaeology which may have survived the previous erection and demolition of buildings. The watching brief frequency and location can be re-assessed following monitoring during removal of foundations when the depth of 19th and 20th century disturbance has been established. An archaeological watching brief condition therefore is required.

Design, Conservation and Sustainable Development – Landscape Architect

Comments to revised plans

3.4 It is noted that a secondary entrance has been created off Union Terrace and the proposed building pulled back from the southwest boundary. It would be preferable to enlarge the narrow southern courtyard to create a more useable space, which would also ease the relationship with the trees next door, so the neighbouring developments would read better together, with the trees acting as a link. Nonetheless, it is a valuable additional space for the development, and is probably enough to accommodate the neighbouring Cherry (and Birch), though some crown reduction is still likely to be

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required. With permission from the tree owner (CYC) this might involve work to the entire crown in order to achieve a reasonably balanced shape.

3.5 Given the latest revisions to the scheme, officers are happy for an Arboricultural method statement to be submitted under a pre-commencement condition. Please also attach a condition for a fully detailed planting plan.

Design, Conservation and Sustainable Development - Ecologist

3.6 No objections. Recommend conditions regarding nesting birds and biodiversity enhancement / net gain, the latter including the provision of bat and bird boxes.

Public Protection

3.7 Noise – require implementation of the sound attenuation measures detailed in the noise assessment supplied (prior to occupation and permanently retained thereafter). If any plant is to be installed within the development, then details of all machinery, plant, and equipment to be installed, also required.

3.8 Construction Management Plan - As there are residential properties close by, recommend controls be put in place to minimise noise, vibration and dust during demolition and construction.

3.9 Land contamination – the submitted Phase 1 site appraisal, Phase 2 ground investigation and additional information on the low risk of gas from the site due to peat layers in the soils, are acceptable. Conditions are recommended.

Highway Network Management

3.10 Cycle Parking - The revised plans show two-tier cycle racks, with individual stands for parking 16 cycles, and four 'Sheffield'-type stands to park a further 8 cycles, providing cycle storage for 24 cycles overall. This is over two-thirds (71%) of the 100% requirement and will be of a suitable quality. The proposed cycle storage is considered acceptable in principle.

3.11 Transport Statement - Issue as to how taxi drop-offs / pick-ups and deliveries (food, parcels and take-away) will be accommodated needs to be addressed.

3.12 Conditions / Contributions - Conditions are required to secure the Travel Plan, cycle parking details and for off-site highway works to comprise the widening of the footpath on the east side of Union Terrace and provision of a vehicular crossing on the east side of Union Terrace at the main entrance to the site.

3.13 A contribution is requested for highway works - £6,000 to implement changes to the TRO to enable a disabled parking bay to be introduced in the resident parking bays on the west side of Union Terrace. As the development is relatively small, Officers agree with the statement within the Interim Travel Plan that the Travel Plan Coordinator could be fulfilled by a member of staff at the University. A student management plan, to deal with possible issues of students parking locally to the detriment of highway safety, is requested.

Flood Risk Management Team

3.14 No objections to the development in principle but conditions are recommended requiring separate systems for and details of the proposed means of foul and surface water.

Leisure / Open Space

3.15 An off-site contribution of £5,124 is required for off-site amenity open space which would be used towards landscape and biodiversity improvements in Clarence Gardens.

Waste Services

3.16 Bins to be presented where the site meets Union Terrace by site management for collection by our refuse collection vehicles. The route between the bin presentation point and the refuse collection vehicle should be flat, even and not have any kerbs. The waste presentation area needs to be capable of accommodating the bins beyond the collection day to allow for the eventuality that collections are delayed due to operational issues.

Carbon Reduction Team

3.17 The following measures are proposed to achieve a 28.3% reduction of carbon emissions: high performance thermal insulation, thermally efficient, double-glazed windows, thermal mass, low air tightness, attention to cold bridging junctions, efficient form, decentralised mechanical extract ventilation, low energy and LED lighting, sophisticated heating controls and PV panels. A BREEAM pre-assessment shows that the building is expected to achieve a score of 74.60% showing it has potential to achieve an 'Excellent' rating. Conditions recommended to secure carbon reductions and BREEAM.

Guildhall Planning Panel

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3.18 An improvement on the previous application. The provision of communal kitchens seems like a step forward.

Conservation Areas Advisory Panel

3.19 The panel acknowledges the changes that have been made, but the proposals in this application are considered far from satisfactory:

the overall design still fails to make the positive contribution to the streetscape and the wider Conservation Area.

the walls at ground floor level on the Clarence Street elevation pose a significant obstruction to pedestrian flow to and from the nearby bus stop.

proportions and detailing of the Clarence Street elevation require further consideration, particularly the 'uncomfortable' relationship between second floor window heads and the eaves line.

the panel still has concerns regarding the space standards adopted for the bedroom units in this development.

the demolition of the existing dwelling at the southern end of the site still needs to be justified. The fabric could be retained and reused as student accommodation.

there is still no mention in the Heritage Statement of the potential of archaeological remains relating to the former Carmelite Friary or the possibility of Roman remains on this site.

Designing out Crime Officer

3.20 The most significant crime issues that could affect this development are burglary, cycle theft and criminal damage. The following recommendations are made;

An access control strategy based upon a single-key principle and progressive access control on the doors from communal areas to the accommodation corridors. These doors should also have a self-closing with a lock which engages automatically.

Ground floor and easily accessible windows should be to a good security standard. Opening restrictors to windows.

Communal mail delivery facilities should be in view and within a secure area at the primary building entrance point.

CCTV coverage.

Yorkshire Water

3.21 The drainage strategy is agreed to. Recommend conditions to protect the local aquatic environment and Yorkshire Water infrastructure in respect of systems for foul and surface water and no piped discharge of surface water prior to the completion of surface water drainage works.

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4.0 REPRESENTATIONS

Other responses to publicity -

4.1 One representation received in support.

5.0 APPRAISAL

Key issues

5.1 The key issues in assessment of this scheme are -

- Principle of the proposed development
- Heritage Assets / Archaeology
- Design and External Appearance
- Neighbours amenity
- Highway safety and sustainable travel
- Public protection
- Drainage

5.2 Key sections in the NPPF in considering whether the proposed development would be acceptable in principle are Section 5. Delivering a sufficient supply of homes, 8. Promoting healthy and safe communities and 11. Making effective use of land. The policies within the NPPF establish that in principle the proposed use is acceptable. NPPF paragraph 38 “decision-makers at every level should seek to approve applications for sustainable development where possible”. Paragraph 11d is engaged and establishes that in this case planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

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

5.4 The site is previously developed and in a sustainable urban location. The proposed re-use of the site in principle conforms with NPPF section 11 which requires that planning decisions should: -

- Promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (paragraph 119).
- Give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs (120).

Local Planning Authority's should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs (121).

Take a positive approach to applications for alternative uses of land, where it is developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. (123).

5.5 There is deemed not to be a policy conflict due to the loss of the former use. Section 8 of the NPPF relates to healthy and safe communities and includes policy for the loss of facilities. In paragraph 93 it states that "to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services, to enhance the sustainability of communities and residential environments". The emphasis is on the protection of facilities that cater for people's day-to-day needs.

5.6 The 2018 Draft Local Plan Policy HW3 relates to protecting existing facilities. As per the NPPF the background text advises the policy relates to community facilities should be taken to mean buildings, facilities, and services that meet the day-to-day-needs of communities. This may include libraries, post offices, and community meeting places, such as youth groups, places of worship, and parish and village halls.

5.7 In assessment against NPPF paragraph 93 and local policy HW3, the former use of the buildings as a Conservative Club, are considered not to be a use providing facilities essential for the day to day needs of the community. Further to this, the Bootham and Monk Ward Conservative Club has been merged with the club in East Parade, Heworth and due to the location of the site, within an accessible distance of the city centre and nearby amenities, public buildings and commercial uses, there are alternative locations and facilities where a similar use could be accommodated, subject to demand.

5.8 Policy H7 Student Housing within the 2018 Draft Local Plan states proposals for new student accommodation will be supported where:

- there is a proven need for student housing; and
- it is in an appropriate location for education institutions and accessible by sustainable transport modes; and

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- the development would not be detrimental to the amenity of nearby residents and the design and access arrangements would have a minimal impact on the local area.

5.9 The Committee report for the Mecca Bingo site (21/01605/FULM) in February 2022 cited that the amount of purpose-built student accommodation (PBSA), operated by the university and other operators, even when including permissions yet to be implemented, could accommodate around 40% of students (in full time education). The data evidenced need for PBSA. Considering NPPF policy on decision making (in paragraph 38) which requires Local planning authorities to approach decisions on proposed development in a positive and creative way and decision-makers at every level should seek to approve applications for sustainable development where possible, the application could not be resisted in principle on the basis of need.

5.10 The location is suitable for student accommodation, given the immediate proximity to the city centre and York St. John University. The site is in a sustainable location and a car free development is consequently appropriate in accordance with the sustainable transport aspirations of national planning policy and the spatial strategy within the 2018 Draft Local Plan which includes principles of preventing unacceptable levels of congestion, pollution and air quality and prioritising re-use of previously developed land.

5.11 The impact on nearby residents and the local area is appraised in the following sections regarding design and amenity.

HERITAGE ASSETS

Impact on the Central Historic Core Conservation Area

5.12 The site lies outside, but adjacent the boundary of the Central Historic Core Conservation Area, which runs along Union Terrace to the west. The remaining houses on the west side of the street are identified as buildings of merit within the Central Historic Core Conservation Area Appraisal. The Council has a statutory duty (under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) that special attention be paid to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

5.13 The character of the south-western side of Union Terrace is mixed, generally smaller in scale and having more of a mews character reflecting the backland location to the rear curtilages of the larger Clarence Street buildings. There is no consistency of scale or alignment in the buildings with the immediate context to the Union Terrace elevation of the proposed building being 2.5 storeys to the north and 2 storeys to the south. The amended design of the proposed block details a frontage a little higher

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than the building to the north but with the inclusion of semi-dormers giving it the appearance of a 2.5 storey building, it is not considered that it would appear incongruous in the streetscene. There is no identified harm to the Central Historic Core Conservation Area, which is adjacent the site.

Archaeology

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

5.15 Policy D6 of the 2018 Draft Local Plan advises that proposals will be supported where harm to archaeological deposits is unavoidable, when detailed mitigation measures have been agreed with City of York Council that include, where appropriate, provision for deposit monitoring, investigation, recording, analysis, publication, archive deposition and community involvement.

5.16 The applications have provided an adequate desk-based assessment, as required by the NPPF, which suggests that the historic buildings on the site do not merit preservation or recording prior to demolition. However, a watching brief, secured by condition, will be maintained during the grubbing up of foundations and during construction as a precaution to record any pockets of archaeology which may have survived the previous erection and demolition of buildings. The watching brief frequency and location can be re-assessed following monitoring during removal of foundations when the depth of 19th and 20th century disturbance has been established.

DESIGN AND EXTERNAL APPEARANCE

5.17 NPPF policy on developing previously developed land allows for an approach which either maintains an area’s prevailing character and setting, or of promoting regeneration and change. It places importance on securing well-designed, attractive and healthy places (paragraph 122). Chapter 12 of the NPPF gives advice on achieving well-designed places. At paragraph 127 it states that planning decisions should aim to ensure that, amongst other things, developments will function well and add to the overall quality of an area, be visually attractive through good architecture, layout and appropriate landscaping, be sympathetic to local character whilst not stifling innovation, establish a strong sense of place, and create safe and accessible environments.

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5.18 At paragraph 130, the NPPF advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. These aims are reflected in Policy GP1 of the 2005 draft Local Plan and D1 and D2 of the 2018 Draft Plan. Policy D1 (Placemaking) advises that schemes will be supported where they improve poor existing urban and natural environments, enhance York's special qualities, and better reveal the significances of the historic environment.

Scale and massing

5.19 The scale, massing and design of the replacement building has been amended to reflect design advice with the revised scheme predominantly detailing blocks of 3 storeys. The Clarence Street frontage is part 2 and part 3 storey. The front elevation of the replacement building would be in line with those to the north of Clarence Street. The rear elevation would have a similar building line to Union Court, the building to the north.

5.20 Clarence Street is characterised by development of a mix of two and three storeys and therefore the treatment of the Clarence Street elevation which provides a genuine 2 storeys to the southern end block and 3 storeys to the rest, all with regular gable form, is considered respectful to its context.

5.21 The character of the south-western side of Union Terrace is mixed, generally smaller in scale and having more of a mews character reflecting the backland location to the rear curtilages of the larger Clarence Street buildings. There is no consistency of scale or alignment in the buildings with the immediate context to the Union Terrace elevation of the proposed building being 2.5 storeys to the north and 2 storeys to the south. The amended design of the proposed block details a frontage a little higher than the building to the north but with the inclusion of semi-dormers giving it the appearance of a 2.5 storey building, it is not considered that it would appear incongruous in the streetscene. There is no identified harm to the Central Historic Core Conservation Area, which is adjacent the site.

Layout and Design

5.22 The revised plans detail two entrances to the building, the principal communal entrance within the 3-storey block fronting Clarence Street and a secondary entrance from Union Terrace, which provides access to the accommodation via a small courtyard area and the bike store. An additional entrance in the Clarence Street elevation to provide access to one of the ground floor clusters is also detailed together with a landscaped 2 metre deep forecourt to the Clarence Street frontage, both of which help to articulate this elevation. A 1.4 metre strip with an access-controlled gate

would be retained to the north-eastern boundary to provide access to the bin store and plant room from Union Terrace.

5.23 The revised scheme achieves a consistent façade treatment to the building in terms of brickwork and window forms to upper floors which reflect the prevailing clamp brick and vertical window forms of the 19th century terraces characteristic of the area. The revisions made to the number and design of the entrances in the amended scheme also ensures that the proposed development better respects the prevailing street character in terms of having an active orientation towards Clarence Street.

5.24 The layout have been amended insofar as the Union Terrace entrance has moved to the southwest corner with the building pulled back from the southwest boundary which has enabled an appropriate setting to be provided to the existing cherry tree on that corner (please see subsequent section).

5.25 Comments from the Conservation Areas Advisory Panel regarding the front boundary wall are noted, but this allows defensible space and a degree of privacy to ground floor rooms and landscaping which will animate the street. The pavement width along Clarence Street is maintained. The pavement width along Union Terrace nominally extended.

5.26 The proposed condition related to site management will cover secure by design measures. In particular, the presence of on-site security, access control and CCTV coverage of the cycle store areas.

Landscaping

5.27 There is an early-mature wild native cherry tree and silver birch within the large, raised planting bed adjacent to the site which makes a valuable contribution to the amenity of Union Terrace, and the property to which it relates, due to their size, and location and the absence of other significant trees within the street. The re-siting of the building away from the southwest boundary is sufficient to accommodate the cherry and birch trees, although some crown reduction is likely to be required.

5.28 There is also an ash tree visible from Clarence Street, however being multi stemmed from the ground, is not considered to be a particularly good specimen. Notwithstanding this, it should be possible to retain this tree alongside the proposed development since the existing two storey property is on the same footprint as the proposed. An arboricultural method statement will be required via a pre-commencement condition together with a condition for a fully detailed planting plan to cover the pockets of planting proposed within the front forecourt and the courtyard.

Proposed accommodation

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5.29 The revised scheme details accommodation which would provide reasonable levels of amenity for future occupants. At ground floor, there are 2No. clusters of 4No.rooms. Each cluster has a communal space with kitchen facilities with an additional lounge area accessed off the courtyard to serve the whole block. The bedrooms range in size from 15.7 (GIA.sq.m) to 19.5 (GIA.sq.m) for the accessible unit. The communal areas have an internal floor space of 21.8, 28.3 and 36.4 sqm.

5.30 These room sizes are typical of those at first and second floor where on each of these floors there are 2No. clusters of rooms, each cluster having a communal space with kitchen facilities. A further 4No rooms on each of the first and second floors are defined as studios which have their own cooking facilities these have a floor area of 15.9sqm. The room sizes and layouts have been designed in conjunction with York St John University who have confirmed their commitment to taking a long- term lease of the development. Rooms are intended to be single occupancy.

5.31 The rooms are considered fit for purpose and with the number of communal spaces, which provide some 196 sq.m floorspace overall, would provide reasonable amenity. There is a lack of useable external space for residents on-site but this is not atypical in this part of the city, taking into account house types and the urban grain. Clarence Street gardens are in close proximity (under 100m away) and provide public amenity space. An off-site contribution of £5,124 is required for off-site amenity open space which would be used towards landscape and biodiversity improvements in Clarence Gardens.

SUSTAINABLE DESIGN / CONSTRUCTION

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

5.33 The applicant has submitted a Sustainability and Energy Statement (including BREEAM Pre-Assessment). The report confirms the developers' intentions to achieve a BREEAM "Excellent" rating. The document also details means by which the proposed development will achieve a 28.3% reduction of carbon emissions. This includes high performance thermal insulation, thermally efficient, double-glazed windows and PV panels. The PV panels will be sited on the flat roofed central section of the building. Conditions will require approval of details to evidence the scheme has complied with local policy.

NEIGHBOURS AMENITY

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5.34 The NPPF states that developments should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

5.35 The north-eastern (side) elevation of the proposed 3 storey building would lie approximately 1.5 metres from its boundary with the residential properties to the north-east (1-7 Union Court and the flats at 81 Clarence Street), although a central 6.4 metre section would be single storey and would increase to 3 storeys approximately 4 metres from the boundary. 2No. windows at first and second floors are detailed in the elevation overlooking Union Court and 81 Clarence Street – these serve a corridor / lobby area and can be conditioned to be obscure glazed to ensure no overlooking to the external areas of these existing residential properties. There are also windows in the gable end of the frontage building of Union Court, but these are smaller, secondary openings and therefore it is not considered that building 1.5 metres from these windows would have an undue impact on the amenity of these neighbouring residents.

5.36 The increase in height from single storey (as existing) to three storeys on sections of this boundary would lead to some impact on amenity to adjacent residents to the north-west with there likely to be a sense of greater enclosure. However, given the relatively dense, urban context of the site, and as the courtyard area to the north is communal, it is considered that the loss of amenity would not be excessive and would not be sufficient reason to resist a development of this scale. The daylight / sunlight levels of habitable rooms in the dwellings to the north would not be adversely affected.

5.37 In terms of the impact on neighbouring properties to the south-west (61 to 73 Clarence Street), the revised plans have pulled the proposed building away from their boundary. These properties are set back from both Clarence Street and Union Terrace with a forecourted parking area fronting Union Terrace and amenity areas facing Clarence Street. The location of these existing dwellings is such that it is not considered that the erection of a three-storey building in the central part of the application site would be over-dominant or over-bearing. These properties have experienced a certain level of overlooking of their front gardens from the existing Club and the proposed scheme is not considered to significantly exacerbate the existing situation.

BIODIVERSITY

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

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5.39 The site has been inspected by an Ecologist and no evidence of bat roosting were detected on-site and as such, the proposed demolition works present little risk of impacting upon bats or their roosts. The biodiversity gains recommended, as required under the NPPF, are bat and bird boxes. These benefits can be secured by condition.

HIGHWAY SAFETY AND SUSTAINABLE TRAVEL

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

Opportunities to promote sustainable transport included where appropriate.

Safe and suitable access to the site can be achieved for all users.

Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

5.41 The NPPF states “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

Sustainable travel

5.42 This is a car-free residential development, solely for students. The site is in a sustainable and accessible location with public transport readily available. The site is located within residents parking zone R44 with non-resident parking restricted to 10 mins which will need to be taken into account on ‘move-in’ and ‘move-out’ days and managed appropriately. An Interim Travel Plan has been submitted but a final version will be secured by condition.

5.43 Condition 24 will require the submission of a student management plan. Aside from wider issues relating to noise and anti- social behaviour, this condition will seek to manage taxi drop-offs / pick-ups and deliveries, which would take place from Union Terrace, to ensure there is no adverse impact on road safety.

5.44 With an accessible room included in the scheme, a disabled parking space will also be introduced in the resident parking bays on the west side of Union Terrace.

5.45 Cycle parking provision proposed is 71% with two-tier cycle racks, with individual stands for parking 16 cycles, and four ‘Sheffield’-type stands to park a further 8 cycles, thus providing cycle storage for 24 cycles overall. Although this is less than the requirement of 1 cycle space per room (which are local standards for residential), it will be of a suitable quality (in terms of spacing) within a covered secure internal cycle

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store. The provision is acceptable; monitoring of cycle use at other student developments evidences that operationally this is sufficient.

Impact on the network

5.46 There are no objections to the scheme in terms of effect on the road network. Traffic generated from the proposed use will be associated with servicing and beginning and end of term arrangements. As is typical of purpose-built student accommodation, within or at the edge of the city centre, the scheme only provides car parking for accessible use, or associated with servicing. Students are advised in advance of arrival schemes are car free and through the travel plan alternative modes of travel is encouraged.

Servicing / waste

5.47 Condition 24 requires site management in respect of waste collection; to ensure waste is placed out for collection at the appropriate time, stored internally at all other times. The applicants have confirmed a private company would undertake waste collection. There is one central communal store which residents would be required to use. Servicing access to the site for bin collections and emergency vehicles will be via Union Terrace

PUBLIC PROTECTION

5.48 Section 15 of the NPPF, regarding the natural environment advises that planning decisions should contribute to the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water, or noise pollution. Paragraph 186 states opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.

Contamination

5.49 The applicant has provided a Phase 1 site appraisal, a Phase 2 Ground Investigation report and additional information on the low risk of gas from the site due to peat layers in the soils. These assessments are deemed acceptable. Any permission for the site would be subject to standard conditions for a scheme of appropriate remediation works that would require implementation.

Noise

5.50 In terms of noise generation the proposed use raises no issues. A condition would require a student management plan, which would cover items such as noise and anti-social behaviour. As there are residential properties in close proximity, a condition requiring a Construction Management Plan for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development, is also recommended.

FLOOD RISK AND DRAINAGE

5.51 The site is outside of Flood Zones 2 and 3. The development is therefore appropriate in terms of flood risk and NPPF paragraph 159 which seeks to direct development away from areas at the highest risk (of flooding).

5.52 The NPPF in paragraph 167 establishes that when determining any planning applications, flood risk elsewhere should not be increased and sustainable drainage systems be incorporated, unless there is clear evidence that this would be inappropriate. The local approach following the NPPF, in policy ENV5, is that existing surface water rates are evidenced and reduced by 30%. It also applies the sustainable drainage hierarchy.

5.53 Following the sustainable drainage hierarchy, connection into the combined sewers is proposed. Site investigation has determined that soakaways would not perform adequately and direct connection into a watercourse is not achievable. A condition requiring the submission of the details of the proposed means of foul and surface water drainage to ensure compliance with Policy ENV5, is recommended.

6.0 CONCLUSION

6.1 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.

6.2 There would be no significant adverse effect, in terms of the loss of the current use of the site, that would outweigh the benefits of the proposed use. Historic houses would be demolished but as they are outside of a conservation area and do not merit consideration as non-designated heritage assets. Their loss would not be a justifiable reason for refusal on heritage grounds. The scheme allows a more efficient use of the site and would meet current environmental standards. It is therefore consistent with the environmental objectives of the NPPF. The design of the replacement building has been amended to reflect design advice, its massing, scale, and articulation now considered to be generally respectful of both the Clarence Street and

Union Terrace context. There is no identified harm to the Central Historic Core Conservation Area, which is adjacent the site.

6.3 The scheme has been designed to the extent that there would be no undue effect on neighbours' amenity and provides adequate amenities for its future occupants. Technical matters can be addressed, to achieve policy compliance, through conditions in respect of sustainable design and construction, biodiversity, drainage, archaeology, the highway network and ground conditions and pollution.

6.4 Approval is recommended subject to conditions and a Section 106 agreement for the following –

- Traffic Regulation Orders (£6,000) to implement changes to the TRO(s) in the vicinity of the proposed development to enable a disabled parking bay(s) to be introduced in the resident parking bays on the west side of Union Terrace and to otherwise exclude the site from the local resident's parking area.
- £5,134 to be used towards landscape and biodiversity improvements in Clarence Gardens.

7.0 RECOMMENDATION

Approve subject to Section 106 Agreement

7.1 Delegated authority be given to the Head of Planning and Development Services to APPROVE the application subject to the planning obligations and conditions set out below, and The Head of Planning and Development Services be given delegated authority to finalise the terms and details of the Section 106 obligations and conditions.

Section 106 Planning Obligation to secure:

- Traffic Regulation Orders (£6,000) to implement changes to the TRO(s) in the vicinity of the proposed development to enable a disabled parking bay(s) to be introduced in the resident parking bays on the west side of Union Terrace and to otherwise exclude the site from the local resident's parking area.
- Public Open Space - £5,134 to be used towards landscape and biodiversity improvements in Clarence Gardens.

PLANNING CONDITIONS

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1 TIME2 Development start within three years

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

20073-S100 Rev A (Site Location Plan)
20073-P300 Rev A (Proposed Site Plan)
20073-P310 Rev D (Proposed Ground and First Floor Plan)
20073-P311 Rev B (Proposed Second Floor Plan)
20073-P320 Rev B (Proposed Elevations)
20073-P321 Rev B (Proposed Elevations)
20073-P330 Rev B (Proposed Street Scene Elevations)
20073-P340 (Proposed Section A-A)

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

3 Large scale details of the external doors and windows shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development and the works shall be carried out in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details in view of the sensitive location of the development.

4 Windows and doors shall be set in reveals of at least 60mm from the main wall plane.

Reason: To provide visual relief on the façade in the interests of good design and in accordance with NPPF paragraph 127.

5 Prior to the commencement of above ground development, large scale sectional drawings showing the patterned brick panels in relation to the facing bricks (to ensure these panels are recessed); and showing the build up and detail of the dormer window construction to the Union Terrace elevation shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: In the interests of good design and in accordance with NPPF paragraph 127.

6 Details of the external materials to be used shall be submitted to and approved

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in writing by the Local Planning Authority prior to the commencement of the construction of the development. The development shall be carried out using the approved materials.

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

Reason: So as to achieve a visually cohesive appearance.

7 A sample panel of the brickwork (to include facing brick and patterned brickwork) to be used on this building shall be erected on the site and shall illustrate the proposed coursing, bond, pointing style and mortar. The sample panel shall be approved in writing by the Local Planning Authority prior to the commencement of building works and 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.

Note: A clamp-style brick is anticipated to resemble the prevailing historical brick palette, use of a lime mix mortar including grit sand, and a traditional bond may be required (generally Flemish bond to principal elevations in context).

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of the sensitive location.

8 Within three months of the commencement of the construction of the development, a detailed soft and hard landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants. These schemes shall be implemented within a period of six months of the practical completion of the development. Any trees or plants which within a period of ten years from the substantial completion of the planting and development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

Reason: The landscape schemes are integral to the amenity of the development and the immediate area.

9 Prior to the commencement of development (including demolition, excavations, and building operations), a scheme for the protection of existing trees adjacent to the application site (the tree protection plan), and the appropriate working methods (the

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arboricultural method statement - AMS), and a schedule of tree works where appropriate, and a scheme of arboricultural supervision, shall be submitted to and approved in writing by the Local Planning Authority in accordance with British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations. The scheme for the protection of the retained trees shall be carried out as approved. A copy of the document will be available for reference and inspection on site at all times.

Reason: To ensure every effort and reasonable duty of care is exercised during the development process to protect existing trees, which are considered to make a significant contribution to the public amenity and setting of the development.

10 A programme of post-determination archaeological mitigation, specifically an archaeological watching brief is required on this site. The archaeological scheme comprises 3 stages of work. Each stage shall be completed and approved by the Local Planning Authority before it can be approved.

A) No removal of foundations or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI. The WSI should conform to standards set by LPA and the Chartered Institute for Archaeologists.

B) The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication 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 shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 2 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

This condition is imposed in accordance with Section 16 of NPPF.

Reason: The site lies within an Area of Archaeological Importance and the development may affect important archaeological deposits which must be recorded prior to destruction.

11 A biodiversity enhancement plan/drawing shall be submitted to and be approved in writing by the local planning authority prior to the commencement of construction works. The content of the plan shall include, but not be limited to, two integrated

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features providing roosting crevices for bats to be constructed within the fabric of the new building, and two boxes for nesting birds. The roosting features / boxes shall be installed / constructed prior to occupation of the development in accordance with the approved details and thereafter retained.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraph 174 d) of the NPPF (2021) to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

12 No demolition works shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the structure 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 should be submitted to the local planning authority.

Reason: To ensure that nesting 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 All sound attenuation measures detailed in the submitted noise assessment (ENS noise assessment ref NIA/9616/21/9589/v2/77Clarence Street dated 17/3/22) shall be fully implemented prior to the occupation of the development. These measures shall be permanently retained thereafter.

Reason: To protect the amenity of people residing in the accommodation.

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

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

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

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

NOTE: For noise, details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

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

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

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

In addition to the above the CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses public.protection@york.gov.uk and planning.enforcement@york.gov.uk

Reason: To protect the amenity of the locality

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

Monday to Friday	0800 to 1800 hours
Saturday	0900 to 1300 hours
Not at all on Sundays and Bank Holidays	

Reason: To protect the amenity of nearby properties.

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

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

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

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

19 In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

20 The bin store and cycle parking storage facilities, as shown on the approved ground floor plan (along with details submitted of the SFD double decker cycle stands), shall be provided prior to first occupation of the development hereby permitted. The facilities shall be provided for the lifetime of the development thereafter.

Reason: To promote the use of cycles as sustainable transport, thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours and good design in accordance with section 9 of the NPPF.

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

Reason: To prevent obstruction to other highway users.

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

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- widening of the footpath on the east side of Union Terrace as shown on the approved site plan.

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

23 Prior to first occupation of the development hereby permitted a Full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be developed and implemented in line with local and national guidelines and taking into account the interim travel plan (report no. 20998-002, Rev 1 dated 22.8.22). The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Within 9 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the Local Planning Authority. Results of yearly annual travel surveys carried out over period of 4 years from the first survey shall be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure that traffic flows from the site can be safely accommodated and to promote the usage of sustainable means of transport.

24 Prior to first occupation of the development, a student management plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall at all times be managed and occupied in full accordance with the approved student management plan. The plan shall include the following measures to:

- Single occupancy only for the studios/bedrooms.
- Maintenance of servicing and waste collection facilities & arrangements for managing waste collection (it is noted that a private waste collection service is proposed).
- Ongoing management and maintenance of communal areas and landscaping.
- Strategy for dealing with any complaints from the public.
- Measures to monitor and avoid excessive noise.
- That the student tenancy agreements include clauses relating to noise / anti-social behaviour.
- Arrangements for minimising disturbance during arrival/departure at beginning and end of term time. This shall include details of the site operator's responsibilities in terms of co-ordinating arrivals and departure times for residents and the associated policing of operations on-site & preventing indiscriminate parking locally.
- Arrangements for control taxi drop-offs / pick-ups and deliveries (food, parcels and

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take-away etc.); to ensure there is no adverse impact on road safety. Note the intention is for such activity to take place from Union Terrace.

- Prohibit student parking on or in the vicinity of the site (save for temporary parking arrangements in accordance with the move-in procedure).

Reason: In the interests of amenity and highway safety.

25 Prior to first occupation of the development hereby permitted, a scheme detailing site security measures shall be submitted to and approved by the Local Planning Authority. The development shall operate in accordance with the approved details. The scheme shall include -

- Access control measures.
- Security measures for doors / windows (recommended opening restrictors fitted to ground floor windows) and cycle storage.
- CCTV coverage

Reason: In accordance with NPPF paragraph 130f to 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.

26 Prior to commencement of the construction of the development, details of the proposed building design to reduce carbon emissions, shall be submitted to the local planning authority and approved in writing. The development shall be carried out in accordance with the approved details.

The details shall evidence either 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 or compliance with any approved Part L document dated 2021 or thereafter.

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

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

A Post Construction Assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate submitted to the Local Planning Authority within 12 months of first use (unless otherwise agreed). Should the development fail to achieve

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a 'Excellent' BREEAM rating a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a 'Excellent' rating. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.'

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

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

Reason: In the interest of satisfactory and sustainable drainage.

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

i) computer modelling calculations 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,

ii) the flow control device manhole, means by which the surface water discharge rate shall be restricted to a maximum rate of 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas during the 1 in 1 year event), and

iii) the means by which the surface water attenuation up to the 1 in 100 year event with a 30% climate change allowance shall be achieved.

There shall be no piped discharge of surface water from the development site prior to the completion of surface water drainage.

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

30 The development hereby approved shall be occupied only for the purposes of student accommodation by either students engaged at all times in full-time or part-

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time further or higher education courses within the City of York administrative boundary or by delegates at all times attending courses or conferences within the City. The operator of the development shall keep an up to date register of the name of each person in occupation of the development together with course(s) or conference(s) attended, and shall make the register available for inspection by the local planning authority on demand at all reasonable times.

Reason: In order to control the future occupancy of the development in the event of it any part of it being sold or rented on the open market without securing adequate levels of affordable housing, in accordance with Policy H7 of the 2018 Publication Draft Plan.

31 The development hereby permitted shall include the whole of the amenity space and facilities for occupants, in accordance with the approved floor plans, and retain them as such at all times.

Reason: In the interests of good design and amenity.

8.0 INFORMATIVES:

Notes to Applicant

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

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

2. Bats: In the UK, due to the decline in bat numbers in the last century, all species of bat are protected by the Wildlife & Countryside Act (1981) as amended, Countryside and Rights of Way Act (2000) and the Conservation of Habitats and Species Regulations 2017 (as amended). Planning consent for a development does not provide a defence against prosecution under this act. Because of their protected status, it should be noted that if bats are discovered during the course of the work, all works must cease and Natural England must be informed immediately. It is an offence for anyone to disturb or handle a bat without the appropriate licences. This may cause some delay but should not prevent the work continuing, provided that due account is taken of their presence.

As noted in sections 7 to 12 (Survey Results) of the Bat Survey Report, the application site is used by a small number of foraging bats. With this in-mind, it is recommended

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that this is taken into account when planning external lighting. Advice on lighting design for light sensitive species is available from the Bat Conservation Trust (2018) Bats and artificial lighting in the UK guidance:

<https://cdn.bats.org.uk/pdf/Resources/ilp-guidance-note-8-bats-and-artificial-lighting-compressed.pdf?mtime=20181113114229&focal=none>

3. Nesting birds: The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Suitable habitat is likely to contain nesting birds between 1st March and 31st August inclusive. As such habitat is present on the application site and is to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

4. INFORMATIVE:

You are advised that prior to starting on site, consent will be required from the Highways Authority for the works being proposed, under the Highways Act 1980 (or legislation/ regulations listed below). For further information, please see the following:

Adoption of highway (Section 38) - development.adoption@york.gov.uk

A s38 agreement will be required if the developer wishes to offer for adoption the paved area adjacent to the existing footway on the east side of Union Terrace at the north corner of the development.

Agreements as to execution of works (Section 278) - development.adoption@york.gov.uk

A s278 Agreement will be required to undertake any works in the existing highway.

5. INFORMATIVE:

You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

6. Yorkshire Water

On the Statutory Sewer Map, there is a 100m diameter public foul surface water sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme.

It may not be acceptable to raise or lower ground levels over the sewer and we will not accept any inspection chambers on the sewer to be built over. In this instance,

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Yorkshire Water would look for this matter to be controlled (by Requirement H4 of the Building Regulations 2010).

7. The applicant is asked to note that the development/property (as proposed), is not considered eligible for inclusion within the Residents Parking Zone, and it will be removed from such under the Traffic Regulations 1984. Upon commencement of development on the site the applicant is requested to contact the Council's Network Management Section (tel 01904 551450), in order that the amendments to the Residents Parking Scheme can be implemented prior to the occupation of the development.

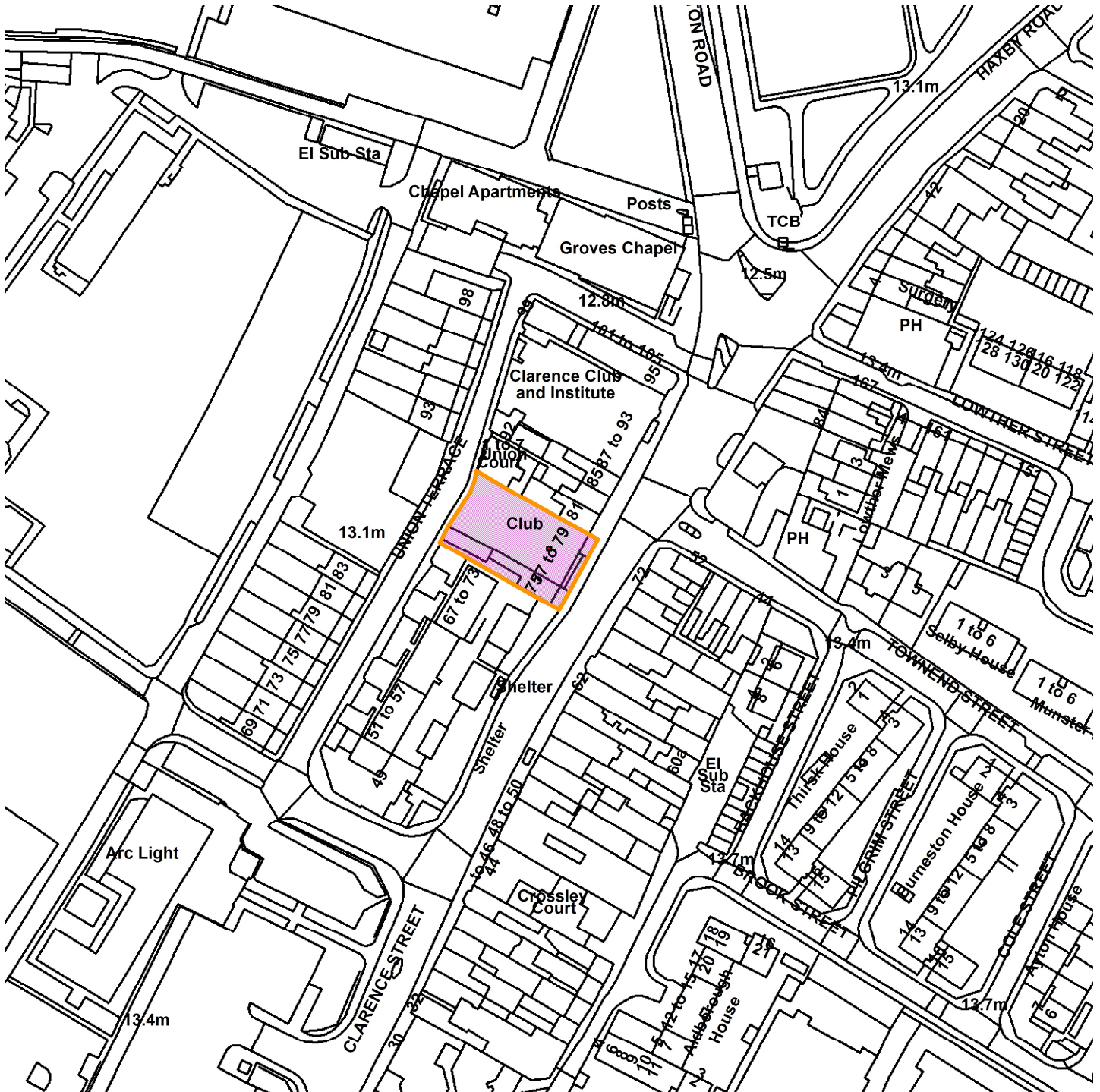
Contact details:

Case Officer: Rachel Tyas

Tel No: 01904 551610

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Bootham & Monk Ward Conservative Club, 77-79 Clarence Street, YO31 7EL



Scale : 1:1366

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	05 September 2022
SLA Number	Not Set

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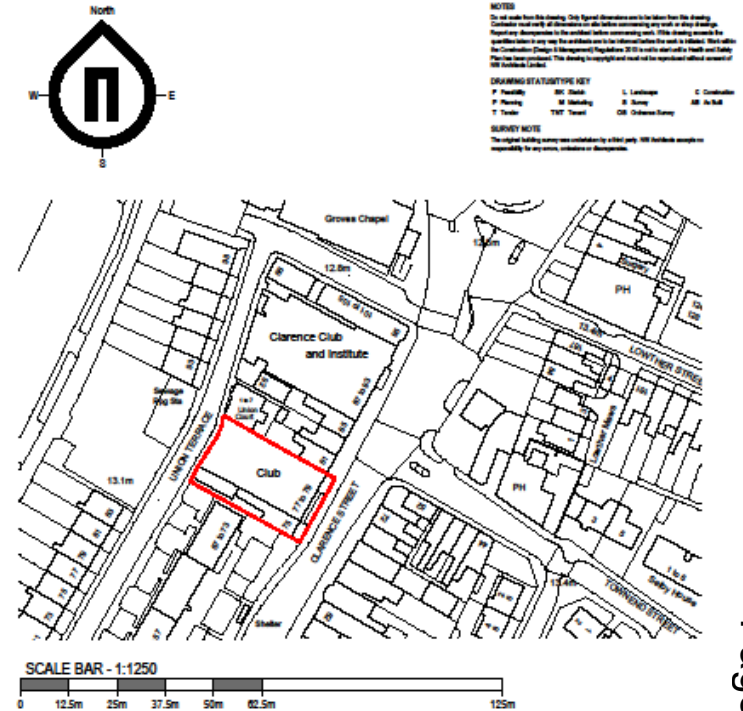
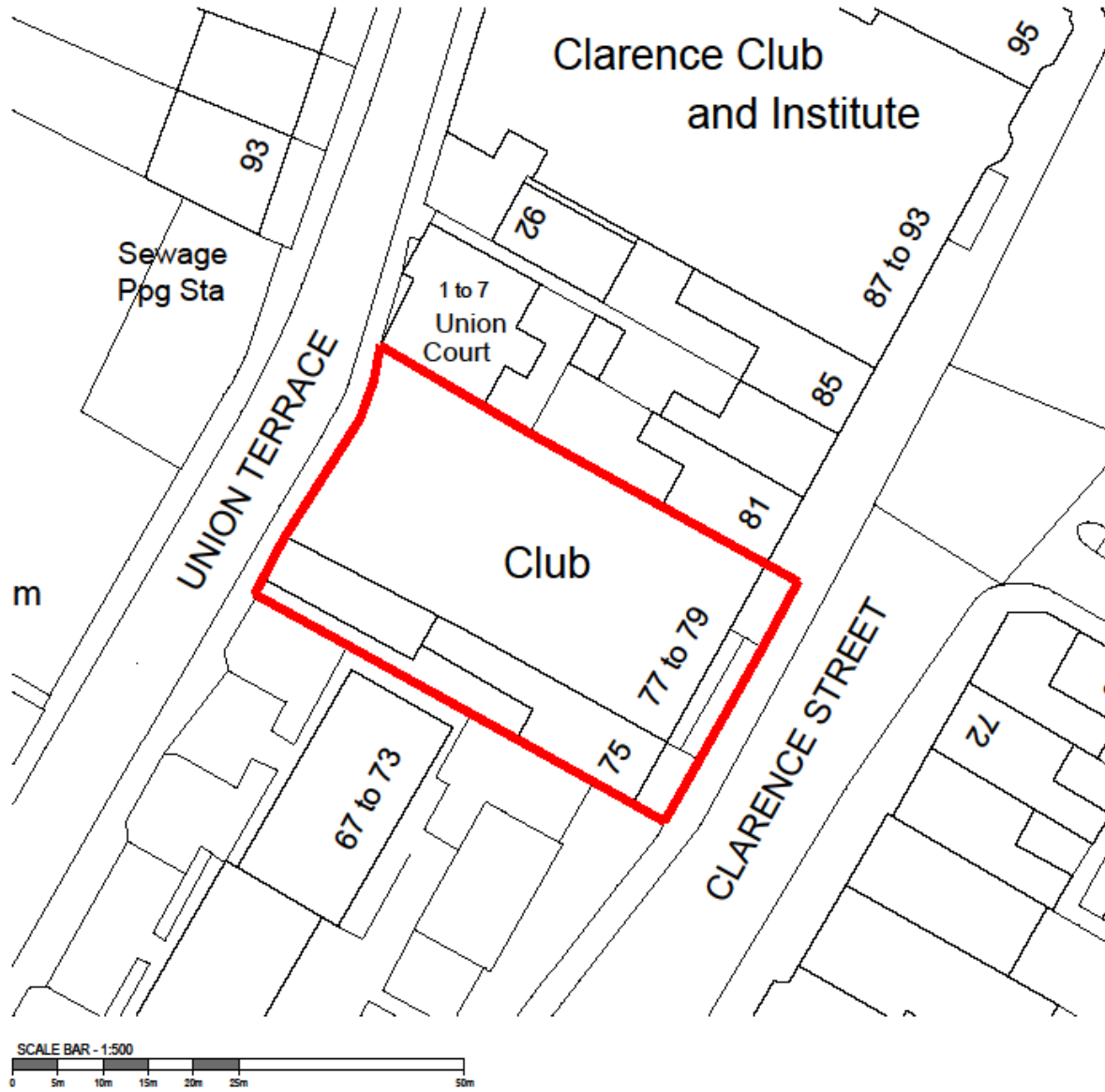
Planning Committee B

To be held on Thursday 13th September 2022

22/00599/FULM - Bootham And Monk Ward Conservative Club, 77 - 79 Clarence Street, York

Erection of two and three storey 34no. room student accommodation building following demolition of existing buildings at 75-79 Clarence Street (revised scheme)

Site Location Plan



NOTES
 The site location plan is for information only. It does not constitute a planning application. The site location plan is for information only. It does not constitute a planning application. The site location plan is for information only. It does not constitute a planning application.

DRAWING STATUTORY KEY
 P. Property M. Mosaic L. Landscape C. Contour
 F. Fencing S. Shading B. Boundary A. Allotment
 T. Trees T. T. Trees C. Contour Lines

SURVEY NOTE
 The original building was constructed by a third party. NW Architects accepts responsibility for any errors, omissions or inaccuracies.



REV	DESCRIPTION	DATE	BY	CHECKED	DATE

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CLIENT
 Clarence Street York Limited

PROJECT
 75-79 Clarence Street
 York

DOCUMENT
 Site Location Plan

Date	Drawn By	Date Check
1:500/1:1250 @A3	HW	05-03-22
	HW	05-03-22
	HW	05-03-22

Drawing No: 20073-S100 3 A

Proposed North East and North West Elevations

NOTES
 Do not scale from this drawing. Only General Dimensions to be taken from this drawing.
 Consider and note all dimensions of all walls, openings, etc. as they apply.
 Report any discrepancies to the architect before commencing work. This drawing is for the
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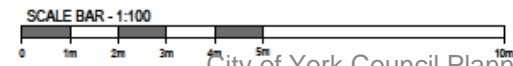
DRAWING STATUTORY KEY
 P. Planning RL. Retail L. Landscape C. Construction
 F. Fencing M. Mobility S. Survey AB. Architect
 T. Trees TT. Trees CB. Civil Engineering



NORTH EAST ELEVATION PROPOSED



NORTH WEST ELEVATION PROPOSED



City of York Council Planning Committee Meeting - 13th September 2022



NO	DESCRIPTION	DATE	BY	CHKD
1	ISSUED FOR PERMITS	16/09/22	AW	AW
2	ISSUED FOR PERMITS	16/09/22	AW	AW

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CLIENT
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PROJECT
 Student Development
 Clarence Street, York

DOCUMENT
 Elevations
 Proposed

Date	Drawn by	Check/Rev
1:200 @ A3	AW	15-09-22
	AW	15-09-22

Drawing No: 20073-P321
 Sheet: B

Proposed South East and South West Elevations



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DRAWING STATUTORY KEY
 P Planning RS Statutory L Landscape C Contaminated
 F Fencing M Moulding S Survey AM Architect
 T Trees TRT Trees Oth Other/Other/Other

NO.	DATE	DESCRIPTION	BY	CHECKED	DATE
1	2021.02	ISSUED TO PLANNING DEPARTMENT	RS	RS	2021.02
2	2021.02	ISSUED FOR CONSTRUCTION	RS	RS	2021.02

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CLIENT
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PROJECT
 Student Development
 Clarence Street, York

DRAWING TITLE
 Elevations
 Proposed

DATE	BY	CHECKED	DATE
27-08-22	RS	RS	27-08-22
27-08-22	RS	RS	27-08-22

Scale: 1:200 @ A3
 Drawing No: 20073-P320
 Revision: B



Proposed Streetscene Elevations



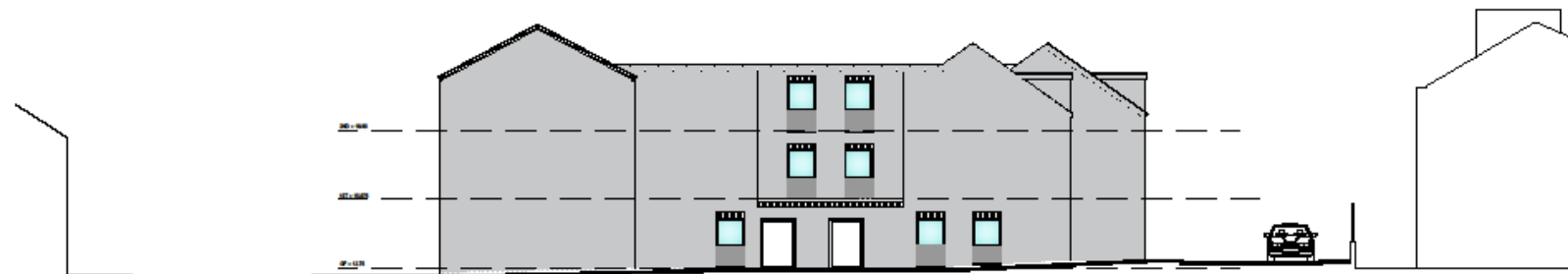
SOUTH EAST ELEVATION PROPOSED



SOUTH WEST ELEVATION PROPOSED



NORTH WEST ELEVATION PROPOSED



NORTH EAST ELEVATION PROPOSED

NOTES
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 No liability is accepted in any way for the information in this drawing or the work it relates to.
 The Client/Designer/Management/Regulator/Client is to verify all work on drawings and take full responsibility for the accuracy of the information.
 All dimensions in millimetres.

DRAWING STATISTICAL KEY
 P: Produced by: RS: Drawn by: L: Laid out by: C: Checked by:
 F: Planning: M: Made by: S: Surveyed by: A: Approved by:
 T: Title: TST: Title: O: Other: Other: Other:



REV	DESCRIPTION	DATE	BY	CHECKED	DATE
1	ISSUED TO PLANNING DEPARTMENT	16/07/22	RS	RS	16/07/22
2	ISSUED FOR APPROVAL	16/07/22	RS	RS	16/07/22

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CLIENT
 Clarence Street York Limited

PROJECT
 Student Development
 Clarence Street, York

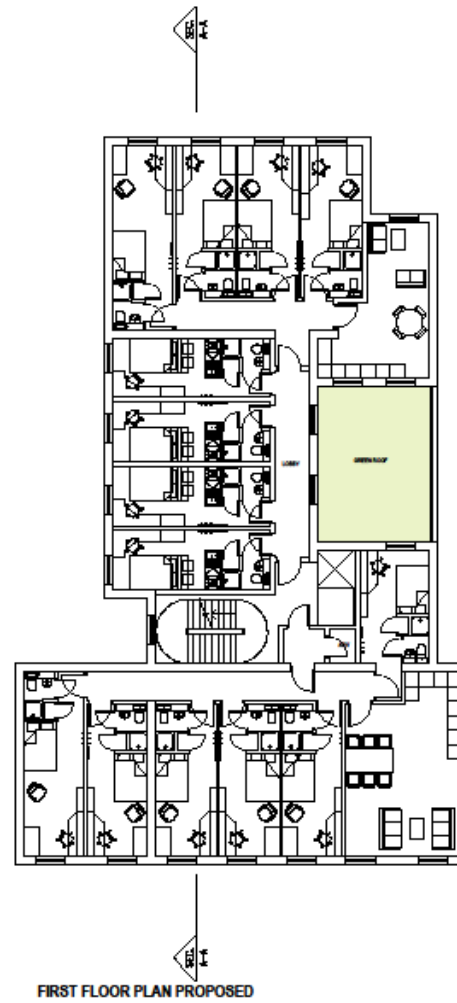
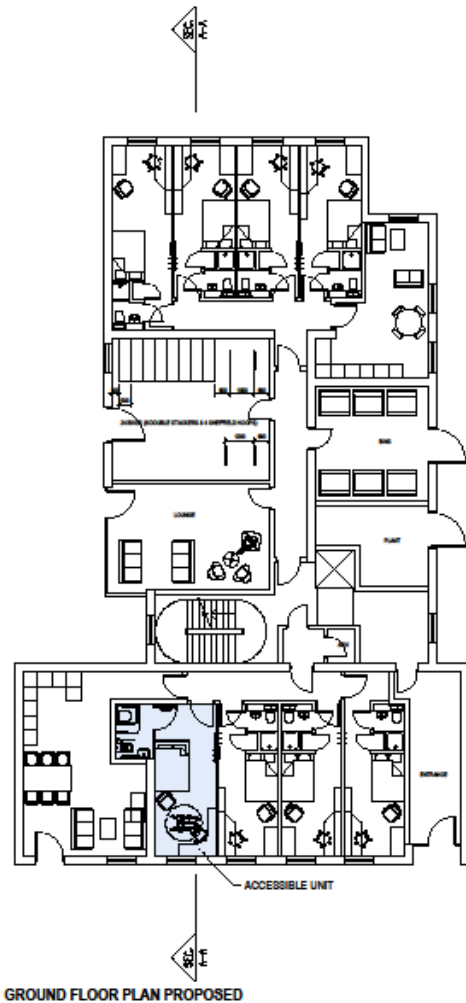
DRAWING TITLE
 Street Scene Elevations
 Proposed

Scale	Produced by	Issue Date
1:200 @ A3	RS	05-07-22
	Checked by	05-07-22
	Issued by	05-07-22

Drawing No: **20073-P330**
 Revision: **B**



Proposed Ground Floor and First Floor Plans



NOTES
 1. All work has been checked. Only Special Dimensions to be taken from this drawing.
 2. Check with the client all dimensions on drawings concerning any work to be done.
 3. Report any discrepancies to the architect before commencing work. This drawing is not to be used for construction purposes without the written consent of the architect.
 4. The architect is not responsible for the construction of the work or for any damage to the work or for any delay to the work.
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 7. The architect is not responsible for the construction of the work or for any damage to the work or for any delay to the work.

DRAWING STATUTORY KEY
 P. Proposed R. Existing L. Landscape C. Contained
 F. Fencing M. Masonry S. Survey A. As Built
 T. Trees W. Water G. Greenery/Planting



NO.	DESCRIPTION	DATE	BY	CHECKED	DATE
1	REVISED DRAWING	15/09/22	AW	AW	15/09/22
2	REVISED DRAWING	15/09/22	AW	AW	15/09/22
3	REVISED DRAWING	15/09/22	AW	AW	15/09/22
4	REVISED DRAWING	15/09/22	AW	AW	15/09/22

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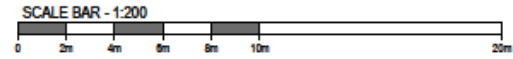
CLIENT
 Clarence Street York Limited

PROJECT
 Student Development
 Clarence Street York

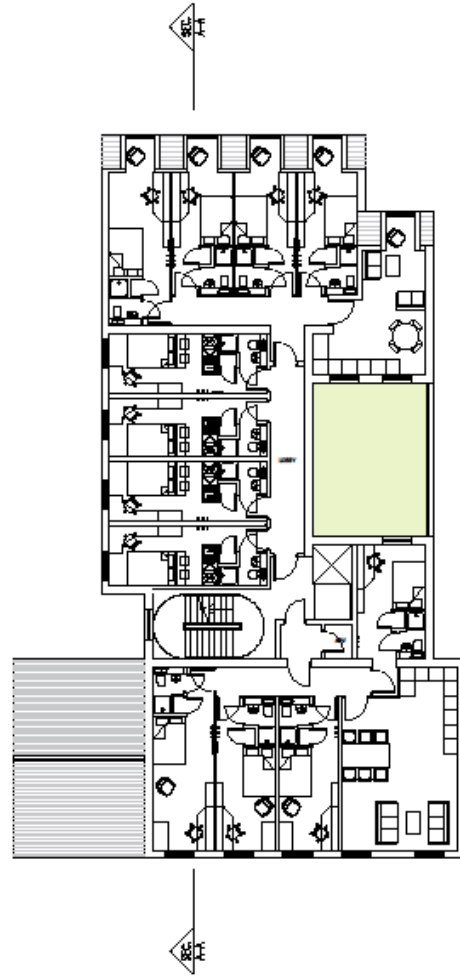
DRAWING TITLE
 Ground and First Floor Plan
 Proposed

NO.	REVISION	DATE
1:200 @ A3	RD	25/08/22
	AW	25/08/22

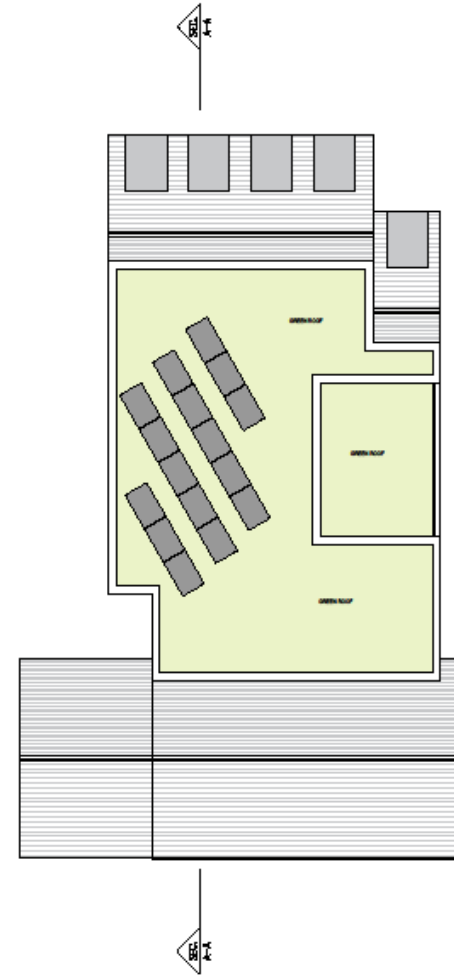
PROJECT NO.
 20073-P3107



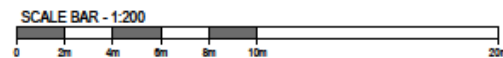
Proposed Second Floor Plan and Roof Plan



SECOND FLOOR PLAN PROPOSED



ROOF PLAN PROPOSED



City of York Council Planning Committee Meeting - 13th September 2022



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DRAWING STATUSTYPE KEY
P: Planning M: Mailing L: Location C: Consultation
F: Planning M: Mailing S: Survey AB: Architect
T: Tender TWT: Tender CB: Contract Award



REV	DESCRIPTION	DATE	BY	CHECKED	DATE
1	ISSUED TO PLANNING DEPARTMENT	16/09/22	MM	MM	16/09/22
2	ISSUED TO ARCHITECTS	16/09/22	MM	MM	16/09/22

REVISIONS

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CLIENT
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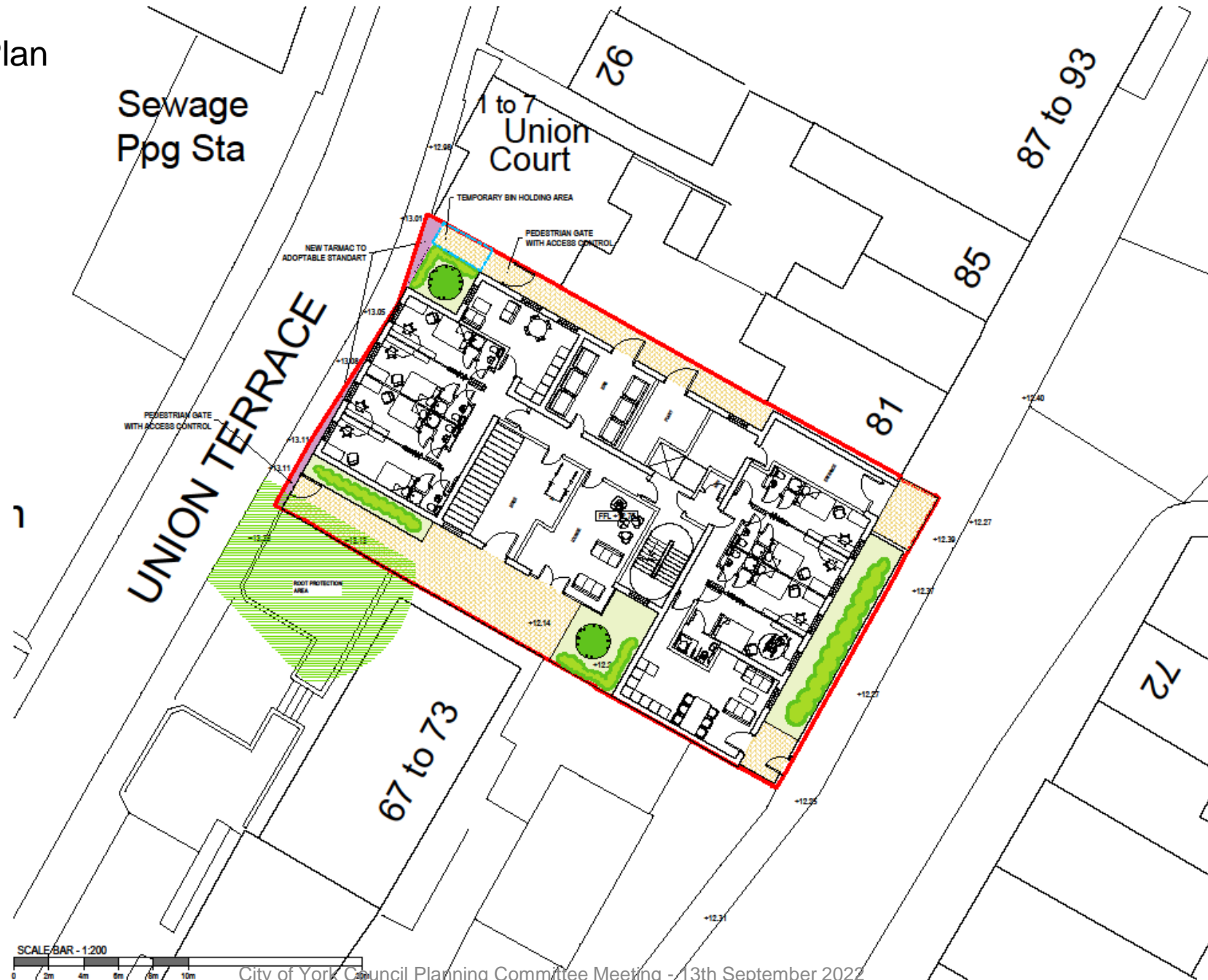
PROJECT
Student Development
Clarence Street York

DRAWING TITLE
Second Floor Plan
Proposed

DATE	ISSUED BY	ISSUED TO
1:200 @ A3	RD	23-06-22
	MM	23-09-22

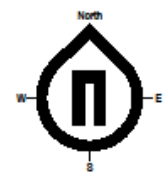
Drawing No: 20073-P318
Revision: B

Proposed Site Layout Plan



NOTES
 1. This plan shall be read in conjunction with the Site Plan and the Planning Application Form and any other documents submitted with the application.
 2. The applicant shall be responsible for obtaining all necessary consents from the relevant authorities.
 3. The applicant shall be responsible for obtaining all necessary consents from the relevant authorities.
 4. The applicant shall be responsible for obtaining all necessary consents from the relevant authorities.
 5. The applicant shall be responsible for obtaining all necessary consents from the relevant authorities.

DRAWING STATUTORY KEY
 P Parking RS Road L Landscape C Contaminated
 T Tarmac M Movable S Survey AB Access
 T Tarmac T Tarmac C/C Contaminated



NO.	DATE	DESCRIPTION
1	2022-09-13	APPROVED PLANNING SUBMITS
2	2022-09-13	REVISED

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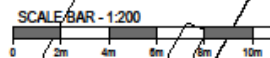
Client: **Clarence Street York Limited**

Project: **Student Development Clarence Street York**

Drawing Title: **Site Plan Proposed**

NO.	DATE	DESCRIPTION
1	2022-09-13	PROPOSED
2	2022-09-13	REVISED

Drawing No: **20073-P300** Revision: **A**



Front Elevation - Visualisation



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City of York Council Planning Committee Meeting - 13th September 2022

PROJECT Student Development, Clarence Street York	DRAWN BY AP	DATE DRAWN 16-03-22
DRAWING TITLE Front Visual Proposed	DRAWING NUMBER 20073-P250	

Rear Elevation - Visualisation



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City of York Council Planning Committee Meeting - 13th September 2022

PROJECT Student Development, Clarence Street York	DRAWN BY AP	DATE DRAWN 16-03-22
DRAWING TITLE Rear Visual Proposed		DRAWING NUMBER 20073-P251

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COMMITTEE REPORT

Date: 13 October 2022 **Ward:** Osbaldwick And Derwent
Team: East Area **Parish:** Osbaldwick Parish
Council
Reference: 22/00611/FUL
Application at: 36 Farndale Avenue York YO10 3NH
For: Two storey side and single storey rear extensions, dormer to rear, bin and bicycle storage structure to side. Demolition of garage.
By: Mr T Seccombe
Application Type: Full Application
Target Date: 31 July 2022
Recommendation: Approve

1.0 PROPOSAL

1.1 The application site is a semi-detached dwelling located within the Osbaldwick area of York. The dwelling is located on a corner plot, with the principal elevation facing Farndale Avenue and Bedale Avenue running along the eastern boundary of the site. The dwelling is currently occupied as a House in Multiple Occupation (HMO).

1.2 The applicant seeks consent for two storey extension to the side of the dwelling, a single storey extension to the rear of the dwelling and a dormer window to the rear elevation roof. The resulting dwelling would remain in use as an HMO.

1.3 The application has been called-in to Committee by Cllr Walters on the following grounds: i) increase in levels of noise and disturbances for surrounding residents; ii) increased pressure on parking; iii) issues with waste disposal and presentation of the site; iv) the development would restrict the ability of it to be converted back to a family home.

2.0 POLICY CONTEXT

Draft Development Control Local Plan (2005)

GP1 - Design

H7 – Residential extensions

Emerging Local Plan (Submission Draft 2018)

D11 – Extensions and alterations to existing buildings

3.0 CONSULTATIONS

EXTERNAL

Osboldwick Parish Council

3.1 Object: Overdevelopment of the site, parking issues on the highway, noise and disturbance.

Internal Drainage Board

3.2 The site is within the district of the FIDB and the appropriate consent should be sought for new/altered arrangements to foul and surface water connections.

4.0 REPRESENTATIONS

Neighbour Notification/Publicity

4.1 Five representations received raising the following objections:

- Noise from student housing.
- Noise from building works.
- Impacts on parking and damage to grass verges as a result.
- Loss of traditional family home when there is already too many HMOs.
- Resulting house will be hard to occupy as a family home after the development occurs.

5.0 APPRAISAL

PLANNING POLICIES

National Planning Policy Framework 2021 (NPPF)

5.1 The NPPF sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan or, where there are no relevant development plan policies,

granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

5.2 In particular Paragraph 38 states that Local Planning Authorities should approach decision taking in a positive way to foster the delivery of sustainable development. It further references the importance of good design and also ensuring a high standard of amenity for both existing and future users. In addition this emphasis on positive design is supported by Part 12 of the NPPF; Achieving well designed places.

Publication Draft York Local Plan 2018 ('2018 Draft Plan')

5.3 The policies contained within the 2018 Draft Plan can be offered some weight depending on the stage of preparation at which the plan is at; the extent to which there are unresolved objections to relevant policies; and the degree of consistency relevant policies have with the NPPF.

York Development Control Draft Local Plan 2005 (DCLP)

5.4 This plan is not adopted policy but was approved for Development Management purposes. Policies in the DCLP carry very little weight but are capable of being material considerations in the determination of planning applications where these are consistent with those in the NPPF.

Supplementary Planning Documents (SPDs)

5.5 The approved House Extensions and Alterations SPD (dated 2012) provides design and amenity guidance on householder applications and is a material consideration in decision-making.

KEY ISSUES

5.6 The key material considerations to be assessed will be the impact on residential amenity, the design of the development and parking issues. The principle of the development and the established use of the site as an HMO will also be discussed below.

Existing HMO use

5.7 The applicant has provided signed tenancy agreements dating back to 2011-12 indicating that the site has been in long term use as an HMO and this use pre-dated the Article 4 direction which came into effect on the 20 April 2012. The dwelling currently has three bedrooms and whilst the proposal would result in an increase in the number of occupants, it should remain in the C4 use class. Based on the information provided it is considered that on the balance of probabilities the use of the site as a small HMO is likely to be lawful and this application does not include a material change of use that would require planning permission at this location.

Residential amenity

5.8 Concern has been raised by objectors in regards to the impact that the proposed development would have on the residents who live in the vicinity of the site. It is accepted that the principle of an HMO at the site is well established, however the proposal would result in an increase in the size of the dwelling and careful consideration must be given that the site can support such a development without significant adverse impacts on the amenity of neighbouring properties.

5.9 The application site is a corner plot and so there are no direct neighbours to the side where the two-storey side extension is proposed. The rear extension is single storey and protrudes from the original rear elevation of the dwelling by approximately 2.5m and has a pitched roof. The size and positioning of both of these extensions means that they will not lead to a significant overshadowing or overbearing impact to the adjoining semi-detached property, or to the nearest residential properties to the rear, side or front of the site.

5.10 The plans submitted also show a rear dormer window, this would face the side elevation of 10 Bedale Avenue. This property has a dormer window which faces the rear of the application site. The distance between the two dormer windows would be about 10m, the proposed dormer would serve a bedroom and a bathroom. There may be sense of overlooking between these two windows. The dormer at no.10 Bedale Avenue is a later addition to its roof built under permitted development rights. The SPD states that less weight will be given to protecting outlook where a side window is inserted in an existing house. A dormer window could be built under permitted development rights if constructed in isolation.

5.11 The plans include the erection of a bin store and dedicated cycle storage which is located in a structure on the side of the dwelling, this provides adequate storage for this equipment and should help to ensure a tidy appearance and avoid residential paraphernalia cluttering the frontage.

5.12 The dwelling would have 6 bedrooms and while this is a large dwelling it is not out of character for the area. Although some concern has been raised in regards to potential noise from students or occupiers of the HMO the potential for out of the ordinary noise or anti-social behaviour any future anti-social behaviour issues would be able to be pursued through other mechanisms. A small HMO in this area is not in itself inappropriate.

Design and visual amenity

5.13 The proposed side extension includes a set back and reduced ridge which is in accordance with the guidance provided by the Council's Residential Extensions Design Guide SPD. The side extension projects to the side by approximately 2.8m and this places it in line with the front elevations of the properties on Bedale Avenue. As a result the side extension will not break from the building line that is present on this street and will not project out in a manner that is out of character. The overall size and scale of the side extension is appropriate. The single storey rear extension is 2.5m in length and is not excessive in height. The two extensions in addition to the dormer window result in a larger dwelling, but all clearly have the appearance of extensions and do not dominate or detract from the original dwelling.

5.14 A cycle store and bin store is also proposed to the side elevation. This will project out slightly towards the highway in front of the building line on Bedale Avenue, but its low height and limited size means that this will not significantly disrupt the building line or the street scene. The distance to the highway from this cycle and bin store is also approximately the same as the double garage on 35 Farndale Avenue which sits on the opposite corner plot. The bin and bicycle store should ensure that these items are stored securely and largely out of view.

5.15 Matching brickwork and roof tiles are proposed and this will ensure a satisfactory appearance that is in keeping with the original dwelling and the surrounding area

Parking and highway safety

5.16 The applicant has noted on the submitted plans that permission has been granted to widen the dropped kerb that serves the driveway. The plans provided then show that the front driveway is capable of providing parking for 3 vehicles. This would be in accordance with parking guidance. Although turning circles have not been provided from the plans provided it appears that the 3 vehicles would be able to enter and exit independently. There are no other significant highway safety concerns.

6.0 CONCLUSION

6.1 Having assessed the proposed development, all material considerations and all representations received, the proposed extensions to the dwelling are deemed to represent an appropriate form of development that will not result in significant harm to the amenity of nearby residents and that includes an acceptable design.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Site Location Plan, Site Plan, Proposed Elevations and Floor Plans - 644.002 Rev E, received on 20.09.2022

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

3 VISQ1 Matching materials

4 The bin and bicycle storage structure shown on the approved plans shall be erected prior to the first occupation of the hereby approved extension and shall thereafter be retained as approved and used only for storage of bins and bicycles.

Reason: To ensure the site has adequate facilities for bin and bicycle storage.

8.0 INFORMATIVES:

Notes to Applicant

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

Application Reference Number: 22/00611/FUL

Item No: 4d

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:

Relocation of bin/bicycle store; Set-back and reduced ridge to side extension;
Confirmation of HMO use; Parking details on plan.

2. AVOIDING DAMAGE TO THE HIGHWAY GRASS VERGE

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

Contact details:

Case Officer: William Elliott
Tel No: 01904 553990

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36 Farndale Avenue, York YO10 3NH

22/00611/FUL



Scale : 1:1485

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	05 October 2022
SLA Number	Not Set

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Planning Committee B

22/00611/FUL

36 Farndale Avenue

