



Notice of a public meeting of Planning Committee

- To:** Councillors Horton, Galvin (Vice-Chair), Ayre, Boyce, Burton, Crisp, D'Agorne, Doughty, Firth, King, Looker, McIlveen, Funnell, Reid (Chair), Simpson-Laing, Watt and Warters
- Date:** Thursday, 19 February 2015
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

Would Members please note that the mini-bus for the Site Visits for this meeting will depart Memorial Gardens at 10:00am on Tuesday 17th February 2015.

1. **Declarations of Interest**

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

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

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

2. **Minutes** (Pages 3 - 14)

To approve and sign the minutes of the meeting of the Planning Committee held on 22nd January 2015.

3. **Public Participation**

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by **5pm on Wednesday 18th February 2015**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

To register please contact the Democracy Officer for the meeting, on the details at the foot of this agenda.

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4. **Plans List**

This item invites Members to determine the following planning applications:

a) **Ivy House Farm, Hull Road, Kexby, York, YO41 5LQ (14/2008/FULM)** (Pages 15 - 30)

A major full application for the erection of a wind turbine (maximum height to blade tip 78 metres) with associated access tracks, crane pad, sub-station building, underground cabling and temporary construction compound. [Derwent Ward].

b) Fulford School, Fulfordgate, York, YO10 4FY (14/02167/GRG3).
(Pages 31 - 50)

A general regulation application for the erection of a two storey classroom block and a single storey sports block including sports hall and changing rooms. [Fulford Ward] *[Site Visit]*.

c) St Josephs Convent, Lawrence Street, York, YO10 3EB
(14/02404/FULM). (Pages 51 - 82)

A major full application for the conversion, part demolition and extension of existing convent buildings and erection of 14 three and four storey buildings to provide student residential and ancillary accommodation (660 bed spaces) with vehicle access to Lawrence Street. [Fishergate Ward] *[Site Visit]*.

d) St Josephs Convent, Lawrence Street, York, YO10 3EB
(14/02405/LBC). (Pages 83 - 98)

A listed building consent application for internal and external alterations to Convent buildings to provide student accommodation and ancillary facilities with erection of a two storey extension to the infirmary wing. [Fishergate Ward] *[Site Visit]*.

e) Biology Department, Wentworth Way, University of York
(14/02881/FULM). (Pages 99 - 110)

A major full application for the erection of three-storey building for the Biology Department. [Heslington Ward] *[Site Visit]*.

5. Appeals Performance Update (Pages 111 - 128)

This report (presented to both Planning Committee and the Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1st October and 31st December 2014, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date of writing is also included.

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

Democracy Officer:

Name: Laura Bootland

Contact Details:

- Telephone – (01904) 552062
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For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

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)

 (01904) 551550

PLANNING COMMITTEE**SITE VISITS****Tuesday 17th February 2015.**

TIME	SITE	ITEM
10:00	Coach leaves Memorial Gardens	
10:10	St. Josephs Convent, Lawrence Street.	4
11:00	Biology Department, Wentworth Way, University of York.	4
11:20	Fulford School, Fulfordgate.	4

City of York Council

Committee Minutes

Meeting	Planning Committee
Date	22 January 2015
Present	Councillors Horton, Galvin (Vice-Chair), Ayre, Boyce, Burton, D'Agorne, Doughty, Firth, King, Looker, McIlveen, Funnell, Reid (Chair), Simpson-Laing, Watt and Warters
Apologies	Councillors Crisp

37. Site Visits

Site Visit	Reason for Visit	Members Attended
4a B&Q	To enable members to familiarise themselves with the site.	D'Agorne, Galvin, Horton, King, Reid & Warters.
4b Former Del Monte Site	To enable members to familiarise themselves with the site.	D'Agorne, Galvin, Horton, King, Reid & Warters.
4c&d St Leonards Place	To enable members to familiarise themselves with the site.	D'Agorne, Galvin, Horton, King, Reid & Warters.
4e Hagg Lane Dunnington	To enable members to familiarise themselves with the site.	D'Agorne, Galvin, Horton, King Reid & Warters.

38. Declarations of Interest

At this point in the meeting, Members were asked to declare any personal, prejudicial or pecuniary interests they may have in the business on the agenda.

Councillor Watt declared a personal and prejudicial interest in agenda item 4b as he had been present when the applicant presented to the community as Chairman of Skelton Parish

Council. The Parish Council had also submitted a response to the application. He confirmed he would stand down for the agenda item and speak on behalf of Skelton Parish Council.

39. Minutes

Resolved: That the minutes of the last Planning Committee held on 18th December 2014 be approved and signed by the Chair as a correct record.

40. Public Participation

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

41. Plans List

Members then considered five reports of the Assistant Director (Development Services, Planning and Regeneration) relating to the following planning applications, which outlined the proposals and relevant planning considerations and set out the views of the consultees and officers.

**42. B&Q, Osbaldwick Link Road, York, YO10 3JA
(14/00924/FULM)**

Consideration was given to a major full application by B&Q and Sainsbury's Supermarkets Ltd for the use of a premises as a retail food store with external alterations including the reconfiguration of the shop front, canopy, installation of a new customer cafe and associated toilets, installation of ATM's, removal of an existing garden centre and builders yard and the reconfiguration of site access and customer car park.

Officers provided an update to the committee report, full details of which are attached to the online agenda for this meeting. The main points were as follows:

- 681 individual cards had been received raising objections to the proposals on traffic and impact on local traders.

- An additional letter of objection had been received from Morrisons Supermarket which raised concerns about the way their comments had been précised in the committee report. Their comments were elaborated on in the update.
- Condition 8 be removed and replaced with Environmental Protection Service conditions on acoustic barrier, lighting impact, delivery times, service yard and electric charging points.
- Amended condition 13 relating to a bio mass boiler.

Members asked officers a number of questions on the committee report as follows:

- Clarification on the delivery times. It was confirmed that deliveries would be conditioned to take place between 05:00 and 24:00. Previously there had been no restrictions on delivery times to B&Q.
- If the site would be accessible 24 hours a day. It was confirmed that it would be.
- Some Members queried deliveries at night time and the operation of the cash machines 24 hours a day and whether acoustic fencing as a barrier would be sufficient. It was confirmed that Officers felt this would be sufficient.

Johnny Hayes had registered to speak on behalf of Bishopthorpe Road Traders Association. He advised that originally he was going to speak on behalf of Bishopthorpe Road Traders only but having spoken to a lot of independent traders in other areas of York he was now speaking more broadly. He referred to the lack of a Local Plan in York which as a result meant that there was no protection to neighbourhood areas and therefore no importance was being given to local shops. He felt that the number of superstores in York was excessive and local shops were bearing the impact. He urged members to reject the application.

Isobel Waddington spoke on behalf of Murton Parish Council. She raised concerns about the impact of landscaping and lighting at the site on local residents. She also referred to the impact of traffic in the area and motorists using Murton as a short cut to reach the store if Hull Road is grid locked. She asked if it would be possible for Sainsbury's to pay for traffic calming measures in Murton.

Graham Kennedy spoke on behalf of Local residents in objection to the application. He referred to 1,800 signatures which had been collected against the petition and raised concerns about the impact on traffic, the retail impact and the unsustainable location of the site.

Sue Smales, Sainsbury's Town Planning Manager, spoke on behalf of the applicant. She advised that as well as objections, there had been a lot of support for a supermarket at the site. In relation to B&Q, they would be leaving the site irrespective of the application. 400 jobs would be created, with a third being full time. In response to concerns raised about traffic issues she referred to the highways scheme as agreed with the Council's officers and Sainsbury's own traffic consultants. It was also confirmed that the recycling facilities would need to stay in the place identified in the plans. In relation to the cash machines it was confirmed that there were no plans to make them inaccessible after the store closes.

Members entered debate and made the following comments:

- Although some Members were sad to see B&Q vacate the site, a lot of the objectors concerns about another supermarket in York related to concerns about retail competition which could not be taken into account as a planning matter.
- Members agreed that there would be an impact on traffic in the area and that traffic issues were the only planning matter on which the application could potentially be refused but as the Councils highway officers were happy with the scheme they had to accept the advice of officers.
- Some Members questioned the need for the cash machines to be accessible after 11pm when the store will be closed and considered that they could be shuttered off. Discussion took place regarding the addition of a condition to ensure the cash points are inaccessible once the store is closed.
- Members acknowledged there was strong feeling in the local community against the application but also a considerable amount of support for it.

Councillor Galvin moved the recommendation with an additional condition to ensure the cash machines are closed when the store is closed. When put to the vote it was a 8 votes for 8 against. The chair used her casting vote and the amendment was lost.

Councillor Horton moved the officers' recommendation and Councillor Simpson Laing seconded. When put to the vote this was carried 12 votes to 4.

- Resolved:
- (i) That the application be deferred pending referral to the Secretary of State.
 - (ii) That Officers be delegated to approve the application if the Secretary of State does not call in the application for his own determination, subject to the conditions outlined in the committee report.

Reason: The site is identified as a being within the built up part of York in the DCLP proposals map. The site is a developed site which has a long term retail use and although this is restricted to bulky goods the existing development is a material planning consideration.

The NPPF requires that a sequential and impact test be applied to town centre uses that are not in a centre. The DCLP is becoming dated in some respects nevertheless the general thrust of policies within it support the NPPF position of town centre first. The emerging plan is not sufficiently far advanced to be a material planning consideration. The retail background documentation which was published in October 2014 does not yet have its addendum available which will identify the extent and number of neighbourhood centres that are to be protected through emerging policies.

Therefore no weight can be attached to the policies in the emerging plan in so far as they relate to the identification of local centres and neighbourhood centres (in accordance with Annex 1 of the NPPF).

The Council's retail planning consultants WYG on behalf of Integrated Strategy say that the proposal will not have significant adverse

impacts on the city centre or the defined centres of Acomb or Haxby.

Highway Network Management have reviewed the submitted transport assessment and have concluded that the proposal will not create residual cumulative impacts on the highway network that are severe in accordance with relevant paragraphs in the NPPF.

It is considered that the economic, environmental and social gains proposed within the development represent sustainable development as set out in paragraph 7 of the NPPF.

Therefore in addressing the other material considerations it is concluded that the site is already developed, is within the built up area of the city, can be accessed by sustainable means, will not create residual cumulative impacts on the highway network that are severe. It is also concluded that the proposal includes appropriate design and landscaping for the building, will not impact on the residential amenity of adjacent properties and is a sustainable form of development in the context of paragraph 7 of the NPPF.

In the absence of any harm being identified that significantly and demonstrably outweighs the benefits the application for a new supermarket at the B & Q site is supported. The proposal is considered as a whole to accord with the NPPF subject to appropriate conditions.

The application will need to be referred to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2009. (Circular 02/2009)

43. Former Del Monte, Skelton Park Trading Estate, Shipton Road, Skelton, York (14/01478/OUTM)

Consideration was given to a major outline application for a residential development for up to 60 dwellings.

Officers reported that there was no update to the committee report.

Councillor Watt spoke as Chair of Skelton Parish Council. He advised that a public meeting had been well attended and that in general, residents were not opposed to the site being developed and welcomed additional housing in the village. The main concern is crossing the A19 and while a reduction in the speed limit to 40 mph was welcomed, the Parish Council and residents would like a condition adding to the approval to ensure a pelican crossing and/or traffic lights are incorporated into the scheme.

Sophie Taylor spoke on behalf of the applicant. She advised that there was no interest from the Council in using the site for economic development and subsequently, following discussions with officers, it was agreed it could be used for residential development. The site would contribute to affordable housing targets. In reference to the highways issues raised by Councillor Watt she advised that the measures proposed were in line with guidance and the Councils highways Officers were satisfied with the proposals.

Members agreed that while they welcomed the development, not having a pedestrian crossing in place on the busy road was not acceptable, particularly for elderly or disabled people trying to cross the road.

Officers advised that at this stage, the Council was seeking a contribution and a package of highway works had been negotiated and would be secured through the section 106 agreement. This could be looked at again, but would be limited by costs.

Resolved: That the application be deferred.

Reason: To reconsider the feasibility and safety of a signalised pedestrian crossing of the A19.

44. 1-9 St Leonards Place, York, YO1 7ET (14/02091/FULM)

Consideration was given to a major full application for a residential development including the conversion of existing buildings, construction and demolition to form 29 apartments, 5 town houses and 6 mews houses including 2-4 Museum Street.

Officers circulated an update to the committee report, suggesting amendments to a number of suggested conditions. Full details are attached to the online agenda for this meeting.

Mark Finch, the developer, spoke to advise that he had been grateful for the input from Officers and for the opportunity to reinstate the buildings to residential use. The development would revitalise the area and he was committed to moving the scheme forward.

Members queried a number of points, in particular how the windows would be refurbished taking into consideration the busy road outside of the buildings. The applicant confirmed that the windows would be refurbished in line with the character of the building but would also have acoustic glazing.

Resolved: That the application be approved subject to the conditions outlined in the committee report and the officer update.

Reason: The site contains a number of designated and non designated heritage assets. St Leonard's Place and Museum Street are vacant, as is the former stable block. The buildings are important individually as Grade II and II* listed structures as well as significantly contributing to the character of this part of the City Centre within the Central Historic Core Conservation Area, the stable block forms part of the City walls Schedule Ancient Monument. Maintaining an active use for these buildings is considered of utmost importance. The scheme preserves the character and appearance of the Conservation Area and the setting of the heritage assets on and around the site.

Due to the relocation of Council Services to West Offices there is to be no loss of office accommodation in real terms as a result of the proposed change of use. The buildings were originally built as individual houses (with a library and a club) and do not offer the type of office accommodation which is now considered desirable , buildings cannot easily be adapted to meet modern office standards or requirements . The proposed development would retain the important character of the buildings whilst providing a new active and sustainable use, and safeguarding their long term future.

For the reasons outlined in the committee report, the application is recommended for approval subject to a S106 Agreement securing contributions in respect of open space, sustainable transport way-finding/archaeology ad affordable housing.

45. Listed Building Consent - 1-9 St Leonards Place & 2-4 Museum Street, York (14/02104/LBC)

Consideration was given to a Listed Building Consent application for internal and external alterations including the conversion of existing buildings, construction and demolition to form 29 apartments, 5 town houses and 6 mews houses, including 2-4 Museum Street.

This item was taken in conjunction with the related agenda item 4c.

Resolved: That the application be approved.

Reason: The 11 principal buildings are of high aesthetic and historic value and, in spite of their previous adaptation for use as offices, the original layouts and details can be enjoyed and understood. The former coach house/stables is mainly of evidential value.

The buildings have been empty for over 18 months and they appear neglected and "at risk". Current proposals would secure a viable future and offer a range of dwelling types with potentially 24hr occupation at the heart of the "cultural quarter" which is otherwise quiet at night.

The majority of internal alterations would conserve the special architectural and historic interest of the interiors, though the challenges of converting and upgrading the larger buildings into flats have resulted in loss of some spatial quality in a few instances (as identified above). In these cases the new interventions have been introduced so that they are capable of being reversed and details of inserted elements have been designed to compensate for some loss of historic legibility.

Removing the large scale uncharacteristic C20th extensions would enhance the rear elevations and enable small gardens/yards to be recreated. The new boundary onto Library Lane would be infilled with mews style apartments above garages. The new buildings would preserve the dominance of the terrace in views and enhance their immediate setting to the rear.

Proposals would also safeguard the exceptional architectural and townscape interest of the buildings within the Conservation Area. As such the application is recommended for approval, subject to conditions detailed above.

**46. Hagg Lane & Common Road, Dunnington, York
(14/02284/FUL)**

Consideration was given to a retrospective application for the construction of a gravel surfaced car park and change of use of the land to 2 new playing pitches with siting of a portable changing room building.

Officers reported that since the committee report was published there had been an amendment to suggested condition 3 relating to the car park resurfacing. Full details are attached to the online agenda for this meeting.

Duncan Griffiths had registered to speak as Chairman of Dunnington FC. He advised that the football club had expanded in recent years, hence the need for new pitches, and the expansion of the car park had enabled Costcutter to remain at the site.

Some Members queried whether the perimeter hedge could be re-planted to ensure any gaps are closed as it was noted on the site visit that there were large gaps. It was confirmed that work could be undertaken to rectify this.

Resolved: That the application be approved subject to the conditions outlined in

Reason: The application is to continue use of the land off Common Road for sports pitches including the retention of two modular buildings for changing accommodation and the increase in size of the playing field car park from 20 to 40 spaces. It is considered that the proposed sporting use of the land is in line with local and national policy relating to development in the Green Belt.

The use of the car park by Costcutter is inappropriate development in the Green Belt. In assessing the acceptability of the application, the key issue is considered to be whether there are very special circumstances to justify its use by the company. As summarised at 4.25, it is considered that the specific economic and road safety benefits

and minimal harm to the Green Belt from allowing Costcutter the use of the extended car park are very special circumstances that outweigh harm to the Green Belt, and any other harm in accordance with paragraphs 87 and 88 of the NPPF.

Cllr A Reid ,Chair

[The meeting started at 4.30 pm and finished at 8.05 pm].

COMMITTEE REPORT

Date: 19 February 2015 **Ward:** Derwent
Team: Major and **Parish:** Kexby Parish Council
Commercial Team

Reference: 14/02008/FULM
Application at: Ivy House Farm Hull Road Kexby York YO41 5LQ
For: Erection of wind turbine (maximum height to blade tip 78 metres) with associated access tracks, crane pad, sub-station building, underground cabling and temporary construction compound
By: EDP
Application Type: Major Full Application (13 weeks)
Target Date: 1 December 2014
Recommendation: Refuse

1.0 PROPOSAL

1.1 Ivy House Farm comprises a medium sized arable farm holding lying in the Green Belt equidistant between Elvington and Dunnington to the east of the City Centre. Planning permission is sought for the erection of a single 800 kw wind turbine with a maximum height of 78 metres to hub together with ancillary infrastructure. The site lies in a prominent location within the York Green Belt clearly visible from the A1079 to the north and an unclassified road, Dalby Lane to the east running between Dunnington and Elvington. The surrounding landscape is gently rolling with small areas of woodland interspersed with arable fields. A number of residential properties lie to the east along Dalby Lane Elvington.

1.2 The proposal has previously been the subject of a Screening Opinion by the Local Planning Authority and a Screening Direction by the Secretary of State for Communities and Local Government under Schedules 2 and 3 of the 2011 Town and Country Planning (Environmental Impact Assessment) Regulations both of which held that a formal Environmental Impact Assessment would not be required.

1.3 The application was deferred from consideration at the November Committee in order for concerns in respect of the impact of the proposal upon the setting of Designated Heritage Assets in the locality to be addressed. This has now been done through the medium of a revised Heritage Statement and English Heritage now indicates that previous concerns have been resolved. A further clarification of the case for "Very Special Circumstances" which was indicated by the applicant at the November Committee has been submitted together with a short report which deals with the possibility of the generation of low spectrum noise or infra-noise generation by the proposed turbine.

2.0 POLICY CONTEXT

Application Reference Number: 14/02008/FULM

Item No: 4a

2.1 Draft Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

2.2 Draft Development Control Local (4th set of Changes) Policies:

CYGP1 - Design

CYGP5 - Renewable energy

CYNE1 -Trees, woodlands, hedgerows

CYGB1 - Development within the Green Belt

CYNE8 - Green corridors

3.0 CONSULTATIONS

INTERNAL:-

3.1 Environmental Protection Unit raise no objection to the proposal subject to any permission be conditioned to include provision for noise from the turbine to be ameliorated.

3.2 Design, Conservation and Sustainable Development raise no objection in principle to the proposal but express some concern with regard to the impact of the proposal upon the visual character of the surrounding landscape. It is felt that the impact of the proposal upon the habitat of local wildlife would be acceptable.

EXTERNAL:-

3.3 Murton Parish Council object to the proposal on the grounds of the serious adverse impact it would cause to the open character of the Green Belt together with creating a precedent for the erection of other similar structures in the area.

3.4 The Civil Aviation Authority raises no objection to the proposal.

3.5 The Ministry of Defence objected to the proposal on the grounds of its impact upon ground based communication's infrastructure and aircraft mounted radar apparatus giving rise to false signals of approaching aircraft. They have subsequently withdrawn their objection and instead request that any permission be conditioned to require that any impact arising from the turbine be adequately mitigated.

3.6 Kexby Parish Council objects to the proposal on the grounds of serious adverse impact upon the open character of the Green Belt and the impact upon the habitat of local breeding bird species.

3.7 The National Air Traffic Service (NATS) initially objected to the proposal on the grounds of impact upon ground based communication infrastructure giving rise to false signals of approaching aircraft. They have subsequently withdrawn their objection having undertaken further analysis of its impact upon their ground based infrastructure in the locality.

3.8 Dunnington Parish Council object to the proposal on the grounds of adverse impact upon the residential amenity of properties in Dunnington through noise and ground based vibration, adverse impact upon the habitat of protected species and adverse impact upon the open character and purposes of designation of the York Green Belt.

3.9 Councillor Jenny Brooks objects to the proposal on the grounds that it would cause serious harm to the open character and purposes of designation of the York Green Belt, it would harm the habitat of protected wildlife species, it would harm the residential amenity of neighbouring properties and it would harm the landscape character of a "green corridor" as defined in Policy NE8 of the York Development Control Local Plan (4th Set Changes 2005).

3.10 English Heritage initially objected to the proposal on the grounds of a lack of information in respect of the impact of the proposal upon the setting of designated Heritage Assets in the locality. A revised Heritage Statement has subsequently been submitted which addresses those concerns and the objection has subsequently been withdrawn.

3.11 Julian Sturdy MP (York Outer) objects to the proposal on the grounds that it would adversely impact upon the setting of local Scheduled Ancient Monuments, it would adversely impact upon the residential amenity of neighbouring residential properties by virtue of noise and shadow flicker, it would adversely impact upon the safe operation of military aviation radar apparatus and the open character and purposes of designation of the York Green Belt. He has further objected to the revised Heritage Assessment which he feels is too narrowly defined in respect of its judgement of impact upon the setting of Designated Heritage sites specifically the Battle Field at Stamford Bridge.

3.12 75 Letters of representation have been submitted in respect of the proposal. 71 of objection and four in support. The following is a summary of the contents of the letters of objection:-

- * Serious impact upon the residential amenity of neighbouring properties;
- * Concern in respect of impact upon neighbouring properties caused by noise generated by blade rotation;

- * Concern in respect of the impact upon sunlight and daylight caused by shadow flicker;
- * Concern in respect of the impact of the proposal upon local television reception;
- * Concern in respect of the impact upon local wildlife habitat including rare wading birds and bat species resident in the Lower Derwent Valley;
- * Concern in respect of impact upon the open character and purposes of designation of the York Green Belt;
- * Concern in respect of the impact of the proposal upon air traffic control infrastructure in the locality;
- * Concern in respect of the impact of the proposal upon the setting of Kexby Parish Church, a Grade II Listed Building;
- * Concern in respect of highway safety for vehicles using the A1079 Hull Road.;
- * Concern in respect of impact upon the setting of York Minster;
- * Concern that the proposal would set a precedent for other similar undesirable proposals:
- * Concern that the proposal would impact upon the setting of a range of Designated Heritage Assets including the Scheduled Roman Town of Derwentio, Old Kexby Bridge and the Registered Battle Field at Stamford Bridge;
- * Concern in respect of the impact caused by ground vibration arising from the turbine.

3.13 The following is a summary of the letters of support:-

- * Support for the provision of renewable energy to lower carbon emissions.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- * Impact upon the open character and purposes of designation of the York Green Belt;
- * The need to generate renewable energy as a means of reducing the impacts of climate change;
- * Impact upon the habitat of protected species;
- * Impact upon the setting of Designated Heritage Assets;
- * Impact upon the operation of military and civilian air traffic control radar infrastructure;
- * Impact upon local television reception;
- * Impact upon the residential amenity of neighbouring properties.

STATUS OF THE YORK DEVELOPMENT CONTROL LOCAL PLAN:-

4.2 The York Development Control Local Plan was approved for Development Control purposes in April 2005; its policies remain material considerations in respect

of Development Management decisions although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework.

POLICY CONTEXT:-

4.3 GREEN BELT:- The general extent of the York Green Belt is defined within saved Yorkshire and Humber RSS Policies YH9C and Y1C as such Central Government Policy in respect of Green Belts as outlined in the National Planning Policy Framework applies. Central Government Planning Policy as outlined in paragraph 87 of the National Planning Policy Framework indicates that inappropriate development within the Green Belt is by definition harmful to the Green Belt and should not therefore be approved other than in very special circumstances. Paragraph 91 specifically addresses renewable energy projects in the Green Belt which are felt to be inappropriate development, the need to supply a case for very special circumstances is emphasised although it is acknowledged that such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. Paragraph 88 establishes the weight to be given to a submitted case to establish "very special circumstances". This clearly argues that when considering a planning application Local Planning Authorities should ensure that substantial weight should be given to any harm to the Green Belt. "Very special circumstances" will not be held to exist unless the potential harm by reason of inappropriateness and any other harm are outweighed by other considerations.

4.4 GENERATION OF RENEWABLE ENERGY:- Central Government Planning Policy as outlined in paragraph 93 of the National Planning Policy Framework urges Local Planning Authorities to give significant weight to supporting the delivery of renewable and low carbon energy and associated infrastructure as a key tenet of the presumption in favour of sustainable economic development.

4.5 SAFEGUARDING OF PROTECTED SPECIES AND HABITATS:- Central Government Planning Policy in respect of biodiversity as outlined in paragraphs 118 and 119 of the National Planning Policy Framework urges Local Planning Authorities to refuse planning permission for new development which would give rise to significant harm to a rare species and or its habitat which can not be mitigated, avoided or as a last resort compensated for and at the same time it is clearly indicated that the presumption in favour of sustainable economic development does not apply in such cases.

4.6 IMPACT UPON RESIDENTIAL AMENITY: - Central Government Planning Policy in respect of amenity as outlined in paragraph 17 of the National Planning Policy Framework "Key Planning Principles" urges Local Planning Authorities to give significant weight to the need to secure a good standard of amenity for all new and existing occupants of land and buildings.

4.7 IMPACT UPON DESIGNATED HERITAGE ASSETS:- Central Government Planning Policy in respect of Scheduled Ancient Monuments and other Designated Heritage Assets as outlined in paragraph 132 of the National Planning Policy Framework urges Local Planning Authorities to give great weight in considering the impact of proposed development on the significance of a Designated Heritage Asset to the Asset's conservation.

IMPACT UPON THE OPEN CHARACTER AND PURPOSES OF DESIGNATION OF THE YORK GREEN BELT

4.8 Policy GB1 of the York Development Control Local Plan sets out a firm policy presumption that planning permission for development within the Green Belt will only be forthcoming where the scale, location and design of such development would not detract from the open character of the Green Belt, it would not conflict with the purposes of including land within the Green Belt and it is for one of a number of purposes identified as being appropriate within the Green Belt including agriculture and forestry. Central Government Policy as outlined in paragraph 79 of the National Planning Policy Framework establishes their fundamental characteristics as being their openness and permanence.

4.9 Paragraph 91 of the National Planning Policy Framework does explicitly identify renewable energy development of the type applied for as being inappropriate within the Green Belt and this is acknowledged by the applicant. Paragraph 91 further highlights the requirement for a case for very special circumstances which may include the wider environmental benefits associated with increased energy production from renewable sources. A brief argument based upon the environmental benefits of renewable energy has been submitted, however, the current proposal has been justified principally on the basis of the presumption in favour of sustainable development which the NPPF specifically excludes from consideration in respect of the Green Belt and the need to secure the viability of the farm, despite no viability information being submitted and the applicant refusing to submit such information. No information is submitted to justify the location of the proposal as opposed to a less prominent site within the Green Belt or a site outside. No consideration is also given of alternative less prominent means of renewable energy provision such as solar arrays, which Central Government Planning Policy outlined in "Planning Practise Guidance for Renewable and Low Carbon Energy (2013) identify as being of very low impact.

4.10 In terms of the impact of the proposal upon the openness of the Green Belt the application site comprises a gently rolling rural landscape with small copses of mature trees interspersed with arable fields surrounded by mature trees and lengths of hedgerow. The application proposes the erection of a very substantial metal frame structure that would be clearly visible in views across open countryside from the north and north east. The applicant contends that the thin tapering style of pylon would minimise its visual impact. The structure would however be substantially taller

than anything else in the surrounding landscape as much as 50% higher and more solid in appearance than the electricity pylons in the local area. Electricity pylons also provide a static but visually permeable structure which has the effect of minimising their visual impact. The proposed turbine is by contrast solid in appearance and designed to rotate thereby heightening the perception of an engineered urban structure in an otherwise open rural environment. A landscape assessment has been submitted with the proposal although its results in terms of visual impact are inconclusive. The applicant has furthermore submitted an appeal decision in respect of the Keighley area of Bradford to support the idea that a similarly designed pylon can be held to be acceptable in the wider landscape. The circumstances of the Bradford case are however materially different in that the proposed turbine was only 32 metres height to the hub and as the determining inspector made clear the turbine was very well sheltered by the steeply sloping local topography. The case can therefore only be afforded limited weight in considering the current proposal. It is felt that in addition to the harm due to inappropriateness the tall heavily engineered structure of the turbine would give rise to serious adverse harm to the open character of the Green Belt and as such would be unacceptable.

THE CASE FOR “VERY SPECIAL CIRCUMSTANCES”

4.11 Since the proposal was previously considered a further clarification has been submitted in relation to the case for “very special circumstances”. This centres on the content of the 2010 ‘Renewable energy Strategic viability study for York’ Report by AEA and formed part of the early evidence base for the former Core Strategy and subsequent emerging Local Plan. This identifies a need to provide some 759,842 MWh of electricity to supply the City on an annual basis over the Plan period. At that time 9MWh of generating capacity was committed and the study estimated the need for a further 30MWh as required over the Plan period to reach renewable energy targets then prevailing. This would result in the construction of 12 “large” and 30 “medium” height turbines mostly if not solely within the Green Belt. The document did not however afford any weight at all to the strong National Planning Policy presumption in favour of safeguarding the openness of the Green Belt. The report has subsequently been superseded by two further reports (Managing Landscape Change:-Renewable Low Carbon Energy Developments a Sensitivity Framework for North Yorkshire and York 2012 and the York Renewable Energy Study 2014) which advocate a more mixed approach incorporating a greater role for solar power and the creation of “areas of search” focussed on locations which would cause lesser harm to the openness of the Green Belt and the visual quality of the wider landscape.

4.12 The case for “very special circumstances” further contends that as the proposed structure would be only “modest” in scale it would not harm the purposes of including the land within the Green Belt specifically safeguarding open countryside from encroachment. It is felt that the structure, which would be significantly higher than any other building or fixed item of plant and machinery

would fundamentally alter the character of the surrounding countryside and whilst it is acknowledged that there would be no direct impact upon the setting of York Minster the wider setting of the historic City and its skyline would be harmed contrary to paragraph 80 of the National Planning Policy Framework. It is further contended that the proposed structure would be no more harmful than the electricity pylons within the surrounding area. However, the pylons are significantly lower with a maximum height of 50 metres, they are also visually permeable being light weight open structures and the proposed turbine has a moving rotary head of a maximum diameter of 28 metres which provides a clear visual point of focus.

THE NEED TO GENERATE RENEWABLE ENERGY AS A MEANS OF REDUCING THE IMPACT OF CLIMATE CHANGE

4.14 The application envisages the erection of a single 78 metre high wind turbine to generate between 500 and 800 kwh of electricity which is identified as enough power to supply up to 600 homes. Attention is also drawn to the UK's binding commitment to providing a minimum of 15% of its energy needs by renewable means by 2020. No information has however been forthcoming as to the scale of contribution the proposal would make or consideration of alternative less harmful means of generation such as solar arrays. It is however accepted that the proposal would make a small contribution to a lower carbon future in line with Central Government planning policy outlined in paragraph 93 of the National Planning Policy Framework. It is not however felt that this outweighs the serious harm the proposal would cause to the open character of the Green Belt.

IMPACT UPON THE HABITAT OF PROTECTED SPECIES

4.15 Serious concern has been expressed in respect of the impact of the proposal upon the habitat of breeding birds and bats. Two nationally designated nature reserves also exist directly to the east in the Derwent valley. A very detailed ecological survey has however been submitted with the proposal which was undertaken to an accepted methodology. Despite anecdotal indicators of bat and bird of prey activity in the area, the survey clearly indicates that the location and design of the turbine would not give rise to unacceptable impacts upon local wildlife habitat. The City's Ecologist endorses this view. This does not however outweigh the serious harm the proposal would cause to the open character of the Green Belt.

IMPACT UPON THE SETTING OF DESIGNATED HERITAGE ASSETS

4.16 The proposal by virtue of its height and location would clearly impact upon the setting of a number of Designated Heritage Assets including Kexby Parish Church, York Minster itself, Brockfield Hall at Warthill and a number of Scheduled Ancient Monuments. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the Council to "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." As this is a statutory duty it must be given considerable importance and weight in determining the planning application. Where harm is identified to a Heritage Asset there will be a strong presumption against the grant of permission. This duty extends to Scheduled Ancient Monuments where their character in whole or in part is formed by their visual setting.

4.17 The applicant has since the matter was previously considered submitted a supplementary Heritage Report which examines in detail the relationship of the proposal to the setting of a number of Designated Heritage Assets in the locality. These include the Church of St Mary at Gate Helmsley, Brockfield Hall at Warthill, All Saints Church at Low Catton, St Lois Farm Moated Site and the Registered Battle Field at Stamford Bridge. The applicant has identified a potential for a moderate degree of harm to the setting of each of these Designated Heritage Assets. However, it is felt that the degree of distance from the application site combined with the local topography and pattern of vegetation would ensure that any impact would be limited to an acceptable degree. English Heritage concurs with this view.

IMPACT UPON THE OPERATION OF LOCAL CIVILIAN AND MILITARY RADAR INFRASTRUCTURE:-

4.18 Strong and detailed objections had previously been made to the proposal by the MoD and NATS on the basis that the operation of the blades of the turbine would set up false signals of aircraft overflying the area to the detriment of safe and effective operation of the equipment and wider air passenger safety. They are now satisfied that providing adequate mitigation measures are required by condition as part of any planning permission then the scheme is acceptable.

IMPACT UPON LOCAL TELEVISION RECEPTION

4.19 Appeal decisions elsewhere have established that the erection of on-shore wind farms can impact upon television reception at residential properties within a wider area in a manner similar to the harm demonstrated in respect of air traffic control radar. Concern has been expressed in relation to the current proposal in this respect and the applicant has not come forward with information to refute or mitigate this as an issue. The nearest residential properties are however in excess of 500 metres away and it is not felt that risk would be significant enough to warrant refusal for this reason alone.

IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES

4.20 Policy GP1 of the York Development Control Local Plan sets out a firm policy presumption in favour of new development proposals which respect or enhance the local environment, are of a scale, mass and design that is compatible with

neighbouring buildings, spaces and the character of the area and ensure that residents living nearby are not unduly affected by noise, disturbance or dominated by overbearing structures. The proposed apparatus would be some 78 metres to its highest point and would be clearly visible in open countryside separated from the belt of trees to the east and south east. The nearest residential properties would lie along Hull Road and Dalby Lane to the east and north east at between 5 and 600 metres distance. Significant concern has been expressed in relation to the impact of both noise and shadow flicker on the residential amenity of neighbouring properties quite apart from the significant overbearing visual impact. Detailed noise and shadow flicker assessment have however been submitted with the application, which indicate that the development would be acceptable if conditioned as part of any permission. Concern has at the same time been expressed in relation to the impacts of ground vibration arising from the proposal. The distances involved to neighbouring residential properties are such that this is not likely to be a significant cause of harm. A report has also subsequently been submitted which examines the potential for the occurrence of low frequency or infra-noise which can cause significant discomfort and distress to those who are vulnerable. The report does however demonstrate that the proposal would not give rise to such a problem. This does not however detract from the significant impact the proposal would have upon the open character of the Green Belt.

5.0 CONCLUSION

5.1 The proposal represents inappropriate development within the Green Belt and it is considered that the submitted case for "very special circumstances" fails to pass the test of overcoming Green Belt harm and any other harm as identified by paragraph 88 of the National Planning Policy Framework. It is felt that the structure by virtue of its extreme height and engineered appearance would give rise to significant and unacceptable harm to the open character of the Green Belt. As such the proposal would be unacceptable in planning terms and it is recommended that planning permission should be refused.

6.0 RECOMMENDATION: Refuse

1. The proposal constitutes inappropriate development within the Green Belt and is therefore by definition harmful to the openness of the Green Belt contrary to paragraph 91 of the National Planning Policy Framework and Policy GB1 of the York Development Control Local Plan. It would furthermore cause serious harm to the purposes of including land within the Green Belt specifically the safeguarding of the setting of the historic City and the prevention of encroachment upon open countryside by virtue of its extreme height and solid engineered urbanised appearance.

**7.0 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 (paragraphs 186 and 187) 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:

Clarification of the case for "very special circumstances".

Notwithstanding the above, it was not possible to achieve a positive outcome, resulting in planning permission being refused for the reasons stated.

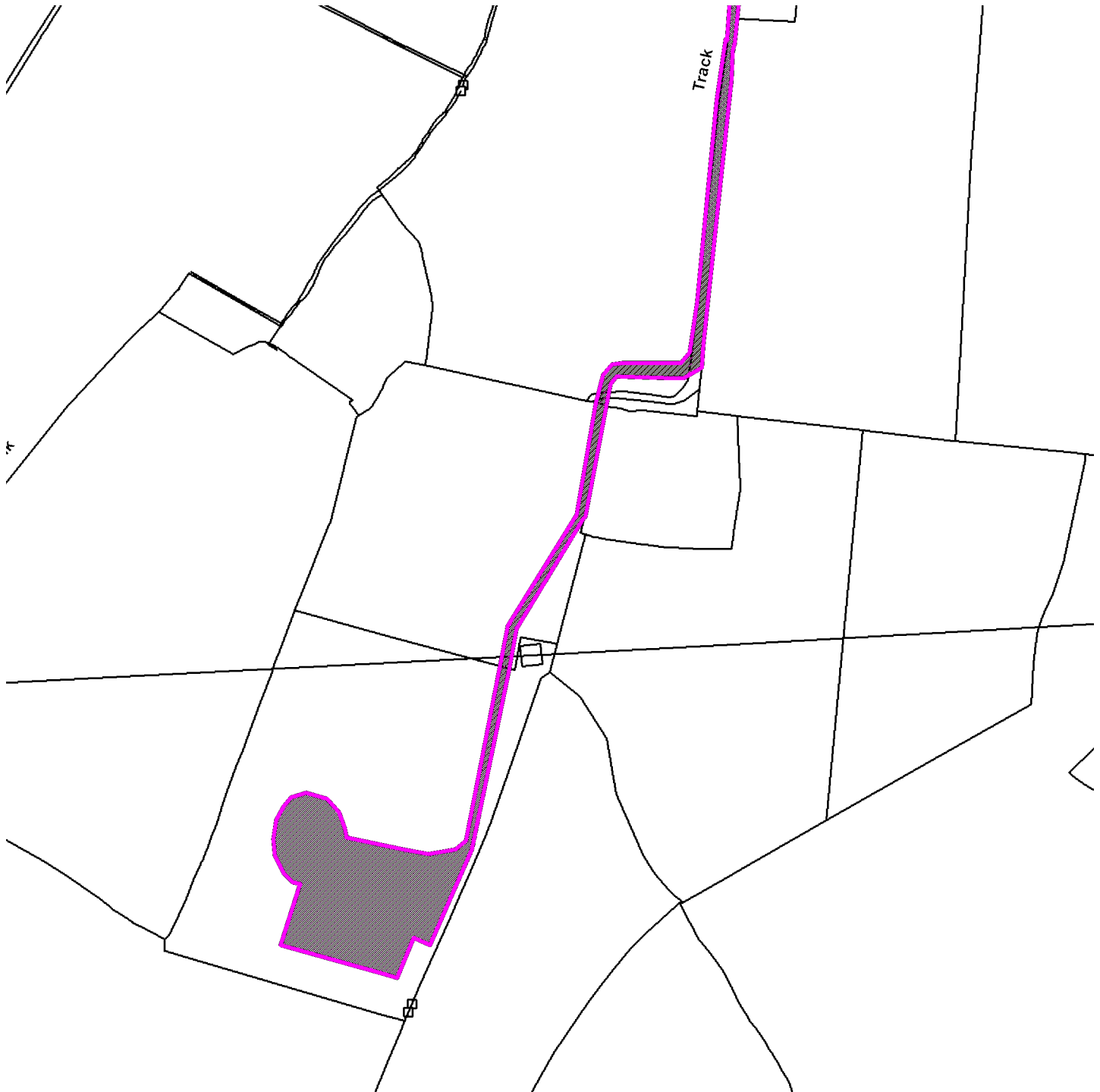
Contact details:

Author: Erik Matthews Development Management Officer
Tel No: 01904 551416

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14/02008/FULM

Ivy House Farm, Hull Road, Kexby, York



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Organisation	Not Set
Department	Not Set
Comments	Site plan
Date	11 November 2014
SLA Number	Not Set

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Organisation	Not Set
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Comments	Site plan - part 2
Date	11 November 2014
SLA Number	Not Set

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COMMITTEE REPORT

Date: 19 February 2015 **Ward:** Fulford
Team: Major and **Parish:** Fulford Parish Council
Commercial Team

Reference: 14/02167/GRG3
Application at: Fulford School Fulfordgate York YO10 4FY
For: Erection of two storey classroom block and single storey sports block including sports hall and changing rooms
By: City Of York Council
Application Type: General Regulations (Reg3)
Target Date: 5 December 2014
Recommendation: Approve

1.0 PROPOSAL

1.1 Fulford School comprises a generally low rise medium sized brick built secondary school set within a linear area of playing field to the east of Fulford village centre. Planning permission is sought for erection of a two storey brick built six classroom teaching block with a 4 badminton court size sports hall with changing rooms and ancillary facilities including car parking. The proposal has been amended subsequent to submission to allow for the layout of a potential access to the proposed Germany Beck residential development to the south with an associated re-arrangement of the internal access and circulation arrangements as and when that is developed. The development is 2188sq metres in area and therefore falls below the threshold of 0.5ha in Schedule 2 10(b) to the Environmental Impact Assessment Regulations 2011, and does not require screening.

2.0 POLICY CONTEXT

2.1 Draft Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

Schools GMS Constraints: St. Oswald's CE Primary 0228

Schools GMS Constraints: Fulford 0246

2.2: Draft Local Plan Policies (2005 4th Set of Changes):

CGP15A- Development and Flood Risk

CYGP1 - Design

CYED1 - Primary and Secondary Education

3.0 CONSULTATIONS

INTERNAL

3.1 Planning and Environmental Management raise no objection to the proposal subject to any permission being conditioned to secure a programme of archaeological investigation.

3.2 Strategic Flood Risk Management raise no objection in principle to the proposal but express concern in respect of the level of information submitted relating to surface water drainage.

3.3 Highway Network Management state: - "Reference has been made to the adjacent Germany Beck consent and the requirement on that application to provide an access road to the Fulford school grounds. Whilst that is an obligation on the part of the Germany Beck consent, it must be remembered that each planning application stands on its own merits. In reality the implementation of the Germany Beck consent and the consent being sought here will be on differing timescales. The Germany Beck consent is likely to take a number of years to build out, including reaching a suitable point where the developer will construct the access road.

The school's application is a stand alone application, the internal design of which facilitates the provision of an access through the school site and connection into the future access road being provided by the Germany Beck development, once it has been constructed.

The application is for the erection of a new classroom block and sports facilities. We are therefore assessing the impact on the highway network arising from these uses.

The number of pupils at the school will increase by 200 as a result of the application. This increase will not be seen from day one as the number of pupils will increase gradually with each year intake.

Based upon modal split data this increase in pupil numbers will represent an increase of 26 and 22 vehicles in the AM and PM peaks respectively.

Community use of the sports facilities is being proposed, however this will be outside of school times. Traffic generation associated with these uses will therefore not have a material impact on the surrounding highway network as it occurs outside of the periods when the network is at it's most sensitive.

In order to provide some reassurance to local residents, highway officers have sought assurance from the education department that £5k will be held by the

Highway Authority to be used towards the promotion and implementation of Traffic Regulation Order(s) as may be deemed necessary to address any parking issues which present themselves in the locality of the site for a period of 5 years following completion of the development. The implementation of traffic orders, as may be required, is covered by separate legislation which includes consultation with local residents and Members.

The application has been supported by a Travel Plan which identifies measures which will be used to promote sustainable travel and reduce dependence on the private car. The Travel Plan will be secured through a suitably worded condition.”

3.4 Lifelong Learning and Culture; any comments received will be reported

3.5 Environmental Protection Unit raises no objection in principle to the proposal but express concern in respect of lighting for the proposed parking areas and potential noise arising from the usage of air source heat pumps.

EXTERNAL

3.6 Sport England initially objected to the proposal on the grounds of loss of existing playing field to car parking to accommodate the proposed access from the Germany Beck development. That objection has subsequently been withdrawn with the removal of a prefabricated classroom and the improvement of existing playing field by better surface water drainage as part of the wider scheme that could be secured by condition on any permission.

3.7 Yorkshire Water Services Limited raises no objection to the proposal, subject to the imposition of conditions.

3.8 The Environment Agency raises no objection to the proposal.

3.9 The Ouse and Derwent Internal Drainage Board raise no objection to the proposal.

3.10 The North Yorkshire Police Force Architectural Liaison Officer raises no objection to the proposal.

3.11 Councillor Aspden objects to the proposal on the grounds that it would give rise to a clear adverse impact upon the residential amenity of neighbouring properties through noise pollution light pollution, loss of privacy and over-looking, it would lead to a significant increase in traffic flows and on-street parking in unsuitable local side roads and it is unclear how it relates to the proposed nearby Germany Beck residential development.

3.12 Councillor Barton supports the proposal as enhancing the capacity of the school to serve the needs of its catchment area.

3.13 Fulford Parish Council object to the proposal on the following grounds:-

- Concern that the proposal is intimately related to the adjacent residential development at Germany Beck and should be the subject of the same regime of Environmental Impact Assessment both in its own right and allowing for cumulative impacts associated with the approved residential development;
- Concern in respect of the adverse impact of the proposal upon the visual amenity of the wider street scene;
- Concern that the proposal would give rise to a serious adverse impact upon the residential amenity of neighbouring properties by virtue of noise and light pollution, loss of privacy and over-bearing impact;
- Concern that the proposal would lead to an unacceptable increase in vehicle movements and on-street parking on unsuitable residential side road;
- Concern that the proposal would set a precedent for further undesirable development within the school and the wider surrounding area;
- Concern that lighting of the southern edge of the site would lead to an unacceptable erosion of the pleasant rural ambience of the surrounding area;
- Concern that the proposal would give rise to a significant adverse impact upon important local trees and wildlife habitat.

3.14 109 Letters of representation have been received in respect of the proposal. 44 objecting and 65 supporting the proposal. The following is a summary of the letters of objection:-

- Concern in respect of the impact of the proposal upon the residential amenity of neighbouring properties by virtue of noise, light pollution, over-looking and over bearing impact;
- Concern in respect of light pollution upon the pleasant rural ambience of open countryside to the south;
- Concern in respect of the impact of the proposal upon on-street parking and traffic flows in adjacent residential side streets;
- Concern that the proposal would give rise to a precedent for further undesirable development within the school site;
- Concern at the need potential need to impose a residents' parking scheme to cover streets to the north of the site.

3.15 The following is a summary of the letters of support:-

- Support for the expansion of the capacity of the school within its wider catchment area;
- Support for the provision of a needed community facility.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- Impact upon the visual amenity of the wider street scene;
- Impact upon the residential amenity of neighbouring properties;
- Impact upon the safe and free flow of traffic within the local area;
- Impact upon the local pattern of surface water drainage;
- Impact upon the usability of playing field at the school and in the wider area;

STATUS OF THE YORK DEVELOPMENT CONTROL LOCAL PLAN:-

4.2 The York Development Control Local Plan was approved for Development Control purposes in April 2005; its policies remain material considerations in arriving at Development Management decisions although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework. Policies ED6 and ED8 of the (Emerging) City of York Local Plan (Publication Draft) are also relevant in the current context.

PLANNING POLICY CONTEXT

EDUCATIONAL PROVISION

4.3 Central Government Planning Policy as outlined in paragraph 72 of the National Planning Policy Framework urges Local Planning Authorities to give significant weight to the need to ensure that sufficient school places are available to meet the needs of existing and new communities whilst ensuring the development of a sufficient range of choice in Education. As such significant weight should be attached to the need to expand, create and alter schools

IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES

4.4 Central Government Planning Policy as outlined in paragraph 17 of the National Planning Policy Framework "Core Planning Principles" urges Local Planning Authorities to give significant weight to the need to secure a good standard of amenity for all new and existing occupants of land and buildings.

4.5 Central Government Planning Policy as outlined in paragraph 61 of the National Planning Policy Framework urges Local Planning Authorities to give significant weight to the need to address the need to secure connections between people and places and the integration of new development in to the natural, built and historic environment.

IMPACT UPON THE VISUAL AMENITY OF THE WIDER STREET SCENE

4.6 Policy ED1 of the York Development Control Local Plan sets out criteria that new and extended secondary education facilities need to comply with, including that it would meet a recognised need and the proposed development would be of a scale and design appropriate to the character and appearance of the locality. At the same time Central Government Planning Policy as outlined in paragraph 72 of the National Planning Policy Framework urges Local Planning Authorities to ensuring a widening of choice in education.

4.7 Concern has been expressed in respect of the impact of the proposed development upon the visual amenity of the wider street scene, specifically the scale, massing and palette of materials of the proposed sports hall. The proposed sports hall would be located at the south western edge of the school site directly to the south of the main school building complex. It is envisaged that it would be some 11 metres high and constructed in a mix of glass and curtain wall cladding. The remainder of the school complex is largely constructed in brick and of a medium scale. The height of the proposed hall is largely dictated by the requirement of the sporting usage. It would have a low pitch standing seam metal roof. Whilst it would be somewhat higher than the remainder of the school complex the proposed hall would lie in a discrete area to the south which would have the effect of minimising any visual impact over longer distance views. At the same time a significant belt of mature trees along the site boundary to the south would soften any impact in views from outside of the site. Providing the detail of the cladding colour is reserved for further approval as part of any permission to ensure that it is sympathetic to the remainder of the complex then the Hall is felt to be acceptable.

4.8 The proposed teaching extension at the northern edge of the site would be two storeys with a mix of glass and curtain wall cladding with a low pitch standing seam metal roof. The cladding panels and pattern of fenestration have been designed to punctuate the rhythm of the facade and to create a degree of interest. Its pattern of scale and massing closely matches that of the existing school complex to the south and it is felt that the proposal would be acceptable in terms of its impact upon the visual amenity of the wider street scene.

IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES

4.9 Policy GP1 of the York Development Control Local Plan sets out a firm policy presumption in favour of new development which respect or enhance the local environment, are of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area and ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.10 Concern has been expressed in relation to the association of the proposed two storey teaching block with car parking area to residential property directly to the north. The proposed teaching block would be two stories in height and of a traditional form of construction. A staff parking area would lie directly to the north with a substantial mature landscape boundary separating the site from residential property to the north. The proposed parking area would be some 7.5 metres from the boundary of adjacent gardens at its closest point and some 29 metres from the rear of adjacent houses at the closest point. The teaching block itself would be some 20 metres from the site boundary at its closest point and some 44 metres from the rear of nearby houses. Such separation distances are substantially in excess of any that would generally give rise to an issue of loss of privacy or overlooking. Notwithstanding that, the School have agreed to reinforce the level of landscaping at the site boundary and control access to the new parking area outside of normal operating hours so that it may not be used by those attending evening classes. They have also indicated that they would be willing to consider obscure glazing the upper floor windows of the proposed teaching extension where they would face residential properties to the north. In view of the very great distances involved it is not however considered to be reasonable to condition such a requirement as part of any planning permission.

4.11 Concern has been expressed in respect of the impact of external lighting in association with the scheme on the residential amenity of neighbouring properties. No external or security lighting is specified as part of the application although as the two elements of the proposal incorporate areas of ancillary car parking and the proposed Sport Hall is envisaged will have a low level of local community use consistent with the School's community use policy, then a requirement for a low level of security lighting is likely. In view of the relationship of the application site to neighbouring residential property there is no specific evidence of likely harm and providing any permission is conditioned to secure the prior approval of a lighting scheme then the proposal is felt to be acceptable in terms of any impact upon the residential amenity of neighbouring properties.

IMPACT UPON THE SAFE AND FREE FLOW OF TRAFFIC WITHIN THE LOCAL AREA

4.12 Fulford School was originally constructed in the 1960s with a significantly smaller capacity and lower traffic levels than today. There has been evidence over several years of difficulties arising in terms of traffic flows into and out of the School at peak times. It was in that context that the potential provision of an access route to the south of the site was considered as part of the approved Germany Beck residential development and the present application has been amended to incorporate a potential route for an access from the south within the site. The submitted application has been accompanied by a robust Transport Statement which indicates an increased peak vehicle flow of 26 movements in the morning peak and 22 movements in the evening peak with an overall increase in capacity at

the School of 200 pupils over a period of five years. The impact of the increase in capacity over five years would be gradual and it is not felt that it would materially worsen the existing situation. The Transport Statement indicates that this level of increase can be accommodated within the existing site without material harm. The proposed Sports Hall would include a degree of community use but that would not take place in tandem with school use but would be out of hours and at weekends, any cumulative impact would therefore be negligible. The Highway Authority further confirms that the proposals can sit on their own and be considered on their own merits irrespective of the construction or otherwise of the road link with the Germany Beck residential development. It is felt that any impact arising from the proposal can be effectively secured by identifying monies to cover the costs of a residents' parking scheme should one be requested and the submission of an up-to date Travel Plan. The proposal is therefore felt to be acceptable.

IMPACT UPON THE LOCAL PATTERN OF SURFACE WATER DRAINAGE

4.13 Policy GP15a) of the York Development Control Local Plan requires that developers must satisfy the Local Planning Authority that any flood risk will be successfully managed with the minimum environmental effect whilst ensuring that the site can be developed , serviced and occupied safely. Central Government Planning Policy as set out in paragraph 103 of the National Planning Policy Framework urges Local Planning Authorities to give significant weight to the need to ensure that in giving permission for development flood risk is not thereby increased elsewhere.

4.14 The application site is in Flood Zone 1 and therefore deemed as being at a low risk of flooding. At the same time as part of the formal consent process for the construction of the Sport Hall from the Secretary of State for Education and Skills the School has agreed to significantly improve the drainage of its playing fields and adjoining land to ensure that the area can be used for the playing of sport on an all weather basis. Providing any permission is conditioned in order to ensure that the proposed drainage attenuation works are carried out according to a scheme that has been given prior approval then the scheme is felt to be acceptable.

IMPACT UPON THE USABILITY OF LOCAL PLAYING FIELDS

4.15 Sport England initially objected to the ancillary parking area to the proposed Sports Hall on the basis that it would result in the material loss of existing playing field land and associated margin. That objection has however now been withdrawn on the basis that the drainage of the wider playing field area and associated margins at the school would be improved through the introduction of an all embracing system of attenuation which would enable the playing fields to be used on an all weather basis which is not always possible currently. At the same time an existing prefabricated classroom unit would be removed which would facilitate the physical expansion of the playing field area.

IMPLICATION OF GERMANY BECK DEVELOPMENT AND PROPOSED ACCESS

4.16 The Highway Authority has clearly indicated that the proposal, when considered as a stand alone application, meets the relevant criteria in terms of traffic considerations and highway safety. Use of the link road to Germany Beck is not necessary to make the current proposal acceptable. Nevertheless, in light of the intention that the Germany Beck development would include a link to the school site, provision has been made within the layout of the current application to enable a link to the Germany Beck site as and when the new access road in that development has been created. The submitted application includes a reserved line for the proposed link road as and when it is provided and as an engineering development that portion within the School site with associated infrastructure would require a separate grant of planning permission during which process the issues surrounding the relationship with the Germany Beck residential development may be fully considered. The need to provide a route for the suggested access has been fully considered in respect of the current proposal and the current proposal would not prevent its construction or use when fully built out.

FINANCING OF THE PROPOSAL

4.17 Concern has been raised in respect of the prospective sources of finance for the current proposal. This is however not a material planning consideration in respect of the current planning application and is a separate matter for the Council in the exercise of its functions as Local Education Authority.

5.0 CONCLUSION

5.1 Although Fulford Parish Council considers that the proposal should have been screened under the 2011 Town and Country Planning (Environmental Impact Assessment) Regulations, as in their view the development falls within Schedule 2, as the development is less than 0.5 hectares, it falls below the minimum threshold and the development is not within a defined sensitive area, therefore screening under the 2011 Regulations is not required.

5.2 Both the teaching block and the sports hall elements of the proposal are modest in scale and would not give rise to any material harm to residential amenity. At the same time they reflect the existing pattern of scale and massing adopted at the School and would not give rise to any issue of harm to the visual amenity of the wider street scene. Concern has been expressed in respect of the prospect of increased harm from on-street parking and traffic generation in adjoining side roads. A detailed Transport Statement has however been submitted with the proposal which clearly demonstrates that there would not be a material increase in traffic and on-street parking over and above the existing situation, a view supported by the Highway Authority. A link road to the Germany Beck residential development to the

south has previously been discussed but does not form part of the present application although a potential route has been reserved. The application is considered to be acceptable.

5.3 In terms of any impact on the Germany Beck residential development, the school development proposal does not prevent a link road in the future, and meets highway standards on its own merits. It is therefore is considered to be acceptable. Overall any impacts on the school proposal arising from the residential development on Germany Beck, and vice versa have been examined and found to be within acceptable levels. The proposal is felt to be acceptable in planning terms and approval is therefore recommended.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

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

Drawing Refs:- 140003/P102 Rev C; 140003/P107 Rev A; 140003/P108 Rev A; 14/0003/P106; 14/0003/P103 ; 140003/P104.

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

3 VISQ8 Samples of exterior materials to be app -

4 VISQ7 Sample panel ext materials to be approv -

5 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees ,shrubs and hard landscaping. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development site, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

6 Trees shown as being retained on the approved plans shall be protected in accordance with BS: 5837 Trees in relation to construction.

Before the commencement of development, including demolition, building operations or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing; phasing of works; site access for demolition/construction and methodology; type of construction machinery/vehicles to be used (including delivery and collection Lorries and arrangements for loading/off-loading); parking arrangements for site vehicles; locations for storage of materials; locations of utilities. Details of existing and proposed levels and surfaces shall also be included.

The protective fencing line shall be adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation or deep-digging, parking or manoeuvring of vehicles; there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, or pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To ensure protection of existing trees before, during and after development which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area.

7 Prior to the commencement of the development hereby authorised, full details of a scheme of surface water drainage including detailed design and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. Such details shall allow for flows to be attenuated to a maximum of 70% of the existing rate of discharge making due allowance for severe rainfall events and the impact of climate change and shall incorporate the outfall to the adjacent playing field land. The scheme shall be implemented in strict accordance with the approved details prior to the development being first brought into use."

Reason:- To ensure the application site and adjacent playing land can drain effectively and fully function as playing field.

8 The land covered by the prefabricated classroom unit to be removed shall be restored in strict accordance with the design standards outlined in Sport England Technical Guidance "Natural Turf for Sport" prior to being first brought into use.

Reason:- To ensure that the land is suitable for continuing playing field use.

9 Prior to the commencement of the development hereby authorised a light impact plan shall be submitted to the Local Planning Authority for approval. This

impact plan shall include the following information:

- a) A contour map showing illumination spill beyond the site boundary measured in lux in the horizontal plane, and location of nearest residential properties
- b) The main beam angle of each light source.
- c) The uniformity ratio in respect of the lighting.
- d) The level of illuminance measured in lux, in the vertical plane at the windows of the nearest residential properties facing the site.
- e) The height of the lighting stanchions.

All such approved lighting shall not be used on the site except in accordance with the prior written approval of the Local Planning Authority. The lighting and any approved mitigation measures shall be fully implemented and operational before the lights are in use and shall be appropriately maintained thereafter.

Reason: To protect amenity of nearby residential dwellings

10 Prior to the commencement of any works on the site, 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 LPA. Such a statement shall include at least the following information;

- The routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- Where contractors will park
- Where materials will be stored within the site
- Measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

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.

11 Within 6 months of first occupation of the classroom block and Sports Hall hereby approved a full travel plan shall have been submitted and approved in writing

by the LPA. The travel plan should be developed and implemented in line with local, national guidelines and the draft travel plan submitted with application 14/02167/GRG3.

Within 12 months of occupation of the classroom block and Sport Hall hereby approved a first year travel survey shall have been submitted and approved in writing by the LPA. Results of yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure the development complies with advice contained in local and national policy, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other modes of transport to and from the site, together with provision of parking on site for these users.

12 HWAY18 Cycle parking details to be agreed -

13 HWAY19 Car and cycle parking laid out -

14 HWAY40 Dilapidation survey -

15 LC4 Land contamination - unexpected contam -

16 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (a scheme of archaeological excavation and subsequent programme of analysis and publication involving community archaeology groups and school students wherever possible at all stages and archive deposition) agreed in writing with the Local Planning Authority. This programme of archaeological work shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies in an area where important archaeological deposits have been identified. The development will affect these important archaeological deposits and they must be recorded during the construction programme.

17 Prior to the commencement of the development hereby authorised the proposed cladding colour shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason:- To safeguard the visual amenity of the wider street scene and to secure compliance with Policies ED6 and ED8 of the (Emerging) City of York Local Plan(Publication Draft).

7.0 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 (paragraphs 186 and 187) 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) Submission of details of the alignment of the possible access route to the Germany Beck development.
- ii) Agreement to the reinstatement of land to the east of the proposed Sports Hall as playing field.

2. CONTROL OF POLLUTION ACT 1974:

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

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

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

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

(f) There shall be no bonfires on the site

Contact details:

Author: Erik Matthews Development Management Officer

Tel No: 01904 551416

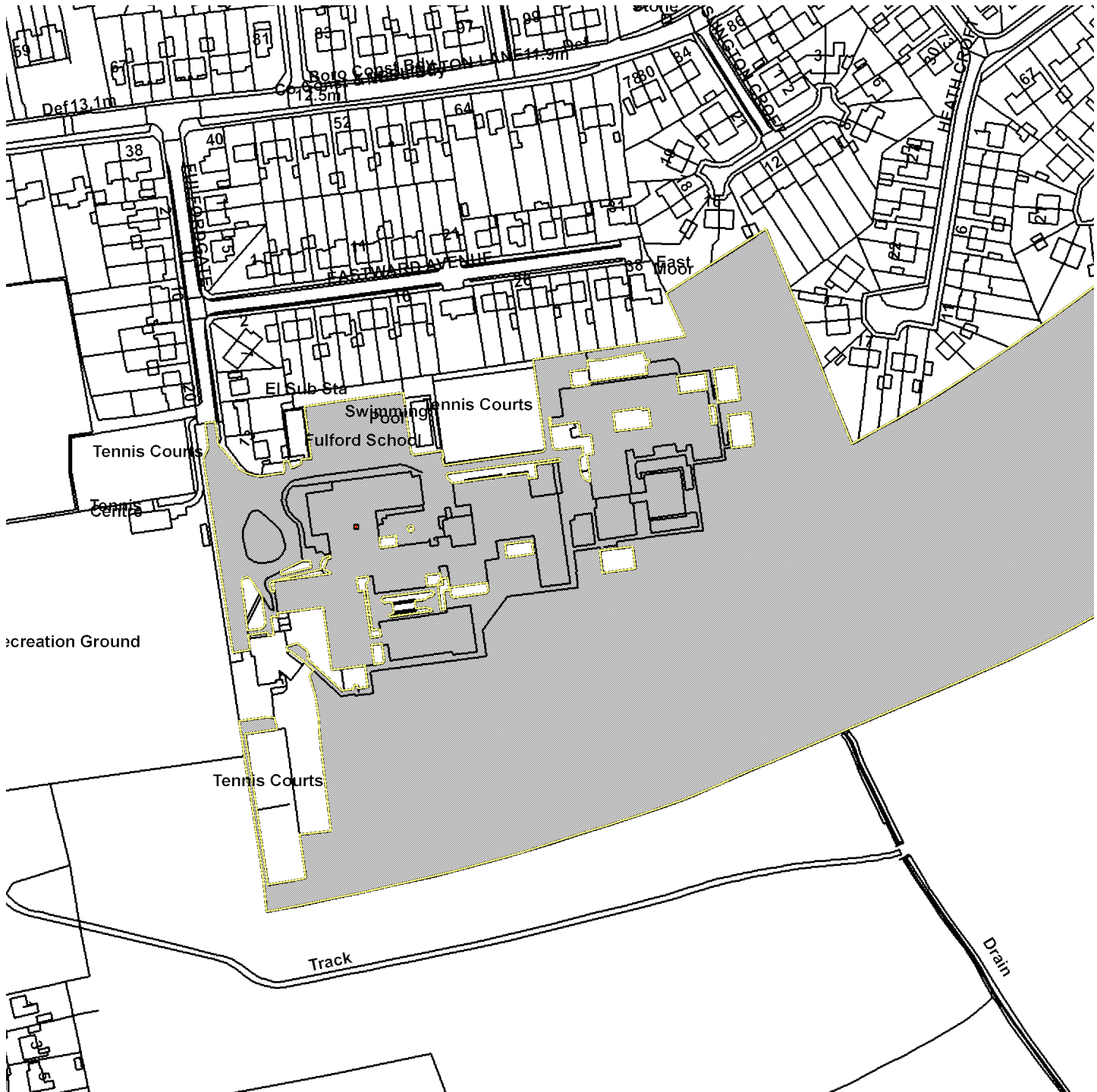
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14/02167/GRG3

Fulford School, Fulfordgate



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Scale : 1:2543

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Organisation	CYC
Department	Not Set
Comments	Site Plan Part 1
Date	10 February 2015
SLA Number	Not Set

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14/02167/GRG3

Fulford School, Fulfordgate



Scale : 1:2543

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Organisation	CYC
Department	Not Set
Comments	Site Plan Part 2
Date	10 February 2015
SLA Number	Not Set

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COMMITTEE REPORT

Date: 19 February 2015 **Ward:** Fishergate
Team: Major and **Parish:** Fishergate Planning
Commercial Team Panel

Reference: 14/02404/FULM

Application at: St Josephs Convent Of Poor Clare Collentines Lawrence Street
York YO10 3EB

For: Conversion, part demolition and extension of existing convent
buildings and erection of 14 no. three and four storey buildings to
provide student residential and ancillary accommodation (660 bed
spaces) with vehicle access to Lawrence Street

By: Vita York 1 Limited

Application Type: Major Full Application (13 weeks)

Target Date: 22 January 2015

Recommendation: Approve

1.0 PROPOSAL**APPLICATION SITE**

1.1 The application relates to the St Joseph's Convent site, which is located on the south side of Lawrence Street, between Farrar Street and Nicholas Gardens and is around 190m deep and 145m wide. The convent was vacated in 2012. The convent buildings, apart from later utilitarian additions, and the boundary wall are listed at grade 2. The site contains the following buildings -

- The main convent building which was constructed in phases between 1870 and 1874. The 2-storey rear/south wing was completed by 1909; the single storey part at the south end dates from the late C20.
- The Lodge Building/Priest's House which fronts Lawrence Street. It is 2-storey and dates from 1875.
- The Extern House, which is set back from the street, positioned between the Lodge and Convent Buildings. It is predominantly 2-storey and dates from 1875.
- The surrounding walls which were also built in phases, as the site expanded. The original wall was built between 1872 and 1875 and reached to the end of the Burial Ground. The second phase of expansion 1884 to the east encompassed a new orchard. The final phases were in the early C20, to contain the area of agricultural land to the south.

- The site also accommodates workshop buildings, which were not included in the English Heritage listing description and are proposed for demolition. The earliest of the buildings date from the 1870's, although the majority are from the C20. The buildings assist in the historic understanding of the site.

SURROUNDINGS

1.2 There are houses to the east and west of the site. At Lawrence Square, to the east, the houses adjacent the site are 3-storey but step down to 1.5 on the convent side, so not to visually encroach on the setting. There is a 2-storey terrace of houses to the west (Farrar Street). The school is to the south, it is predominantly single storey and surrounded by the school playgrounds and landscaping. The surrounding buildings on Lawrence Street are predominantly residential and 2 or 2.5 storey in height. Lawrence Street is a main vehicular route (originally a Roman road) into the city.

PROPOSALS

1.3 Planning permission is sought to have student accommodation on the site - 660 units. These would be accommodated within the convent (which would have a new south wing), the lodge and extern house and a collection of new buildings, which would be within a landscaped setting, and vary in height from 2 to 4 storey.

1.4 The applicants publicised the proposals and presented them to the public prior to making the planning application. The outcomes are detailed in the Statement of Community Involvement document submitted with the application, and the feedback is summarised in section 3 of this report.

1.5 The development proposals are classed as Schedule 2 development due to the size of the site (approx 2.4 hectares) under the 2011 Environmental Impact Assessment (EIA) regulations. It was determined that an EIA was not required for the development, considering the scale of development and the environmental effects.

2.0 POLICY CONTEXT

2.1 Draft Development Plan 2005 (4th set of changes) Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

2.2 Policies:

CYSP6 Location strategy

CYGP1 Design

CYGP4A Sustainability

Application Reference Number: 14/02404/FULM

Item No: 4c

CYGP9	Landscaping
CYGP15	Protection from flooding
CYNE6	Species protected by law
CYNE7	Habitat protection and creation
CYHE2	Development in historic locations
CYHE4	Listed Buildings
CYHE10	Archaeology
CYED10	Student Housing
CYL1C	Provision of New Open Space in Development

3.0 CONSULTATIONS

PLANNING & ENVIRONMENTAL MANAGEMENT

Archaeology

3.1 Officers ask for conditions for;

- a watching brief, for all deeper groundworks required for utility connections and attenuation storage tanks (if required);
- an archaeological scheme of investigation, to agree a programme of supervised removal of topsoil, cleaning of revealed sub-soil surfaces and mapping and excavation of a sample of any archaeological features.

3.2 During August 2013 an archaeological evaluation was undertaken by York Archaeological Trust at the site. The archaeological features present included a small number of Roman ditches, a medieval ditch, a small number of ditches/pits of uncertain date, and various modern drains and garden walls relating to the monastery. It was clear that the site had not been intensively settled prior to the late 19th century, and that for most of its history the site was either open ground, or was used for agriculture/horticulture.

3.3 The site lies in the Area of Archaeological Importance, that has produced important archaeological remains dating from the Bronze Age, and Roman, Anglo-Scandinavian and medieval periods of York's development. It has the potential to preserve significant archaeological features and deposits. These must be recorded prior to commencement of development.

Landscape & Ecology

3.4 Landscape Officers do not object to the application. The green infrastructure (GI) on site, in its current form provides a stepping stone between open space associated with Tang Hall beck, and Walmgate Stray to the south. It would be preferable for the scheme to be less dense, i.e. incorporate greater continuation of uninterrupted GI across the site. Nonetheless the scheme manages to retain some essence of the

former use of the site through the creation of a courtyard in front of the monastery; the retention of a significant portion of the walled orchard, the retention and restoration of the formal garden relating to the southern aspect of the monastery, and the retention of the cemetery and perimeter walkway.

3.5 Officers have provided detailed comment on each of the character areas within the site and recommended amendments. Of note -

- Recommended species for the street trees on Lawrence Street.
- It was requested the arrivals plaza was not dominated by car parking and the layout in this area has been revised accordingly.
- The requirement for a site specific tree protection plan, for when the site is under construction.

3.6 With regard to ecology, a Phase 1 Habitat Survey has been undertaken of the site followed by specific surveys for great crested newts and bats. There is evidence of a bat roost within the main convent building, and no evidence of other protected species has been found on site. A condition has been recommended for bat mitigation, which includes receipt of a European Protected Species Licence approving the mitigation measures for the bat roost in the main convent building.

3.7 The orchard is listed on Natural England's Traditional Orchard Inventory which was produced to support the (now defunct) UK Biodiversity Action Plan (BAP) as a Priority Habitat. Traditional orchards are also identified as a priority habitat within the City of York BAP. There is no objection to the proposals as it is proposed to replace trees that are to be lost in the orchard. Officers have made comments on the planting scheme and have recommended a planning condition to secure an Ecological Management Plan for the restoration and management of the orchard and woodland garden areas.

3.8 In the interests of the protection of bird, bat and insect habitat officers have asked for light pollution to be kept to a minimum and at low level.

Urban Design and Conservation

3.9 Officers support the scheme, on the basis that the convent buildings are empty and at risk. The majority of demolitions would affect unlisted buildings and areas identified as being of low or detrimental significance. The proposals would revitalize the site and repair the buildings and their 1000m long high walls. As the existing building would be able to embody a new community of interest with relatively few justifiable alterations, the qualities that make the heritage asset special would be sustained and its special architectural and historic interest would not be harmed.

ENVIRONMENTAL PROTECTION UNIT

Air quality

3.10 The closest diffusion tube monitor to the site (to the west of the lodge building) has recorded breaches of the health based annual mean nitrogen dioxide objective in 5 of the last 6 years. Concentrations in 2013 were below objective levels but still considered elevated. This general trend of falling nitrogen dioxide concentrations in 2013 was seen across York and is thought to be caused by atypical weather conditions.

3.11 It is recommended that a ventilation strategy is designed and implemented for habitable rooms immediately fronting Lawrence Street (specifically the Lodge building) at ground and first floor levels. This would allow habitable rooms (living areas and bedrooms) to be adequately ventilated without having to rely on opening windows.

Other matters

3.12 Officers also recommend planning conditions to deal with land contamination, to provide on-site electric vehicle charging points (x2), to ensure any plant/machinery does not cause disturbance, and for a construction management plan/restriction on times of construction.

FLOOD RISK MANAGEMENT

3.13 No objection. The Flood Risk Assessment is satisfactory. Planning conditions are suggested to agree the full drainage design.

HIGHWAY NETWORK MANAGEMENT

3.14 No objections. Officers recommend conditions to agree the proposed/required highway improvements (as shown on Reform's drawing RF14-164L14) and their delivery, for implementation of the travel plan, and a method of works statement for construction.

Traffic Generation

3.15 The peak demand for car parking will be generated during the start/end of term as students arrive and leave. To assist with the management of car parking during these periods managed areas for temporary car parking is available within the site. The submitted Student Accommodation Management & Service Strategy explains how the site operators will ensure that the units are occupied/vacated in a staggered approach in order to minimise and manage the number of cars entering the site. Information supplied by the applicant indicates that this may be achieved through a booking system where students have to book an arrival date together with a time slot in which to move. Such an approach has been previously agreed by the authority at nearby sites on Navigation Road.

3.16 The site falls outside of any Res-Park boundaries and as such students will not be eligible to apply for any permits within these schemes. There are measures proposed to deter car use and promote sustainable modes of transport, and the site is within a sustainable location, given the proximity of the city centre and the universities.

Access

3.17 The proposed access arrangements are in accordance with national guidance and offer a suitable width together with visibility to the appropriate guidance. Vehicle swept paths have demonstrated that refuse vehicles can enter and traverse the site in order to avoid waiting on the adjacent public highway.

3.18 Vehicle swept path analysis has demonstrated that the proposed bus stop location will not be to the detriment of the free flow of traffic, highway safety nor operation of the adjacent junctions or pedestrian refuge. As part of the bus stop relocation works there are further highway works which will benefit both future residents and the existing community;

- a) Upgrading of the adjacent existing pedestrian refuge to the West of the site access. The improvements will result in a wider refuge creating larger pedestrian holding areas and increased prominence of the refuge.
- b) Relocation and upgrading of the existing inbound bus stop to include Kassel kerbs, shelter and BLISS display.
- c) Rationalisation of car parking bays on Lawrence Street adjacent to the proposed bus stop location, including provision for a car club vehicle

Sustainability

3.19 The nearby bus stops serve a number of high frequency services and provide linkages to the city centre and university campus.

3.20 The highway works to the site frontage make provision for a car club vehicle. As the scheme is promoted as car free through design supported by the Management Plan and Travel Plan the car club will offer a viable alternative for residents should they need access to a vehicle for short periods.

3.21 Covered and secure cycle parking (330 spaces) has been provided within several stores, conveniently located around the site to the accommodation blocks which they are intended to serve. Cycle parking provision is below CYC Annex E standards for student accommodation (which is 1 per unit). However it compares favourably with recently approved schemes at Lawrence Street, Navigation Road and Heslington East where 50% provision has been approved. This is considered to be a realistic level of provision however there is scope for further cycle parking to be provided within the site if demonstrated to be necessary in the future.

3.22 The application has also been supported by a Travel Plan which seeks to promote sustainable travel TP including the potential to create a cycle hire scheme for residents. The TP works with the site management plan in order to reduce the potential for any vehicles to be brought to the site by residents.

EXTERNAL CONSULTEES

ENGLISH HERITAGE

3.23 Officers have commented upon works to the convent building only, and defer the rest of the scheme to Council officers to assess. There is support in principle for the scheme, including the proposed glazed cover over the courtyard, and note that it requires few interventions to the building. English Heritage raised the following issues, which they consider require further attention -

- Queried whether it is appropriate and if there is appropriate need for secondary glazing to the stained glass windows.
- The proposed vents in the courtyard roofs appear too large and too horizontal in emphasis for their context. EH suggest that they are broken up into smaller units of comparable scale to the present gabled dormers or the proposed conservation roof lights.
- Glazed porches: EH welcome the proposed pointed glazed porch for the north elevation (replacing the disfiguring conservatory and reflecting the steeply pitched roof of the lost original porch, whilst being identifiably modern in character). However, it is asked whether pitched roofs would also be more suitable rather than the proposed flat roofed porches for the south and east elevations.
- EH suggest detailed drawings of the proposed suspended ceilings and the raised floor in the courtyard are approved by the LPA.
- Fire Strategy is yet to be finalised and also should be approved by the LPA.

ENVIRONMENT AGENCY

3.24 No objection.

FISHERGATE PLANNING PANEL

3.25 The panel have raised concerns over the lack of car parking. The site operators will be unable to prevent students bringing cars. Some of the students will bring cars and seek to park them in the vicinity. There needs to be a positive protection for parking facilities to people who live in the surrounding area. It is also asked whether some public access could be provided to the convent buildings.

HULL ROAD PLANNING PANEL

3.26 Whilst the above site does not fall within the panel's ward boundary, they have objected on the following grounds -

- There would be an over-concentration of student accommodation along the Hull Road/Lawrence Street/Walmgate corridor.
- Many period buildings in the area have been lost and replaced with anonymous modern blocks of flats which show no respect for the scale, setting and character of the area. It is considered this scheme is also over-development.
- The Convent site is over twice as big as any other student accommodation site developed in the last 12 years along the A1079 corridor, its affect on the locale will be horrendous.
- Preference for family housing for which local need has been well publicised in this sustainable location, which would also, though planning gain, bring facilities needed in the locality; affordable housing, education and open space provision.

POLICE ARCHITECTURAL LIAISON OFFICER

3.27 Officers have no objection to the scheme. In particular it is noted there will be on-site management and controlled access.

VICTORIAN SOCIETY

3.28 Objected to the planning application and companion listed building consent application. Comments are summarised in the committee report for listed building consent.

YORKSHIRE WATER

3.29 No objection. Officers agree to the provided Flood Risk Assessment. It is noted that YW records indicate there is an existing cast iron water main in Lawrence Street which is included in the red line site boundary. This may require diverting depending on the design of the new site access.

PUBLICITY

3.30 The deadline for comment was 10 December 2014. 11 objections/comments have been received. Comments were as follows -

Highway management

- Concerns over the impact on on-street car parking in surrounding streets, because there is no on site car parking. Building contractors will park in neighbouring streets, it is claimed this is already a problem due to development along Walmgate.
- Concerns over highway safety as a consequence of extra traffic on Lawrence Street, including servicing vehicles/deliveries to the site.
- Query whether there is adequate provision for servicing and fire tenders.

Residential amenity and design

- Orchard 3 building would be over-bearing and over-dominant over neighbours.
- Overlooking to houses on Lawrence Street.
- The buildings would be too tall and out of character (surrounding houses are 2-storey and the neighbouring school is part single, part two storey). Some of the cladding materials would be out of character. The development is insensitive to the historic setting, by virtue of the scale of buildings Plaza 1, and Orchard 1 and 2, in relation to the convent building.
- Over-concentration of students in the area/unbalanced community. In granting permission for development at Heslington, the planning inspector required that the university provide its own (on-site) accommodation, as and when it expanded. The scheme is contrary to this requirement.

OUTCOMES OF APPLICATIONS PUBLIC CONSULTATION

3.31 A public consultation event was held on 4 September and 77 members of the public attended. 30 comments were received. Approximately 23% of comments were against the proposals. The main issues were car parking (students parking in surrounding streets) and the height of some of the new buildings.

4.0 APPRAISAL

4.1 Key Issues

- Principle of the development
- Design including impact on the setting of listed buildings.
- Impact on the listed building
- Landscaping and amenity areas
- Highways, access arrangements and parking
- Residential amenity
- Archaeology
- Sustainability
- Open Space
- Drainage and flood risk
- Biodiversity

- Crime Prevention
- Other issues

PRINCIPLE OF THE PROPOSED DEVELOPMENT

4.2 Draft Local Plan policy SP6: Location Strategy states that development will be concentrated on brownfield land within the built up urban area of the city and urban extensions. The site meets criteria within SP6; it is in a sustainable location, in the urban area, on a main bus route and within walking distance of the city centre. It is classed as a previously developed site.

4.3 Empty buildings, which are grade 2 listed, would be put to a viable re-use and there is a demonstrable demand for residential development in the city. In this respect the proposals are compliant with the National Planning Policy Framework, which requires Local Planning Authorities -

- Encourage the effective use of land by reusing land that has been previously developed
- Significantly boost housing supply (paragraph 47); housing applications should be considered in the context of the presumption in favour of sustainable development (49).
- Bring back into residential use empty buildings in line with local housing and empty homes strategies ... and normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate (51).
- Sustain and enhance the significance of listed buildings and put them to viable uses consistent with their conservation (126).
- Place significant weight on the need to support economic growth through the planning system. This includes supporting existing business sectors, in particular those which are expanding (21).

4.4 Draft Local Plan policy ED10: Student housing says that off campus residential accommodation will need to meet certain criteria - that there is a recognised need for the development; there is good accessibility by foot, cycle and public transport to the relevant educational institution and local facilities; the location and scale of the development is appropriate to the immediate surroundings; the development would not be detrimental to the amenity of nearby residents and the design and access arrangements would have minimal impact on the local area; car parking is of a satisfactory standard.

4.5 York has adopted an Article 4 direction relating to HMO's in the urban area; a change of use from family housing to a HMO requires planning permission. An evidence base produced by the Council has identified that it is necessary to control

the number of HMOs to ensure that communities do not become imbalanced. In 2012/13, there were approx 19,000 FTE university students. Approx 7,350 rooms are provided by the universities. In addition there will be approx 1,200 rooms provided by the private sector, when the developments at Walmgate (former Press site) and Lawrence Street (between The Tannery and St Lawrence Church) are complete. There remains a significant amount of accommodation need that has to be met by HMO's, and consequently there is a demonstrable need for student accommodation.

4.6 The site is suitably located in terms of accessibility to the universities, as explained in 4.2. The impact on the surroundings, residential amenity and highway safety is discussed later in this section.

DESIGN INCLUDING IMPACT ON THE SETTING OF LISTED BUILDINGS

4.7 The convent building, lodge building at the front of the site and the surrounding walls are listed at grade 2. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall pay special regard to the desirability of preserving the building or its setting or exercise of any features of special architectural or historic interest which it possesses. As such any identified harm should be given significant weight in considering the application.

4.8 The National Planning Policy Framework advises that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. 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.

4.9 The National Planning Policy Guidance advises that in assessment of design, consideration, where appropriate should be given to layout, form, scale, detailing and materials. Paragraph 020 is pertinent to the proposed development. It advises that 'a well designed space has a distinctive character. Distinctiveness is what often makes a place special and valued. It relies on physical aspects such as:

- the local pattern of street blocks and plots;
- building forms;
- details and materials;
- style and vernacular;
- landform and gardens, parks, trees and plants; and
- wildlife habitats and micro-climates.

Distinctiveness is not solely about the built environment, it also reflects an area's function, history, culture and its potential need for change'.

4.10 The proposed new development would respect the convent buildings, give them a viable new use, and constitute a suitable re-use of the site. The buildings to be demolished are either unlisted or of low or detrimental significance. Proposals are compliant with the aforementioned policies on design and the criteria for proposals affecting listed buildings.

PLAZA BUILDINGS

4.11 There are a mix of building types along Lawrence Street. The frontage building proposed (Plaza 1) would be set back behind the boundary wall. Images have been provided which demonstrate it will reasonably blend in with the street scene and its immediate neighbours, considering its scale, shape and materials.

4.12 Plaza 1 has in part a flat roof. This area is intended not to be prominent. It will be screened by existing/proposed buildings and the roof form enables views to be maintained from Lawrence Street through to the convent building and of St Lawrence Church. The area would have metal clad elevations, which would break up the scale of the building, and give it a distinctive identity, coherent with the family of buildings proposed within the site.

4.13 The other buildings around the arrivals courtyard, which frame views of the convent (Plaza 1 and 2), have been reduced in eaves height by 750mm and ridge height, to the extent that they would be lower than, and not dominant over, the convent. There would be a suitable degree of openness around the convent. The buildings are of traditional materials (brick and slate roof) and form. The proposed arrangement, considering the layout, landscaping proposals and the scale and design of the new buildings, will provide a renewed setting to the convent building and provide a sustainable new use for the site, in sympathetic manner. The proposals are compliant in this respect with section 12 of the National Planning Policy Framework, which promotes sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation and new development making a positive contribution to local character and distinctiveness.

ORCHARD BUILDINGS

4.14 The group of buildings, would be of brick with a series of pitched roofs would reference the buildings to be replaced in this area and the brickwork on the convent buildings. This design approach is also appropriate to the wider setting.

CONVENT EXTENSION (INFIRMARY WING)

4.15 The replacement extension to the south of the convent building would be 2-storey; the existing structure is single storey. The addition would be lower than the two-storey part of the wing that is retained, and only the roof would be evident above the boundary wall. The addition respects the scale, proportions and materials of the existing, the change being defined by the lightweight metal clad link, which reference

the other new buildings proposed. There would be no harm to the setting by virtue of this addition.

PARK & STREET

4.16 The park and street buildings are a mix of 3 and 4 storey in height, which it is deemed can be accommodated on site, due to the scale of the boundary wall, the distance from neighbouring buildings and public views, and due to the amount of landscaped space between buildings.

4.17 The buildings are of contemporary appearance, along with brickwork, using timber, metal cladding and zinc as the external materials. The variety in materials and the staggered building heights have been used to give variety and reduce the perceived scale of the buildings. The buildings have been arranged so they relate to the historic landform and to provide views through to the boundary wall. Large scale drawings have been provided which show the detailing proposed for the buildings, and the architecture is contemporary and of a good standard. The buildings would have their own distinctive identity and be harmonious with the setting; there would be no conflict with national design policies, as summarised in 4.8.

LANDSCAPING AND AMENITY AREAS

4.18 Draft Local Plan policy GP9 requires that where appropriate, developments incorporate a suitable landscaping scheme.

4.19 The proposals strike a reasonable balance between re-using the site and retaining its historic character, to provide an adequate setting to the convent building and maintain a reasonable level of biodiversity.

- The garden behind the convent, which runs down to the cemetery wall would be retained, along with the cemetery. Almost 100% of the remaining garden area within the original boundary walls would be preserved.
- Development within the grounds has limited vehicular access which allows the garden setting to remain to a reasonable degree (which is unlikely would have been achieved with a different house type).
- The buildings have been arranged around an open space and arrival area to the east. This retains to a degree the existing layout and makes the convent a focal point of the development.
- Since pre-application stage the amount of development within the Orchard has been reduced. The current design retains a considerable amount of the orchard and replacement planting is proposed to account for the 17 trees that would be lost. The orchard is listed on Natural England's Traditional Orchard Inventory and a specific planning condition is proposed to detail the planting and management regime for this important area, to ensure its existing biodiversity value is retained.
- The new blocks to the southern side of the site, beyond the wall that cuts through the site, have been arranged so they relate to the zones of the gardens and to enable views of the boundary wall, which is a defining characteristic of the site.

- Lawrence Street would retain its defining character and there would not be harm to the setting. Stone setts would be used for the on-street car parking spaces, the number of street trees would increase. The developer would implement the required changes to street furniture, such as the relocation of the bus stop; the specification will be approved by CYC.

HIGHWAYS, ACCESS ARRANGEMENTS AND PARKING

4.20 The National Planning Policy Framework advises that developments should:

- Provide safe and suitable access to the site for all people and minimise conflicts between traffic and cyclists or pedestrians.
- Maximise sustainable transport modes and minimise the need to travel.
- Incorporate facilities for charging plug-in and other ultra-low emission vehicles.

4.21 The site is located close to the city centre and has bus stops within a short distance of the site, serving locations such as the university, this accords with the requirements of Local Plan policy ED10. The bus stop and pedestrian crossing (the latter is outside the Lodge building) will be improved as a consequence of the scheme. It is proposed to include a restrictive covenant within the lease agreements that the student occupiers do not bring vehicles to the site. This will be reinforced by a Travel Plan which will be required by condition and will promote alternative means of travel – cycling, car club, walking and public transport. There would be disabled car parking (5 spaces) at the arrivals courtyard.

4.22 A strategy would be established for beginning/end of term arrangements, and movements would be staggered over a 2 week period, to manage the impact on the highway. It is envisaged the majority of occupants would be international students (typically 70% in VITA student developments), who would not be reliant upon private car use. Officers are satisfied with this arrangement, and there is no evidence that there would be any undue disturbance during such times, based on similar developments in the city. The proposed arrangements are detailed in the travel plan and management strategy and can be secured via a planning condition.

4.23 There are adequate servicing arrangements. The strategy for access is detailed in the design and access statement. The arrivals plaza has been designed so service vehicles can enter and leave the site in a forward gear, and there is adequate provision for fire tender access.

4.24 Covered and secure cycle parking has been provided at various locations around the site. Cycle parking levels are at 50%; a figure which has been agreed at student accommodation sites elsewhere. The planning condition which requires an ongoing travel plan would secure additional cycle parking provision in future, if demand required.

RESIDENTIAL AMENITY

4.25 The National Planning Policy Framework asks that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Draft Local Plan policy GP1: Design requires that development proposals ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

Impact on Skipton House

4.26 The building which is adjacent Skipton House has been amended and reduced in scale; it would step down to 2-storey at the east side. The boundary wall is approx 4m high. The building would be just under 6m high to eaves level, under 8.5m high to ridge level. The rear yards are around 8m away. Based upon BRE guidelines, the building proposed would not cause a material loss of light. Given its height, the separation and the intervening boundary wall, the building would not appear over-dominant.

Impact on 110 Lawrence Street

4.27 There would be no undue impact on 110 due to the separation distances and because of the intervening boundary wall. No.110 to the north is 2-storey, with a garden behind. Orchard 3 would be 10m from the boundary and 25m from the rear elevation. Where it would directly face 110 it would be 3-storey. There are no balconies proposed to the north elevation, facing 110.

Impact on 102-106 Lawrence Street

4.28 The scheme has been arranged so there would be no undue effect on neighbour's amenity. No bedroom windows would look toward windows at 102-106. There would be a bedroom window at top floor level (in orchard 3) 6m from the boundary, which would look towards the corner of the rear garden at 106 (there would not be views into the garden from lower levels due to the boundary wall). The part of the garden which would be overlooked is narrow and accommodates an out-building. There would be a reasonable open outlook from the main part of the garden and the house, due to the gap proposed between Orchard buildings 2 and 3.

Infirmery wing

4.29 The extension to the Infirmery Wing would be to the rear of 31-39 (odds) Farrar Street. The addition would be lower than the existing 2-storey wing, by around 750mm. The eaves height would be set at the top of the boundary wall, and the ridge of the pitched roof would be around 4m away from the wall, 3m higher. The rear gardens of the Farrar Street houses are approx 8m deep. Due to the overall height, and roof pitch, the extension would not have an undue effect on residential amenity; it would not be unduly over-bearing and would not cause an undue loss of light.

Park & Street buildings

4.30 Park 1 would be angled to look partially towards 5-8 Fountayne House. The block would be 3-storey, 13m/14m from rear yards, and at its closest point 18m from rear elevations. In the situation proposed, where the wall would retain a reasonable degree of privacy within rear yards and from ground floor windows, the separation distances are adequate and there would be no undue harm to residential amenity. The blocks at the south end of the site are orientated so they would overlook the roof of the school and the car park area. There would be no harmful effect on the school, considering over-bearing/impact on privacy.

Future occupants - Noise

4.31 Planning conditions can be applied to ensure that internal noise levels are to national standards. Secondary windows would be required on the existing buildings' windows which face Lawrence Street and these can be designed so they do not harm the character of the listed buildings.

Future occupants - Air quality

4.32 Based on 2013 data, air quality would be acceptable for residential use within buildings, which have windows fronting directly onto Lawrence Street. However in previous years, levels would not have been acceptable. It has been agreed that the applicants will undertake further monitoring, to obtain a better understanding of the current levels. If necessary the Lodge building will need to have fixed windows on ground and first floor level and be provided with mechanical ventilation. This arrangement would be secured via a planning condition.

ARCHAEOLOGY

4.33 Draft Local Plan policy HE10 'Archaeology' says that planning applications for development that involves disturbance of existing ground levels on sites within York City Centre Area of Archaeological Importance will be granted provided the extent and importance of any archaeological remains are evaluated and that the applicant can demonstrate that less than 5% of any archaeological deposits will be disturbed or destroyed.

4.34 An archaeological evaluation of the has been undertaken prior to submission, which concludes that the site was either open ground or used for agriculture prior to development of the monastery. The Roman archaeology reflects the primarily agricultural landscape that supported the legionary fortress, with the ditch observed running east-west along the southern part of the site lying broadly parallel to the presumed course of the road between York and Brough.

4.35 The site has the potential to preserve significant archaeological features and deposits. As such, in accordance with policy, conditions are proposed to ensure these are recorded - a programme of excavation of any archaeological features and a watching brief on any deeper groundworks, such as utility connections.

SUSTAINABILITY

4.36 Proposals are compliant with the Supplementary Planning Document on sustainable design and construction. The application is supported by a Sustainability Statement which sets out the measures to be employed within the buildings to achieve a BREEAM rating of 'very good'; this is applicable to both the new building and the conversions. In addition renewable technologies such as PV panels are proposed.

OPEN SPACE

4.37 The National Planning Policy Framework states access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Local requirements for open space are established in Local Plan policy L1c and the SPG note -Open Space Advice Note: Commuted Sum Payments in New Developments. The latter establishes the amount of open space which is required in new developments.

4.38 The scheme has an adequate amount of amenity space on site, based on the requirements within the SPG. Sports facilities are provided by the universities, at which future occupants will be required to be enrolled in. As such no contribution towards open space is required. Planning conditions can secure provision and maintenance of the on-site open space.

DRAINAGE AND FLOOD RISK

4.39 The National Planning Policy Framework requires that development should be directed into areas where flood risk is low. Developments should be safe from flooding and not increase flood risk elsewhere. Local Plan policy GP15 seeks to reduce flood risk elsewhere by ensuring developments do not lead to increased surface water run-off.

4.40 The site is not in flood zones 2 or 3. It is in an area where there is a low probability of flood risk. As such the development proposed is appropriate at this site, based upon the guidance within the National Planning Policy Framework (paragraph 101).

4.41 An FRA has been submitted with the application, which proposes an outline drainage scheme. Rain gardens within the site will channel surface water run-off. Run-off rates into the sewer (it is proposed to drain to the public sewer on Lawrence Street) would be restricted by a flow control device. The strategy will ensure a reduction in existing rates of surface water run-off. The approach to drainage is acceptable; a planning condition can secure the final design.

BIODIVERSITY

4.42 Paragraph 113 of the National Planning Policy Framework states that Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geo-diversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.

4.43 Local Plan policy NE6 relates to species protected by law. It states that where a proposal may have a significant effect on protected species or habitats, applicants will be expected to undertake an appropriate assessment demonstrating proposed mitigation measures. Planning permission will not be granted where developments will cause demonstrable harm to species protected by law or their habitats.

4.44 Draft Local Plan policy NE7 relates to habitat creation and protection. It states that development proposals will be required to retain important natural habitats and where possible include measures to enhance or supplement these.

4.45 The phase 1 habitat survey undertaken has informed how the development can be undertaken to mitigate the impact on protected species, in particular bats. A planning condition is proposed to cover these matters. The condition will advise on how works will proceed with care, and allow CYC to agree the timing of works (to avoid seasons where bats may be roosting), method statements to cover works in sensitive areas, and measures to provide habitat features.

4.46 The orchard is not a locally designated site, although it is on the National England Inventory. National England's targets are for no net loss of orchards and for enhancement. The scheme proposes replacement planting for the trees which would be lost to accommodate the proposed development. A planning condition is proposed to approve a detailed scheme and management of the orchard area.

CRIME PREVENTION

4.47 The National Planning Policy Framework advises planning should aim to achieve safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

4.48 The site will have controlled access and permanent on-site management. On this basis officers are content that the scheme is compliant with policy in terms of crime prevention.

OTHER ISSUES

4.49 Occupancy - A condition is proposed to ensure that the student accommodation is occupied by students studying within York only. This would ensure that the accommodation is used to alleviate the use of other housing in York for student accommodation, and so that planning gain, such as affordable housing/contributions towards education, could be secured were there to be an application to revert to non-student housing.

5.0 CONCLUSION

5.1 The site is classed as previously developed land and within a sustainable location. There is a demonstrable need for the type of housing proposed and therefore according to national planning policy, there is a presumption in favour of the proposed development, subject to a satisfactory impact on heritage assets. The scheme should be approved unless the development is deemed to be unsustainable.

5.2 The proposed development would be of good quality; fit for purpose, sustainable (achieving a BREEAM rating of very good), and sensitive to heritage assets (the impact on listed structures would be acceptable) and biodiversity. The application has a level of detail which demonstrates the scheme is based upon a comprehensive understanding of both the history of the site and its landscape values, and the development proposed is distinctive and harmonious with its setting. There is adequate mitigation for any impact on biodiversity. There would be no conflict with planning policy and no undue effects, in particular upon residential amenity and the highway network. Approval is recommended.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

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

Purcell Drawings

202, 203h, 204, 205

Convent Buildings – 210a, 211a, 212, 213, 214, 215, 216, 217, 218, 220, 225

Infirmary wing – 229, 230

Extern House – 251a, 252

Lodge – 271a, 272a

Large scale details / roof abutments - 300a

Fuse drawings (14 006 (20))

Masterplan 101 R3

Plaza Buildings

PL1 - 001 R4, 002 R5, 100 R5, 101 R5

PL2 – 001 R2, 100 R2, 101 R2

Typical sections of Plaza buildings – 21 – PL2 001

Orchard Buildings

OR1 - 001 R3, 002, 010 R1, 011 R1, 012, 013, 014, 100 R3, 101 R3, 102, 200, 201, 202

OR2 – 011 R1, 100 R3, 101 R1

OR 3 – 001 R3, 100 R3, 101 R3, 102 R1

Typical sections - 21 - OR3 001 and 002

Street Buildings

ST1 - 001 R2, 002 R2, 003 R1, 100 R2, 101 R2

ST2 – 001 R2, 002 R2, 003 R1, 100 R1, 101 R1

ST3 – 001, 002, 003, 100, 101 all R1

ST4 - 001, 002, 003, 100, 101 all R1

ST5 – 001 R1, 002, 101 R2, 102 R1

Typical sections – 21 – ST1 001

Park Buildings

PK1 – 001 R1, 100R2, 101 R2

PK2 - 001 R1, 010, 011, 012, 013, 014, 100 R2, 101 R2, 103, 200, 201

PK3 – 001 R2, 100 R3, 101 R2

PK4 – 001 R1, 100 R2, 101 R2

Typical sections – 21 – PK2 001, 002, 003

Sub-station

SB1 001 R1

Reform drawings (RF14-164)

L01, L02, L04a, L05, L06a, L07a, L08, L09h, L10a, L13, L14b, L15a, L16a, L17

Details of boundary treatment to cemetery – SK - 04B, 05A

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

Application Reference Number: 14/02404/FULM

Item No: 4c

3 Materials

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

A sample panel of the brickwork to be used on the buildings 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 construction of the new buildings. 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.

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, and in the interests of the setting of listed buildings.

4 Prior to commencement of the development, an Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting during the site preparation and construction phases of the development and times of construction works 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 scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents

5 Tree protection method statement

Before the commencement of development, including demolition, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings 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 statement. For the avoidance of doubt this condition excludes works necessary for routine tree maintenance, pruning and crowning works.

This statement shall include details and locations of protective fencing, phasing of works, site access during demolition/construction, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles,

locations for stored materials, location of site cabin and marketing cabin. It shall also include construction details and existing and proposed levels, where a change in surface material is proposed within the canopy spread and likely rooting zone of a tree.

Reason: To protect existing trees which are considered to make a significant contribution to the amenity of this area and/or development.

6 Tree protection

A qualified arboriculture consultant shall carry out inspections at regular intervals for the entire duration of on-site operations as stated in the approved tree protection method statement. Adherence to the approved method statement and any incidents shall be monitored and recorded. These records shall be made available for inspection by the Local Planning Authority if requested. Before works start on site, excluding any tree maintenance, pruning and crowning works, the name and address of the appointed arboriculture consultant shall be supplied to the local authority.

Reason: To ensure every effort and reasonable duty of care has been exercised by the developer during the development in the interests of protecting the existing trees to be retained.

7 Land contamination

Prior to development commencing (excluding creation of the site access, highway works and tree maintenance) the following works shall be undertaken -

a) Site investigation

An investigation and risk assessment (in addition to any assessment provided with the planning application) to assess the nature and extent of any land contamination. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be 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.

c) Verification of Remedial Works

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.

Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part a of this condition, 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 in accordance with part c of this condition.

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.

8 Site drainage

Construction of the new/additional buildings hereby approved shall not commence 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 development shall be carried out in accordance with the approved details. Unless otherwise agreed with the Local Planning Authority peak surface water shall be restricted to no greater than 8 litres per second.

Reason: In the interest of satisfactory and sustainable drainage.

9 BREEAM

The development hereby approved shall be constructed to a BREEAM standard of 'very good'. A formal Post Construction assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate shall be submitted to the Local Planning Authority within 12 months of first occupation (unless otherwise agreed). Should the development fail to achieve a 'very good' 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 'very good' rating. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.'

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction'

Informative: The new buildings are anticipated to achieve a 'Very Good' rating under BREEAM 2011 New Construction. The refurbished buildings will achieve a 'Very Good' Rating under BREEAM 2008 Multi-Residential.

10 Bat Mitigation

No development shall take place (excluding works to create site access, site highway works, site investigations and routine tree maintenance) until full details of what measures for bat mitigation and conservation across the site are proposed and have been submitted to and approved by the Council. A copy of the European Protected Species Licence should be supplied to the Council prior to any work taking place. For the avoidance of doubt refurbishment works of the main convent building can proceed other than in the localised area of the single bat roost identified by the Delta Simons Report .

- a) A precautionary method statement for work on the apple store, demolition of the orchard glasshouse and shed, removal of three trees (T4, T17, T24), and ivy removal from tree T19.
- b) No buildings containing bats to be demolished until the bats have been safely excluded using previously agreed methods.
- c) The timing of all operations. Renovation works of the main convent buildings, in

the localised areas where bat roost potential has been identified (see Delta Simons Report September 2014), shall not occur during the main hibernation period for bats (November - March inclusive), unless otherwise agreed.

- d) Details of what provision is to be made on site to replace the features lost through the demolition of the original structure (features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards, bat lofts and bat boxes).
- e) Details of the external lighting, to include location, manufacturers details and details of light-spill. Lighting shall be designed so any roost sites, foraging or commuting areas are not directly illuminated.

The works shall be completed in accordance with the approved details prior to the occupation of the accommodation and shall be retained unless otherwise agreed in writing with the Local Planning Authority.

Reason: To take account of and enhance habitat for protected species, in accordance with paragraph 109 of the NPPF.

11 Landscaping

The development shall not be occupied until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme (hard and soft measures and including lighting) which shall illustrate the number, species, height and position of trees and shrubs to be planted (including tree pits and supports on Lawrence Street). This scheme shall be completed no later than the end of the first planting season following first occupation of the new build development or in accordance with a programme agreed in writing with the Local Planning Authority. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

12 Orchard

An Ecological Management Plan (EMP) for the restoration and management of the orchard and woodland garden areas shall be submitted to and approved in writing by the local planning authority prior to the occupation of the new build development. (It is recommended the plan is prepared with reference to Natural England's Traditional orchards: restoring and managing mature and neglected orchards (TIN018), and other guidance notes in this series including Traditional orchards: orchards and wildlife (TIN020)). The EMP shall include;

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
- g) Personnel responsible for implementation of the plan
- h) Monitoring and remedial measures.

Reason: In the interests of protecting and enhancing the natural environment.

13 ARCH2 Watching brief required -

14 Electric vehicle charging points

Before the occupation of the development at least two Electric Vehicle Recharging Points shall be provided on-site and maintained for the lifetime of the development, to the satisfaction of the Local Planning Authority. The location and details of the recharging points shall be approved by the Local Planning Authority.

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

INFORMATIVE: Electric Vehicle Recharging Point means a free-standing, weatherproof, outdoor recharging unit capable of charging two electric vehicles simultaneously with the capacity to charge at both 3kw (13A) and 7kw (32A). For further information on how to comply with this condition please contact City of York Council's Low Emission Officer Derek McCreadie.

15 Travel Plan

Within 6 months of occupation a travel plan shall be submitted and approved in writing by the Local Planning Authority. The travel plan shall be developed and implemented in line with Department of Transport guidelines and be updated annually. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan. Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To reduce private car travel and promote sustainable travel in accordance with paragraph 36 of the National Planning Policy Framework and policy T13a of the City of York deposit Draft Local Plan.

INFORMATIVE: The travel plan shall contain; information on how private car ownership will be prevented, measures to prevent occupants parking on the adjacent streets, and delivery of further cycle parking if demand requires.

16 Cycle parking

Prior to occupation details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided in accordance with the 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.

17 Details of all machinery, plant and equipment to be installed on-site, which is audible at the boundaries of the nearest residential properties when in use, 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. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. 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.

The combined rating level of any building service noise associated with plant or equipment at the site should not exceed either 35dB(A) at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, including any acoustic correction for noises which contain a distinguishable, discrete, continuous note (whine, hiss, screech, hum, etc.); noise which contain distinct impulses (bangs, clicks, clatters, or thumps); or noise which is irregular enough to attract attention. In order to demonstrate compliance with this condition the applicant should submit a noise report with the findings of such investigations.

Reason: To protect the amenities of adjacent residents

18 Works in the highway

The development shall not be occupied until the highway layout, as shown on the approved plans (including improvements along Lawrence Street), have been completed and all existing vehicular crossings not shown as being retained on the approved plans have been removed and the highway reinstated to match adjacent levels.

The detailed specification of the replacement bus stop, which will include a BLISS display and Kassel kerbs, shall be approved in writing prior to such works commencing and the development shall be carried out in accordance with the approved details.

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

Informative: These works are to be documented in a Section 278 Agreement or similar highways agreement.

19 Air quality

Unless otherwise agreed by the Local Planning Authority, all habitable rooms (bedrooms and living areas) at ground and first floor level to elevations overlooking Lawrence Street on the lodge building shall be ventilated through continuous mechanical supply and extract (with heat recovery) to the rear of the building, away from Lawrence Street. Details of the mechanical ventilation scheme shall be approved by the Local Planning Authority prior to first occupation of the lodge building and the scheme shall be carried out in accordance with the approved details.

Reason: In the interests of the amenity of future occupants due to poor air quality in the locality.

20 Noise

Unless otherwise agreed, prior to occupation of the Lodge building and Plaza 1 it shall be demonstrated that internal noise levels, within such buildings (with windows closed), will not exceed the following levels –

LAeq (between 07:00-23:00) of 35 dB(A),

LAeq (23:00-07:00) of 30 dB(A)

LAmx (23:00-07:00) of 45 dB(A).

Reason: In the interests of residential amenity, in accordance with BS8233 and the World Health Organisation Guidelines on Community Noise.

21 Site drainage

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

Reason: In the interest of satisfactory and sustainable drainage.

22 Site drainage

Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works to each individual new build building and no building shall be occupied or brought into use prior to completion of the approved foul drainage works to each individual new build building.

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

23 Site management

The development shall operate in accordance with the Vita Student Accommodation Management & Service Strategy dated October 2014 and the Fore Transport Statement dated 17.October, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity and highway safety.

24 The development hereby approved shall be let to or hired by and occupied by either students engaged in full time further or higher education within the City of York administrative boundary or who are delegates attending part time courses or conferences within the city, and shall not be used for any other purpose.

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 planning gain (open space and education provision and affordable housing) in accordance with Policy H2a of the City of York Draft Local Plan, and to ensure that the proposal accords with the submitted needs assessment dated October 2014.

7.0 INFORMATIVES:

Notes to Applicant

1. ECOLOGY

All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended). To ensure that breeding birds are protected from harm during construction, works that would impact on building features or vegetation that would be suitable for nesting birds should be undertaken outside of the breeding bird season between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period. There are opportunities for the development to provide enhancement for birds without detriment to the building by the addition of traditional woodend bird boxes and others, examples of which can be found on the RSPB website -

http://www.rspb.org.uk/makeahomeforwildlife/advice/helpingbirds/roofs/internal_boxes.aspx

2. 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.

3. WORKS IN THE HIGHWAY

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 - Stuart Partington
(01904) 551361

4. 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 (paragraphs 186 and 187) 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: pre-application advice, sought revised plans during the application process and through the use of planning conditions.

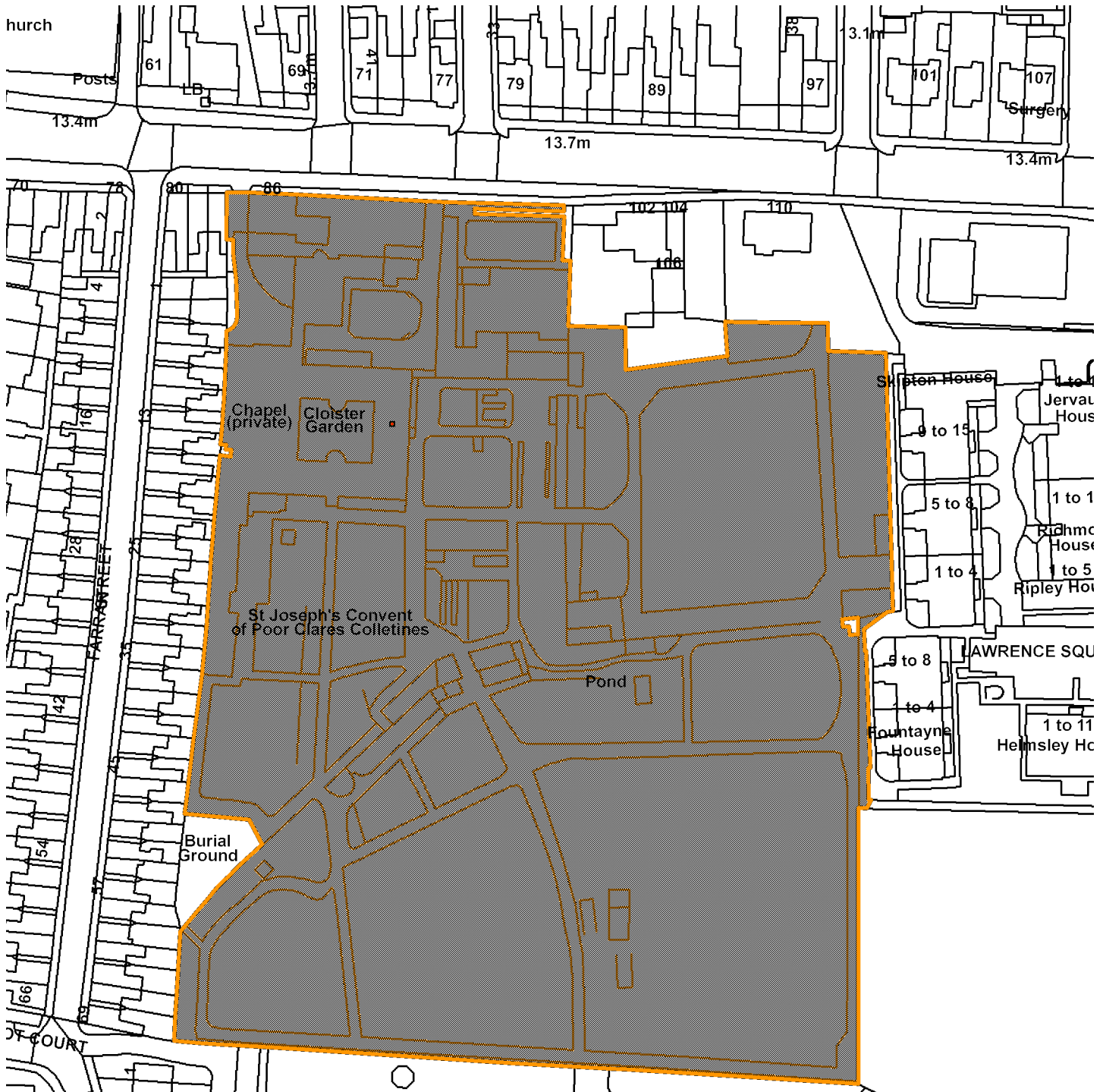
Contact details:

Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323

14/02404/FULM

St Josephs Convent Of Poor Clare Collettines, Lawrence Street



Scale : 1:1271

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Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	10 February 2015
SLA Number	Not Set

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COMMITTEE REPORT

Date: 19 February 2015 **Ward:** Fishergate
Team: Major and **Parish:** Fishergate Planning
Commercial Team Panel

Reference: 14/02405/LBC
Application at: St Josephs Convent Of Poor Clare Collentines Lawrence Street
York YO10 3EB
For: Internal and external alterations to Convent buildings to provide
student accommodation and ancillary facilities with erection of a
two storey extension to the infirmary wing
By: Vita York 1 Limited
Application Type: Listed Building Consent
Original Target Date: 15 December 2014
Recommendation: Approve

1.0 PROPOSAL**APPLICATION SITE**

1.1 The application relates to the St Joseph's Convent site, which is located on the south side of Lawrence Street, between Farrar Street and Nicholas Gardens. An Enclosed Order of the Poor Clare Colettines occupied the site until 2012.

1.2 The main convent buildings and the surrounding walls were listed at grade 2 by English Heritage in 2013. The utilitarian buildings within the site were specifically excluded from the listing. The extent of the listing is shown on Purcell drawing 101, it includes the Lodge, Extern House, Convent building (and its two storey wing to the south), the original and later extended boundary walls.

1.3 The site contains the following buildings -

- The main convent building which was constructed in phases between 1870 and 1874. The 2-storey rear/south wing was completed by 1909; the single storey part at the south end dates from the late C20.
- The Lodge Building/Priest's House which fronts Lawrence Street. It is 2-storey and dates from 1875.
- The Extern House, which is set back from the street, positioned between the Lodge and Convent Buildings. It is predominantly 2-storey and dates from 1875.
- The surrounding walls which were also built in phases, as the site expanded. The original wall was built between 1872 and 1875 and reached to the end of the Burial Ground. The second phase of expansion 1884 to the east encompassed a new orchard. The final phases were in the early C20, to contain the area of agricultural land to the south.

- The site also accommodates workshop buildings, which are to the east of the Convent and Extern House, and were not included in the English Heritage listing description and are proposed for demolition. The earliest of the buildings date from the 1870's, although the majority are from the C20. The buildings assist in the historic understanding of the site.

1.4 There is an Orchard to the NE side of the site, a Cemetery in the SW corner and further gardens, which were used for agricultural purposes, in the south of the site, beyond the former boundary wall which cuts through the site.

PROPOSALS

1.5 The Poor Clare Colettines who formerly occupied the site re-located in 2012 and the site was marketed for residential development. The site was offered in two development parcels; the convent buildings and then the remainder of the site. The preferred occupants; the applicants VITA, propose student occupation (660 units) over the entire site. This allows a predominantly car-free development, which helps retain the garden setting, and re-uses the listed buildings on-site. The schemes presented to the Council at pre-application stage for non-student housing showed considerably more hard-standing and loss of soft landscaping in comparison to the scheme now before members. The schemes for non-student accommodation did not include, therefore did not secure a future for, the main convent building.

1.6 The proposals are to convert the convent and give a glazed infill to the courtyard. There would be accommodation on the upper floors and ancillary uses (hub) for the students at ground floor level. It is proposed to demolish the south wing where it is single storey, this part of the building was not included in the English Heritage listing, and add a 2 storey replacement. The application also includes the following works -

- The utilitarian unlisted buildings to the east of the convent would be demolished.
- The Extern House and Lodge would be converted to student accommodation. There would be 50 student rooms within the retained buildings (Convent, Extern House and Lodge).
- A vehicular entrance would be created in the wall, adjacent 102-106 Lawrence Street.
- Additional buildings (14) would be added in the gardens, ranging in height from 2 storey to 4 storey; there is a companion full planning application (14/02404/FULM) for these buildings. The garden and cemetery to the south of the convent would be retained as existing.

2.0 POLICY CONTEXT

2.1 Development Plan 2005 (4th set of changes) Allocation:

Areas of Archaeological Interest City Centre Area 0006
City Boundary York City Boundary 0001
DC Area Teams East Area (1) 0003

2.2 Policies:

CYHE4 Listed Buildings

3.0 CONSULTATIONS

INTERNAL

ENVIRONMENTAL MANAGEMENT

3.1 Officers support the scheme. The convent buildings are empty and at risk. This scheme will allow their re-use and repair and maintain the listed walls. As the existing building would be able to embody a new community of interest with relatively few justifiable alterations, the qualities that make the heritage asset special would be sustained and its special architectural and historic interest would not be harmed.

3.2 The new development would protect the important buildings by fitting the proposed uses into the existing internal layouts and spaces, which require in the main only minor modifications. In contrast new work, such as the porches and courtyard roof, has been designed to compliment the existing buildings whilst referring in design to aspects of the new phase of development on the wider site.

3.3 Officers also support the proposals for new buildings, which would develop a student village, which (in this proposal) would have a low impact on the distinctive character of the site, due to limited vehicular access, the overall layout (which retains a landscaped setting and provides views through the site of the boundary walls) and the architecture of the new buildings. The scheme demonstrates an understanding of the significance of the place and a deep appreciation of its special qualities.

EXTERNAL

ENGLISH HERITAGE

3.4 Officers have commented upon works to the convent building only, and defer the rest of the scheme to Council officers to assess. There is support in principle for the scheme and note that it requires few interventions to the building. EH support the

proposals for the layout on the upper floors (to accommodate the student rooms) and to cover over the courtyard area.

3.5 English Heritage have raised the following issues, which they consider require further attention -

- Queried whether it is appropriate and if there is need for secondary glazing to the stained glass windows.
- The proposed vents in the courtyard roofs appear too large and too horizontal in emphasis for their context. EH suggest that they are broken up into smaller units of comparable scale to the present gabled dormers or the proposed conservation roof lights.
- EH suggest details of the fire strategy, the suspended ceilings and the proposed raised floor in the courtyard are approved by the LPA.
- Glazed porches: EH welcome the proposed pointed glazed porch for the north elevation (replacing the disfiguring conservatory and reflecting the steeply pitched roof of the lost original porch, whilst being identifiably modern in character). However, it is asked whether pitched roofs would also be more suitable rather than the proposed flat roofed porches for the south and east elevations, which replace existing pitched roofed porches.

COUCIL FOR BRITISH ARCHAEOLOGY

3.6 Made the following comments -

There is no objection to the arrangement of the new buildings, provided they are deemed to be an adequate distance from the perimeter wall and do not harm neighbour's amenity. However there is concern that the scale, design and materials proposed for the new blocks bear no relation to the listed building. In particular suggested that Plaza 1 building has a more domestic appearance.

Asked for images to provided to show the proposed development from Lawrence Street, to assess the impact on the setting.

Welcome retention of the orchard and garden to the south of the convent building.

ANCIENT MONUMENTS SOCIETY

3.7 No objection. Comments as follows

Porches to Convent - both long elevations of the former convent are to have very uncompromising rectilinear glazed porches. There is a widely-advocated philosophy which calls for new "interventions" to be visible as such - we share that belief where circumstances warrant, and justification for the modern interventions is requested.

Reminders of nun's life should be retained within the building. A poignant feature of the present cloisters is the two Oratory Chapels and the impressive Gothic tabernacles inside. If these are not to be retained in situ, can they be re-sited, maybe in the chapel?

Welcome the retention of the burial ground, but ask who will be responsible for its up-keep? and whether this should be secured through a planning condition.

VICTORIAN SOCIETY

3.8 Object, because of the harm that the development would have to the setting of the listed building, comments are as follows -

- Much of the detailed proposals for their adaptation are also positive: the preservation of the spatial integrity of the main chapel, for example, is welcomed.
- Object to the roofing over of the central courtyard. Both spatially and functionally it was and remains an important element of the main house, the form of which was dictated by this open square plot. Given the extent of the site the need for the additional space this would provide has not been established.
- The degree of loss of plan form in this building is also concerning. The cellular nature of the first floor is particularly significant. At present it appears that not even a small portion of the cellular rooms would be retained at this level.
- The new development to the south east of the listed buildings will cause to the special significance of the convent site and its important landscape setting. The sheer number of the buildings, allied to their form and scale, would sully the almost untouched historic site and encroach on the core group of historic buildings, greatly harming its setting.

3.9 No response has been received from the following consultees -

- Georgian Group
- Society for the Protection of Ancient Buildings
- C20 Society

PUBLICITY

3.10 The application was publicised by neighbour notification, press and site notices. The consultation period expired in December 2014. Two comments have been made-

- Concern over the excessive amount of student development in the area. There is a need for affordable housing in the city, which could be accommodated on this site.
- Impact of car parking in surrounding streets.

Materials of the new buildings are out of keeping with their surroundings.

4.0 APPRAISAL

KEY ISSUES

4.1 Section 16 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 states it is the statutory duty of the Local Planning Authority; that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. As such any identified harm should be given significant weight in considering the application.

RELEVANT PLANNING POLICY

4.2 The NPPF (paragraph 131) states that in determining planning 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 that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

4.3 The NPPF goes on to advise as to when significant and less than significant harm can be allowed. Significant harm may only be justified when necessary to achieve substantial public benefits that outweigh that harm or loss, or when all of the following apply -

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

4.4 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

ASSESSMENT

4.5 Proposals are consistent with the National Planning Policy Framework advice set out in 4.2. The development would cause less than substantial harm, due to alterations to the plan form at first floor level. The impact would be low and the overall benefits of allowing re-use of the building, and the sensitive approach to development within the site, outweighs this harm.

4.6 The assessment discusses the works to the existing buildings, followed by an assessment of the proposed new buildings.

WORKS TO THE CONVENT BUILDINGS

Plan form / layout

4.7 On the ground floor the main areas of structural alteration would be against the west wall where the building has been altered or in-filled in the C20th. This is where plant, movie room, WCs, laundry and accessible bedroom suites would be created. The original plan form and means of circulation is retained.

4.8 On the first floor the creation of study bedrooms from the previous cells is the main alteration of significance. The existing cells (which are typically 2m by 3m) are too small to accommodate study bedrooms; so cells have been combined. A high degree of legibility will be preserved by retaining all the corridor doors and by opening up parts of the internal walls (leaving nibs and down-stands) instead of removing them altogether. Furniture layouts have been explored to reduce the extent of the openings.

4.9 The alterations proposed represent less than substantial harm, as established in the framework. It is unlikely an alternative viable use of the building could be found, and as this scheme achieves such with a low level of impact, the public benefits would outweigh the harm.

4.10 The extern house, which fronts onto Lawrence Street is domestic in character and can be converted without alterations that would affect historic fabric.

Environmental performance

4.11 The thermal performance of the building fabric would be upgraded by insulating the attic roof, by providing secondary glazing at windows and by replacing poor quality roof-lights. The proposal to add secondary glazing to stained glass windows, which was queried by English Heritage is no longer proposed.

4.12 A strategy has been devised for introducing more effective environmental services into the building. Where the cloister corridors are being used for horizontal distribution, the impact of services would be reduced by supporting the ducts on

rafts suspended from the ceiling designed to be independent of the walls. The attic would house plant with intake and extract grills formed through the inward facing slated roofs.

4.13 Ventilation grills would not visually detract. They would be positioned in discreet locations, almost flush with the slates and coloured to reduce visual impact. It has been confirmed that the vents cannot be reduced in size and the alternative of more smaller vents would have had a greater visual impact.

4.14 The old boiler house which projects out of the ground would be reduced to ground level providing some external enhancement.

4.15 Further details will be required (through conditions) showing how the fabric and spaces would be protected

Fire strategy

4.16 Alterations, to achieve a suitable means of escape and fire protection, are required to make the building(s) suitable for residential use.

4.17 Two new staircases would be introduced at each end of the first floor corridors to meet required fire-escape distances. The SW one would reuse an existing room. Unfortunately the NW one would need to be external to the building on north elevation. This would interrupt the rhythm of the window band and one of the windows would be adapted to form the exit door. Details would preserve the outer decorative window reveal. Other options have been explored but a satisfactory alternative has not been found.

4.18 Within the building, walls, floors and ceiling are required to achieve 30 minutes fire resistance. The fabric needs to be altered at 1st floor level to achieve this. The proposal involves adding insulation between the floors, lining to ceilings within the studios and the walls between the corridor and each room, and the use of intumescent paint. The approach in principle is supported by officers; the alterations would be reversible, they would not harm or hide historic detailing or the plan form of the building.

Addition of porches

4.19 New glazed porches would be added at the central entrances of the north, east and south elevations. The existing porches are not original, and the replacements would enhance the appearance and legibility of the building.

4.20 The north porch was removed to make way for the flat roofed conservatory in the late C20th. The building would be enhanced by the removal of this poor quality structure. The new porch with its tall pitched roof would reinstate the primacy of this historic main entrance. It would abut the north elevation where previous scars have

been identified. It would also be a contemporary glazed structure signifying the new use.

4.21 The east porch was rebuilt in 1980s and is more solid than the earlier version. The south porch is not original but seems to be contemporary with the infirmary extension. Although the latter has the simple charm of a Victorian timber and glass conservatory, its form does not relate well to the main architectural elements of the original building. These porches offer some draught-proofing but they are not robust structures and they are unlikely to stand up to more intensive use. The new south and east porches have been designed as light-weight glass structures with a flat roof, the roof band lining through with the brick banding of the main elevations, and they would be aligned with the windows above. They are deliberately designed to be a simple light-weight transparent box to enable the original elevations to be appreciated as a whole.

CONVENT COURTYARD

4.22 The plan form has been retained at ground floor level and the chapel is the only large space where occupants can gather in large numbers. In order to protect its spatial character it is proposed to enclose the courtyard to create another large and more informal useable area. A glazed roof is proposed which would be structurally independent of the walls and there would be no services at high level. The inclined glazing would exaggerate its independent form and be used to avoid harm to the pyramidal roofs of the cloister chapels. The only permanent alterations to the cloister walls would be the loss of two windows where doorways would be formed to improve access and circulation within the building. The open quadrangle is one of the defining characteristics of the building type; it would still be legible as such with the proposed glazed roof over, and as the structure would be reversible. The proposal constitutes less than significant harm and is justified, there are other examples where this type of approach has been adopted such as at the Bar Convent (listed at grade 1).

BOUNDARY WALLS

4.23 The walls are intrinsic to understanding the site and create a secluded environment. They also contain niches which relate to the religious use of the site. Repairs and restoration are proposed as part of this application. The main adverse alteration is the creation of a new 5.5m wide access for service and emergency vehicles off Lawrence Street. It would not be possible to develop the site without the opening; the works are justified and by only having a single opening, the harm would be low.

DEMOLITIONS

4.24 The buildings to be demolished are either unlisted or of low architectural/historic importance, the latter being listed by virtue of being extensions

to original buildings. The demolitions would not unduly impact on the special historic and architectural importance of the heritage assets on site.

NEW BUILDINGS AND THE EFFECT ON THE SETTING

4.25 The existing buildings are empty and at risk. Proposals would revitalize the site and repair the buildings and their 1000m long high walls. As the existing building would be able to embody a new community of interest with relatively few alterations, the qualities that make the heritage asset special would be sustained.

4.26 The replacement extension to the south of the convent building (Infirmary Wing) would be lower than the two-storey part of the wing that would be retained, and only the roof would be evident above the boundary wall. The addition respects the scale, proportions and materials of the existing, whilst referencing the new family of buildings proposed within the site. There would be no harm to listed building, the walls and the setting by virtue of this addition.

4.27 The other new buildings proposed are appraised in the companion planning application.

5.0 CONCLUSION

5.1 The proposals reasonably preserve the heritage assets on site; the convent buildings and the boundary walls. The alterations proposed have a low impact, which is out-weighed by the overall benefits of the proposals. The proposals are compliant with the National Planning Policy Framework in this respect.

5.2 The site has been marketed and other interested parties proposals, such as private housing, did not include re-use of the convent building. The proposals within this application retain the listed buildings on site and give them a new use which is consistent with their conservation and in the interests of their long-term viability. The new buildings proposed would reasonably retain the landscaped setting and provide new development which is of high quality and respectful of its context.

5.3 In consideration of the proposals the Local Planning Authority has given adequate consideration to the requirements of Section 16 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIMEL2 Development to start within 3 yrs (LBC/CAC)

2 Approved Plans

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

Purcell Drawings

202, 203h, 204, 205

Convent Buildings – 210a, 211a, 212, 213, 214, 215, 216, 217, 218, 220, 225

Infirmery wing – 229, 230

Extern House – 251a, 252

Lodge – 271a, 272a

Large scale details / roof abutments - 300a

Fuse drawings (14 006 (20))

Masterplan 101 R3

Plaza Buildings

PL1 - 001 R4, 002 R5, 100 R5, 101 R5

Typical sections of Plaza buildings – 21 – PL2 001

Sub-station

SB1 001 R1

Reform drawings (RF14-164)

L01, L02, L04a, L05, L06a, L07a, L08, L09h, L10a, L13, L14b, L15a, L16a, L17

Details of boundary treatment to cemetery – SK - 04B, 05A

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

Large scale details (at 1:20 or 1:5, as appropriate) of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the pertinent part of the development and the works shall be carried out in accordance with the approved details.

Cloister building Extern House & Priest's House

- New doors, external and internal

Application Reference Number: 14/02405/LBC

Item No: 4d

- New windows, dormers, roof-lights
- Details of application of secondary glazing
- New external fire-escape and canopy and associated changes to existing window and wall
- New porches and their abutment fixings with existing elevations
- Full details of adaptations to typical cells
- New glazed roof over courtyard
- Sections through the new plenum floor in the courtyard
- Adaptations to chapel screen and dais
- Balcony railings to Extern House

Cloister building extension

- New link to Infirmary extension showing external walls & roof in section and elevation
- Typical section through brick building at window positions
- Details of laundry flue and roof vents

Convent walls & other external enclosures

- New vehicular access
- Sections through the walls where the management suite (plaza 1) abuts
- Main pedestrian entrance showing new glazed lobby and relationship with existing gates, wall and transition in surface materials
- New gates onto Lawrence Street
- Typical alterations to form openings in walls within the site

Reason: In the interests of the architectural and historic interest of the listed buildings.

4 Materials

Samples of the materials to be used (for the works listed below) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the pertinent part of the development. The development shall be carried out using the approved materials.

Cloister building, Extern House & Priest's House

- New doors, external and internal
- New windows, dormers, roof-lights
- New external fire-escape and canopy
- New porches
- Glazed roof over courtyard

Cloister building extension

- Sample panel of brickwork, (manufacturer's details of other external materials to be supplied).

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: In the interests of the architectural and historic interest of the listed buildings.

5 Fire Strategy

A method statement and drawings detailing the fire strategy for the convent building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the pertinent part of the development and the works shall be carried out in accordance with the approved details.

Reason: In the interests of the architectural and historic interest of the listed buildings.

INFORMATIVE : The strategy shall follow the principles outlined by Purcell, submitted 2.2.2015 (indicative section showing services, fire strategy details and Fire Strategy methodology document). However the strategy shall be amended in accordance with CYC comment dated 5.2.2015 unless agreed otherwise.

6 Repairs

Repairs shall be carried out using matching materials and details. Specifications shall be provided where materials and methods vary from the existing construction technique.

Reason: In the interests of the appearance of the listed building.

Contact details:

Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323

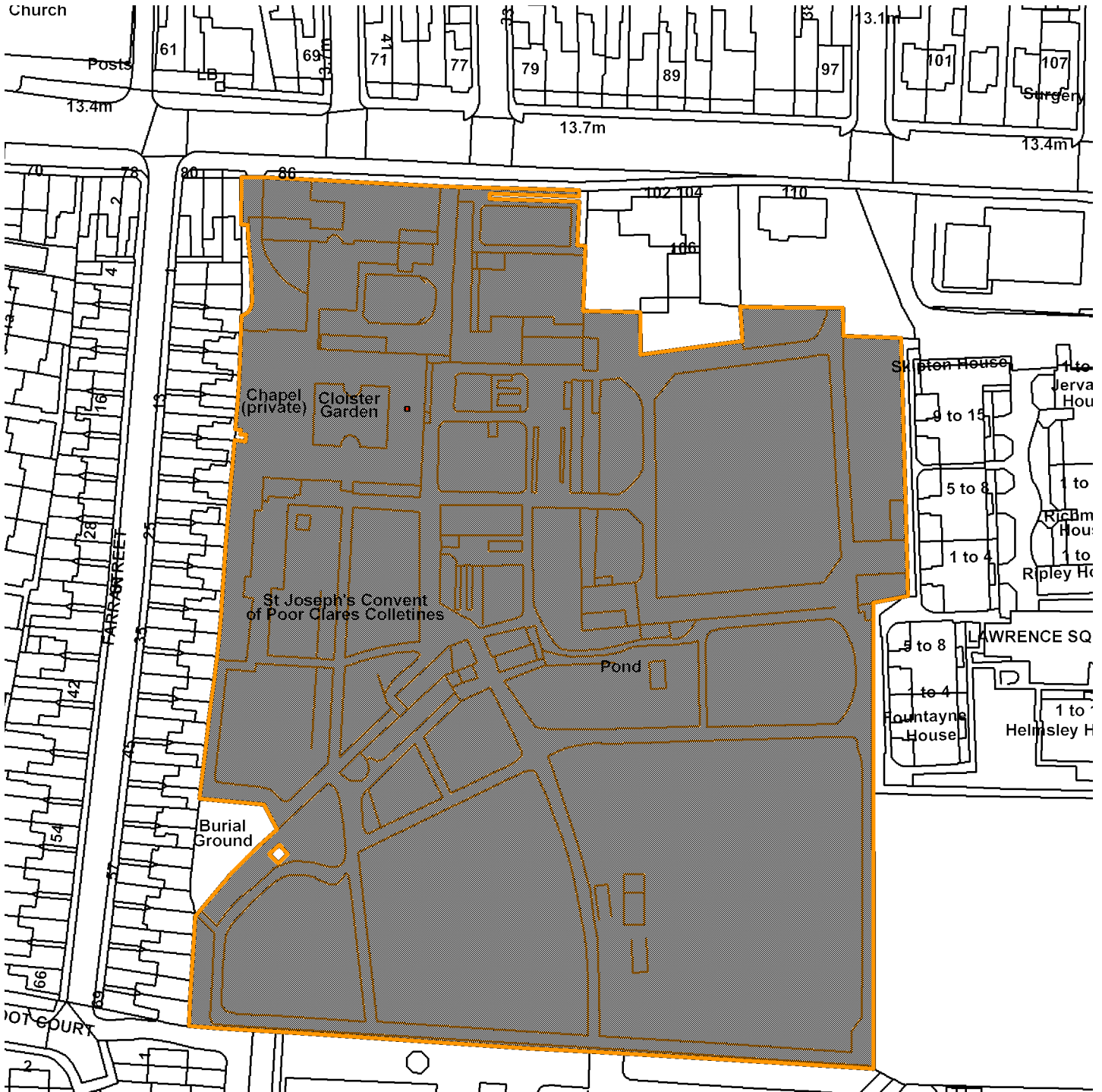
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14/02405/LBC

St Josephs Convent Of Poor Clare Collettines, Lawrence Street



GIS by ESRI (UK)



Scale : 1:1271

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Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	10 February 2015
SLA Number	Not Set

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COMMITTEE REPORT

Date: 19 February 2015 **Ward:** Heslington
Team: Major and **Parish:** Heslington Parish
Commercial Team Council

Reference: 14/02881/FULM
Application at: Biology Department University Of York University Road Heslington York
For: Erection of three-storey building for the Biology Department (Class D1)
By: University Of York
Application Type: Major Full Application (13 weeks)
Target Date: 16 March 2015
Recommendation: Approve

1.0 PROPOSAL

1.1 The Biological Sciences Faculty lies in a series of substantial three storey curtain wall clad buildings together with some older prefabricated concrete "CLASP" buildings at the western edge of the principal Heslington West Campus overlooking Walmgate Stray. The Faculty's teaching and research accommodation is presently in the process of being modernised with earlier buildings being replaced with facilities more suitable for the latest requirements. Planning permission has previously been given for erection of a Biomedical and Natural Sciences teaching and research building ref: - 13/00571/FULM which has recently been constructed and is in the process of being brought into use.

1.2 Planning permission is now sought for phase II of the Biomedical and Natural Sciences scheme comprising a three storey teaching and research building with some 4,670 sq metres of floor space incorporating laboratories, preparation and storage rooms, workshop space, computer rooms and departmental office accommodation. It would create 40 new full time jobs and is designed to accommodate recent and projected increases in student number and the range of courses on offer. The scheme is within the University's Ten Year Development Plan and lies within the area identified for re-development within the University Development Brief. It would be directly connected via a bridge link to phase I of the development directly to the south.

1.3 The site is not taken as being within the general extent of the York Green Belt following on from the decision of the Secretary of State for Communities and Local Government in respect of the permission to develop the additional University campus at Heslington East in 2007.

2.0 POLICY CONTEXT

Application Reference Number: 14/02881/FULM

Item No: 4e

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Draft Local Plan Policies (2005 4th Set of Changes):

CGP15A - Development and Flood Risk

CYED6 - University of York Heslington Campus

CYNE8 - Green corridors

CYGP4A - Sustainability

CYGP1 - Design

3.0 CONSULTATIONS

INTERNAL:-

3.1 Planning and Environmental Management (Landscape) raise the following concerns: Do not support the car park being extended into the treed mound as originally shown, as it represents further erosion of the base line landscape framework of the campus that continues along Wentworth Way, and potentially puts at risk a number of good, young-mature specimens with long term potential. The mounding, grass and trees act as an integrated whole; so to level this area out, apply new surfacing, and reduce the growing conditions in which trees could otherwise thrive, is inappropriate. The car park as shown pushes the visual presence of the cars into the landscape belt, thereby further highlighting the loss of green space. For much of this length, it is not possible to create any level parking space without entering into the root protection areas of the trees due to the sloping nature of the ground in which they stand.

3.2 The landscape plan provides new tree planting within a relatively narrow margin between the western front of the new building and Wentworth Way. This presents an attractive mix of trees and will add to the amenity of the building and the western leg of Wentworth Way. Nonetheless it would not compensate for the loss of the mounding and trees to the north (N.B. issues raised being addressed – see 4.14 below, and revised comments will be reported at Committee).

3.3 Highway Network Management was consulted with regard to the proposal on 12th January 2015. No response has been received at the time of writing.

3.4 Environmental Protection Unit was consulted with regard to the proposal on 12th January 2015. No response has been received at the time of writing.

3.5 Strategic Flood Risk Management was consulted with regard to the proposal on 12th January 2015. No response has been received at the time of writing.

EXTERNAL

3.5 Heslington Parish Council was consulted with regard to the proposal on 12th January 2015. No response has been received at the time of writing.

3.6 Yorkshire Water Services Limited raises no objection to the proposal.

3.7 The Ouse and Derwent (2008) Internal Drainage Board raises no objection in principle to the proposal but wish to see surface water flows attenuated to mimic surface water flows from the site prior to the development. At the same time they point out the need to have Board consent for doing any works within 9 metres of a Board maintained water course.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- Impact upon the Visual Amenity of the Wider Street Scene;
- Impact upon the Setting of Walmgate Stray;
- Economic Benefits of the Proposal;
- Sustainability of the Proposal;
- Impact upon the Local Pattern of Surface Water Drainage;
- Impact upon Trees of Townscape Importance.

STATUS OF THE DEVELOPMENT CONTROL LOCAL PLAN

4.2 The York Development Control Local Plan was approved for Development Control purposes in April 2005; its policies remain material considerations in arriving at Development Management decisions although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework.

PLANNING POLICY CONTEXT

ECONOMIC DEVELOPMENT

4.3 Central Government Planning Policy as outlined in paragraph 21 of the National Planning Policy Framework urges Local Planning Authorities to give specific weight

to the need to plan positively for the location, promotion and expansion of clusters of knowledge based industries.

IMPACT UPON THE VISUAL AMENITY OF THE STREET SCENE

4.4 Central Government Planning Policy as outlined in paragraph 61 of the National Planning Policy Framework urges Local Planning Authorities to give specific weight to the need to address the connections between people and places and integration of new development into the natural, historic and built environment.

SUSTAINABILITY OF THE PROPOSAL

4.5 Central Government Planning Policy as outlined in paragraph 17 of the National Planning Policy Framework "Core Planning Principles" urges Local Planning Authorities to support positively the transition to a low carbon future, encouraging the reuse of existing resources and the further use of renewable resources including renewable energy.

IMPACT UPON THE LOCAL PATTERN OF SURFACE WATER DRAINAGE

4.6 Central Government Planning Policy as outlined in paragraph 103 of the National Planning Policy Framework urges Local Planning Authorities to ensure that in determining planning applications flood risk is not increased elsewhere.

THE EMERGING CITY OF YORK LOCAL PLAN

4.7 Paragraph 216 of the National Planning Policy Framework urges Local Planning Authorities to give appropriate weight to emerging Local Plan Policies. Policy ED2 of the (emerging) Draft City of York Local Plan carries forward the requirements of the earlier Draft Policy ED6 and is compliant with the National Planning Policy Framework. As such the policy should be afforded some weight in the consideration of the current proposal.

IMPACT UPON THE VISUAL AMENITY OF THE WIDER STREET SCENE

4.8 Policy ED6 of the York Development Control Local Plan (April 2005 incorporating 4th Set of Changes) sets out criteria for acceptable new development within the Heslington West Campus of York University. These criteria are also found within the emerging policy at ED2 of the Draft Publication Local Plan (2014), indicating the direction of travel in policy terms. The proposal involves small scale extension to the existing building, and as such, the development would not adversely affect the campus' landscape framework, the height of new buildings would be appropriate to the location in terms of distance to the height of surrounding buildings and a high standard of design appropriate to the setting of the University is proposed. Central Government planning policy as outlined in paragraph 17 of the National Planning Policy Framework "Core Planning Principles" urges Local

Planning Authorities to proactively drive and support sustainable economic development to deliver infrastructure to provide for the needs of the community. The current proposal envisages the erection of three storey research and teaching building clad in a mix of structural glazing; colours coated metal curtain walling and render panels. The proposed building would match phase 1 in terms of its pattern of scale and massing and overall height. The proposed palette of materials would also be complementary. The approved University Heslington West Development Brief, which has been the subject of public consultation and can therefore be afforded some material weight, establishes a maximum built foot print of 20% of the Campus area for new development. This is reflected in both existing and emerging Draft Local Plan Policy and the proposal sits within the indicated figure.

4.9 The application area comprises an existing car park which is not used to full capacity. Some limited staff and disabled parking would be retained to the north although limited crown lifting of trees and associated clearance works will be required in order to allow for adequate visibility into the retained site access. Details of additional tree and shrub planting for the western boundary of the site have been submitted with the proposal. The proposed building would not be readily visible from the surrounding road network and would not be readily visible in long and short distance views from outside of the site to the north west. Any impact upon the visual amenity of the wider street scene is therefore felt to be acceptable and the proposal demonstrates compliance with the NPPF, the emerging Local Plan policy ED2, the terms of Policy ED6 of the 2005 Plan and the 2006 Campus Development Brief.

IMPACT UPON THE SETTING OF WALMGATE STRAY

4.10 The application site lies directly to the north east of Walmgate Stray beyond Wentworth Way with a principal pedestrian access directly to the south west of phase I of the development. The Stray is protected by Private Act of Parliament to protect the landscape approach to the City Centre as well as provide opportunities for informal recreation and a major wildlife habitat in addition. The application site lies some 30 metres distant to the north east at its closest point. A degree of screening would be provided by the existing belt of mature trees along Wentworth Way to the west and further significant planting is envisaged for the area around the site entrance. Any impact upon the setting of the Stray is therefore felt to be acceptable.

ECONOMIC BENEFITS OF THE PROPOSAL

4.11 The substantial rise in undergraduate numbers between 2000 and 2014 has been paralleled with a significant expansion in the range of available degrees in Biological Sciences. The current proposal would enable the replacement of the existing outdated accommodation in Biology Blocks A, B and D which were constructed in prefabricated concrete panels in the 1960s and are no longer fit for purpose to serve the on-going needs of the Department. The University's Ten Year Development Plan envisages the further development of a "centre of excellence" in

teaching and research in the biological and natural sciences with a further expansion in student numbers of 39% over the period of the Plan. The proposal forms part of a wider scheme to expand Science teaching and research within the wider Heslington West Campus which has already brought in wider economic and employment benefits to the area and therefore support is recommended in line with Central Government Policy outlined in the National Planning Policy Framework.

SUSTAINABILITY OF THE PROPOSAL

4.12 The applicant confirms that the building has been designed to achieve a standard of BREEAM "Very Good". It has been designed to a high level of thermal performance through improved insulation values and minimisation of solar gain aiming for a 25% improvement on the requirements of the Building Regulations. The design is also intended to minimise energy and water consumption and materials will be sought sustainably wherever feasible. A new covered and secure cycle store would be provided to the north west of the new building with 20 spaces for staff. A further 56 cycle spaces for use by students and visitors including 28 covered would be provided adjacent to the eastern elevation of the building.

IMPACT UPON THE LOCAL SURFACE WATER DRAINAGE PATTERN

4.13 Policy GP15a) of the York Development Control Local Plan (April 2005 4th Set Changes) sets out criteria to satisfy the Local Planning Authority that any flood risk will be successfully managed with the minimum environmental effect whilst ensuring that the site can be developed, serviced and occupied safely. The site lies within Flood Zone 1 and is therefore deemed to be at the lowest risk of flooding. An outline surface water drainage scheme has been submitted with the proposal which indicates the provision of a system of attenuation connected to the main lake system to the east. At the same time planning permission has recently been given for works to the lake system and associated water courses (ref:- 14/02386/FUL) to create a localised system of surface water control for the purposes of flood risk management. In the event that this is implemented in advance of the current proposal then a full system of attenuation would prove unnecessary. Providing the detail of all surface water drainage works are conditioned for further approval, as an attenuated system or via connection with the approved lake works, then the proposed development is felt to be acceptable.

IMPACT UPON TREES OF TOWNSCAPE IMPORTANCE

4.14 Concern has been expressed in relation to the impact of the proposed new staff car parking layout on the health of the landscaping belt to the north of the site. A significant amount of pruning and crown lifting would be required in order to secure adequate visibility into the new car park/service access and the proposed staff parking area would reduce the area of mounding around the northern edge of the site as well as having clear implications for the root protection area of the adjacent trees. The landscaping to the north of the site is intrinsic to the character of

the site. The applicant has agreed to amend the layout in consultation with the Authority's Landscape Architect in order to devise a lesser scheme that would deal effectively with these concerns and minimise any such impact. As the impact would be largely internal there would be no requirement for further consultation in respect of the revised layout.

5.0 CONCLUSION

5.1 The current Biology Department comprises a mix of single storey CLASP concrete panel buildings with more recently constructed curtain wall clad buildings including Biological Sciences Phase 1 directly to the south. Planning permission is sought for the erection of phase II of the expansion of Biomedical and Natural Sciences to the north west of the main complex. It would be linked to phase 1 by a high level bridge and it would reflect the same pattern of scale, massing and palette of materials. It is felt that the proposal would not have an adverse impact upon the visual amenity of the wider street scene and that it would not have an adverse impact upon the setting of Walmgate Stray. The proposed building would furthermore form an additional component of the wider programme to improve the quality and range of Science teaching and research at the University in order to develop it further as a centre of excellence.

5.2 Subject to receipt of revisions to address the issues raised by the Landscape Architect, the proposal is therefore felt to be acceptable in planning terms and approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

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

Drawing Refs:- 10796 (9)010 A; 10796 (9)006 B; 10796 (9)007 B; 10796 (9)008; 10796 (9) 001; 10796 (2)007 B; 10796 (9)009 A; 10796 (9)011 A; 10796 (2)008 B; 10796 (2)006 B; 10796 AL(2)005 B; 10796 AL(2) 004 B; 10796 AL(2)003 B; 10796 (2)002.

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

3 VISQ8 Samples of exterior materials to be app -

4 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 19 metres, as measured from

existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

5 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees , shrubs and hard landscaping. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

6 NOISE7 Restricted hours of construction -

7 HWAY31 No mud on highway during construction -

8 HWAY18 Cycle parking details to be agreed -

9 HWAY19 Car and cycle parking laid out -

10 Prior to the commencement of the development hereby authorised full details of the proposed means of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include existing and proposed drainage calculations, and location of an outfall and shall be fully implemented before the building is first brought into use.

Reason:- To ensure that the site is effectively drained and to secure compliance with Policy GP15a) of the York Development Control Local Plan and Policy ENV4 of the (Emerging) City of York Local Plan (Publication Draft).

11 Trees shown as being retained on the approved plans shall be protected in accordance with BS: 5837 Trees in relation to construction.

Before the commencement of development hereby permitted, including any demolition, building operations or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing; phasing of works; site access for demolition/construction and methodology; type of construction machinery/vehicles to be used (including delivery and collection Lorries and arrangements for loading/off-loading); parking arrangements for site vehicles; locations for storage of materials; locations of utilities. Details of existing and proposed levels and surfaces shall also be included.

The protective fencing line shall be adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation or deep-digging, parking or manoeuvring of vehicles; there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, or pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To ensure protection of existing trees before, during and after development which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area.

7.0 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 (paragraphs 186 and 187) 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:

Planning Conditions covering tree protection, surface water drainage and building height.

2. CONTROL OF POLLUTION ACT 1974:-

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

action being taken under the Control of Pollution Act 1974:

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

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

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

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

(f) There shall be no bonfires on the site

3. INTERNAL DRAINAGE BOARD:-

The applicant's attention is drawn to the need to obtain the consent of the Ouse and Derwent Internal Drainage Board to undertake works within 9 metres of the banks of a Board maintained watercourse.

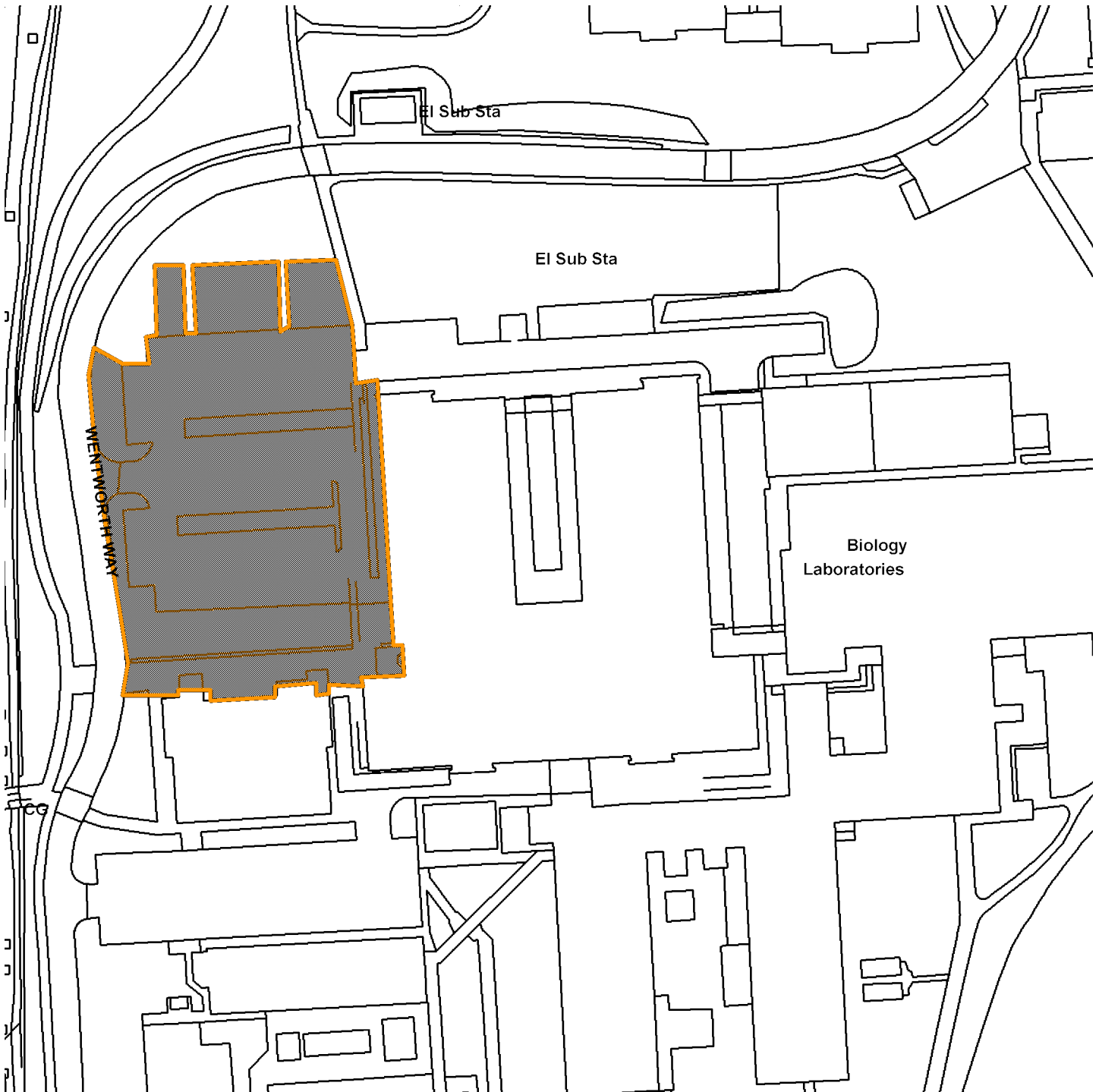
Contact details:

Author: Erik Matthews Development Management Officer

Tel No: 01904 551416

14/02881/FULM

Biology Department University of York University Road



Scale : 1:1059

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Organisation	CYC
Department	Not Set
Comments	Site Plan
Date	10 February 2015
SLA Number	Not Set

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Area Planning Sub Committee

5 February 2015

Planning Committee

19 February 2015

Appeals Performance and Decision Summaries

Summary

- 1 This report (presented to both Planning Committee and the Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1 October to 31 December 2014, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date of writing is also included.

Background

- 2 Appeal statistics are collated by the Planning Inspectorate on a quarterly basis. Whilst the percentage of appeals allowed against the Council's decision is no longer a National Performance Indicator, the Government announced last year that it will use appeals performance in identifying poor performing planning authorities, with a view to the introduction of special measures and direct intervention in planning matters within the worst performing authorities. This is now in place for Planning Authorities where more than 60% of appeals against refusal of permission for major applications are allowed.
- 3 The table below includes all types of appeals such as those against refusal of planning permission, against conditions of approval, enforcement notices, listed building applications and lawful development certificates. Figure 1 shows performance on appeals decided by the Inspectorate, for the last quarter 1 October to 31 December 2014, and for the 12 months 1 January to 31 December 2014.

4 **Fig 1: CYC Planning Appeals Performance**

	01/10/14 to 31/12/14 (Last Quarter)	01/01/14 to 31/12/14 (Last 12 months)
Allowed	3	14
Part Allowed	0	2
Dismissed	7	23
Total Decided	10	39
% Allowed	70%	36%
% Part Allowed	0%	5%

Analysis

- 5 The table shows that between 1 October and 31 December 2014, a total of 10 appeals relating to CYC decisions were determined by the Inspectorate. Of those, 7 were allowed. At 70% the rate of appeals allowed is above the national annual average of around 34% and higher than our previous quarter figure of 0%. By comparison, for the same period last year, 0 out of 7 appeals were allowed, 1 was part allowed. None of the appeals allowed between 1 October and 31 December 2014 related to “major” applications.
- 6 For the 12 months between 1 January and 31 December 2014, 36% of appeals decided were allowed, slightly higher than the national average, and higher than the previous corresponding 12 month period of 27%. None of the appeals allowed in the year 1 January and 31 December 2014 related to “major” applications.
- 7 The summaries of appeals determined between 1 October and 31 December 2014 are included at Annex A. Details as to whether the application was dealt with under delegated powers or by committee (and in those cases, the original officer recommendation) are included with each summary. In the period covered, no appeals related to applications refused by committee.
- 8 The list of current appeals is attached at Annex B. There are 16 planning appeals lodged with the Planning Inspectorate (excluding tree related appeals). Also in the table is the Public Inquiry for the application for 102 houses at Land to the North of Brecks Lane, Strensall which has been called-in for determination by the Secretary of State. The inquiry was held in October/November 2014 and a decision is awaited.
- 9 The quarter performance at 70% allowed is higher than for recent quarters. Whilst the number of appeals allowed in the quarter is disappointing, it should be looked at in the context of the previous quarter where no appeals were allowed. The 12 month figure at 36%

allowed is slightly higher than the national average of 34% of appeals allowed.

10 We continue to employ the following measures to ensure performance levels are maintained at around the national average or better:

i) Officers have continued to impose high standards of design and visual treatment in the assessment of applications provided it is consistent with Paragraph 56 of the National Planning Policy Framework (NPPF) and Development Control Local Plan Policy.

ii) Where significant planning issues are identified early with applications, revisions are sought to ensure that they can be recommended for approval, even where some applications then take more than the 8 weeks target timescale to determine. This approach is reflected in the reduction in the number appeals overall. This approach has improved customer satisfaction and speeded up the development process and, CYC planning application performance still remains above the national performance indicators for Major, Minor and Other application categories.

iii). Additional scrutiny is being afforded to appeal evidence to ensure arguments are well documented, researched and argued.

Consultation

11 This is essentially an information report for Members and therefore no consultation has taken place regarding its content.

Council Plan

12 The report is most relevant to the “Building Stronger Communities” and “Protecting the Environment” strands of the Council Plan.

Implications

13 Financial – There are no financial implications directly arising from the report.

14 Human Resources – There are no Human Resources implications directly involved within this report and the recommendations within it other than the need to allocate officer time towards the provision of the information.

15 Legal – There are no known legal implications associated with this report or the recommendations within it.

- 16 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

Risk Management

- 17 In compliance with the Council's risk management strategy, there are no known risks associated with the recommendations of this report.

Recommendation

- 18 That Members note the content of this report.

Reason: To inform Members of the current position in relation to planning appeals against the Council's decisions as determined by the Planning Inspectorate.

Contact Details

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01904 551320

**Report
Approved**



Date 21 January
2015

Specialist Implications Officer(s) None.

Wards Affected:

All

For further information please contact the author of the report.

Annexes

Annex A – Summaries of Appeals Determined between 1 October 2014 and 31 December 2014

Annex B – Outstanding Appeals at 21 January 2014

Abbreviations

NPPF - National Planning Policy Framework
CYC – City of York Council

Appeal Summaries for Cases Determined 01/10/2014 to 31/12/2014

Application No: 13/01973/FUL
Appeal by: Mr Jim Cutajar
Proposal: Erection of single storey dwelling to rear
Address: Fair Oaks Sandy Lane Stockton On The Forest York YO32 9UT
Decision Level: DEL
Outcome: DISMIS

Planning permission was sought for the erection of a dwelling on agricultural land behind a row of houses. The site mainly comprised redundant agricultural buildings and farm machinery. The houses were within the settlement limit but the application site was in the green belt. The application was refused mainly due to impact on the green belt, no open space contribution, no justification for cesspool and no justification for soakaway. The inspector found that : (1) the site should be treated as being in the green belt despite absence of a defined green belt boundary (2)The development was inappropriate development in the green belt, would have an adverse impact on openness and would conflict with the encroachment purpose (3) sufficient evidence had been submitted by the council to justify the principle of the open space contribution and the specific sum required (4) no conclusive evidence had been submitted by the appellant to justify a cesspool in preference to a septic tank (5) as the suitability of soakaways had not been demonstrated a condition requiring details of surface water drainage would not pass the preciseness test and lastly [the inspector had already referred to the Court of Appeal overturning the Redhill Aerodrome decision] (6) there were no very special circumstances to outweigh harm by reason of appropriateness or any other harm. The appeal was dismissed.

Application No: 14/00099/FUL
Appeal by: Mr Martin Sledmore
Proposal: Conversion of detached garage to 1no. dwelling
Address: 105 Temple Lane Copmanthorpe York YO23 3TE

Decision Level: DEL

Outcome: ALLOW

The application site comprises a former orchard lying directly to the west of a modest detached Victorian property within the Green Belt to the south east of Copmanthorpe village. The proposal related to an application to convert a garage/workshop building of very recent construction into a dwelling. The garage building was unusually large when related to the adjacent domestic property and had been constructed in 2009 in short succession following on from the grant of permission to convert the previous garage at the site into a dwelling in 2006. The application site also lies within Flood Zone 3b). Planning permission was refused on the basis that in view of the design of the garage and the extremely short elapse of time since construction, that it had been built with the intention of conversion to circumvent the policy restrictions on building within the Green Belt and within an area deemed to be at high risk of flooding. A further reason for refusal was based upon the increased intensity of use of the site impacting upon the open character of the Green Belt in that area. Whilst he agreed that the increased intensity of use would impact upon the openness of the Green Belt he felt that, that impact would not be such as to warrant refusal of the proposal. At the same time whilst he agreed that the length of time the building had been in use as a garage had been extremely short and whilst he understood the logic behind the measure of time chosen to establish whether or not a building had been built for the stated purpose, he felt that this had no formal basis and as such could be afforded little weight. In terms of the Flood Zone designation the applicant had contended that there was no historic evidence of it having flooded and in the absence of information to challenge it this was discounted and the appeal as a whole allowed.

Application No: 14/00362/FUL
Appeal by: Mrs Biba J Reid
Proposal: Erection of detached dwelling with associated access
Address: Tree Tops Nursery To Red Lion Upper Poppleton York
YO26 6QB
Decision Level: DEL
Outcome: ALLOW

The application was for a dwelling in the back garden of an existing dwelling. The site is at the edge of the settlement. The green belt boundary is such that the location of the approved house was not in the green belt, but its rear garden was. A part of the condition challenged would not allow extensions under parts D (porches), E (out-buildings) and F (hard-standing); additions which could have been added in the green belt. The appeal was allowed. The condition also removed PD rights for extensions under Classes A, B and C of the Town and Country Planning (General Permitted Order) 1995. There was no dispute with the removal of these PD rights and therefore the inspector did not address this part of the condition. The inspector referred to Paragraph 017 of the NPPG, which states that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. The setting was referred to, in that it was noted that domestic outbuildings could clearly be seen in the adjoining gardens beyond the well-vegetated boundaries. The inspector advised that the location of a site simply by being in the Green Belt does not constitute the exceptional circumstances necessary for the withdrawal of permitted development rights.

Application No: 14/00364/FUL
Appeal by: Mr D Robinson
Proposal: Erection of a bungalow with rooms in the roofspace
Address: 31 Carter Avenue York YO31 0UL

Decision Level: DEL

Outcome: DISMIS

The appeal related to a proposal to erect a 3 bedroom bungalow (with a room in the roof space) in the long rear garden of 31 Carter Avenue. This is an end terraced property on a mid-to-low density housing estate in Tang Hall. The application was refused for the following reasons: The existing housing in the surrounding area was built as a single development and has a very ordered form. The block of 30 adjoining gardens located between Carter Avenue and Seventh Avenue create an open area at the rear of homes that remains free from significant development. It is considered that the introduction of a 6.2m high and 12m long house (and associated access) in to this location would detract significantly from the important and attractive openness of the land and change its form, use and character in a way that would detract unduly from the amenities that residents could reasonably expect to see retained at the rear of their homes. As such the proposal conflicts with policy H4a and GP10 of the 2005 Development Control Local Plan and advice contained in paragraphs 58 (bullet points 1 and 4), 60 and 64 of the National Planning Policy Framework. The Inspector dismissed the appeal agreeing that the proposal would harm the areas character and undermine the established building form.

Application No: 14/00613/FUL
Appeal by: Mr Waldron
Proposal: Demolition of existing house, garages and outbuildings and the construction of a replacement dwelling and garages (resubmission)
Address: Raddon House 4 Fenwicks Lane York YO10 4PL

Decision Level: DEL

Outcome: ALLOW

Planning permission was sought to demolish a modest detached house in large grounds and replace it with a larger, wider, grander house and large detached outbuildings. The site is in a part of Fulford Village Conservation Area that has a rural and verdant character. Consent was refused because, in essence, the dwelling would detract from the spacious character and appearance of the site and the contribution it makes to the historic setting of the adjacent (unlisted) house at Gate Fulford Hall. Whilst acknowledging the rural and verdant character of the area the inspector concluded that the new house would more probably add to it than detract from it. He acknowledged that the adjacent Gate Fulford Hall was grandiose and made a positive contribution to the character of the conservation area but considered that the size and scale of the proposed house compared to the existing Raddon House would not result in a materially greater and harmful visual impact. The appeal was allowed.

Application No: 14/00926/FUL
Appeal by: Mr Mark Davison
Proposal: Alterations to shopfront including new serving counter and canopy
Address: Gourmet Burger Kitchen Limited 7 Lendal York YO1 8AQ

Decision Level: DEL

Outcome: ALLOW

Permission was refused for alterations to the shopfront at The Gourmet Burger King, 7 Lendal, which forms part of a modern terrace within the Conservation Area. The proposal included a serving hatch comprising of a solid timber clad infill panel. The reason for refusal was centred on its poor design which was not considered to respect the fenestration pattern of the building, detracting from the appearance of the host building and the Conservation Area. The Inspector noted that as the hatch would be modestly proportioned, made use of an existing opening and utilised timber materials, it would not be disharmonious on the property and would not appear out of character in an area that comprises of a broad range of frontages. The application was also refused for two awnings, for the reason that by virtue of their location, design, fittings and associated advertisement, they would appear intrusive and discordant to the street scene and would detract from the character and appearance of the Conservation Area. The Inspector noted that the location and design of the awnings, which would be in proportion with the existing fenestration would provide a complimentary modern, clean look to the property. In agreeing that its location within a historic environment requires consideration, the Inspector drew attention to the awning on the adjacent property and whilst noting that the Council state that this was justified on the basis that the premises displayed food, noted that it is nevertheless a feature within the Conservation Area. The Inspector therefore did not agree that the awnings would appear as intrusive features in the streetscene. For these reasons, the Inspector concluded that the awnings and the serving hatch would preserve the character and appearance of the host building and the Conservation Area and the appeal was allowed.

Application No: 14/01014/FUL
Appeal by: Claire Bradley
Proposal: 2no. dormer windows to front and obscured glass to first floor side window
Address: 32A Park Crescent York YO31 7NU

Decision Level: DEL

Outcome: DISMIS

This application sought permission for a front dormer on an end terrace victorian dwelling sited outside of the Conservation Area. The dormer proposed was of poor design and did not relate well to the original dwelling being of horizontal emphasis and being sited high in the roofslope. The materials were also at odds with the original dwelling. The Inspector agreed with these points. No other front dormers are in place within this row and it was also considered that the principle of a dormer would harm the simple rooflines of the row of dwellings, which is characterised by this uniformity. The Inspector agreed again, and noted that whilst CYC had granted permission for a front dormer opposite the site, this feature was considered to be inappropriate and out of keeping with the established street scene.

Application No: 14/01155/FUL
Appeal by: Mr A Cairnes
Proposal: Boundary fence following removal of hedge
Address: 23 Church Lane Wheldrake York YO19 6AS

Decision Level: DEL

Outcome: ALLOW

The appeal related to the refusal of planning permission for a 1.8 metres feather boarded fence following the removal of a long section of mature hedgerow on the side return of this property adjacent to Beck Lane . The fence incorporated an initial a height of approx. 1.5 metres extending to approx 1.8 metres after approx. 8m. The application was refused on its impact to the character of the rural area. The Inspector allowed the appeal on the basis that the location of the fence is not in the Conservation area, it would be adjacent to a wide grass verge and that there is no evidence to suggest the protection of the fence so its removal could be achieved without planning permission . The Inspector concluded that the fence provided additional security and privacy for the occupiers.

Application No: 14/01351/FUL
Appeal by: Mr Michael Taylor
Proposal: Two storey side extension (resubmission)
Address: 21 Hawthorne Avenue Haxby York YO32 3RL

Decision Level: DEL

Outcome: ALLOW

The application site is on the corner plot of Hawthorne Avenue, which turns at 90 degrees. The proposed two storey side extension projected more than 50% of the original width, did not incorporate a set down from the ridge and projected significantly forward of the established front building lines east along Hawthorne Avenue. Though the proposal was a revised scheme, it still constituted a clear breach of design guidance. The Inspector disagreed, though conceded the extension was not a 'subordinate addition' and the result would be 'akin to a short terrace' He also conceded that the properties running east along Hawthorne Avenue have a uniform front building line (though not the properties opposite) He did not consider the extension to be 'out of keeping in this area' but considered it to be of 'good design', an efficient use of side garden and considered the size of the plot as being adequate to house a house.

PE. 21.01.2015

Application No: 14/01498/FUL
Appeal by: Mr Gary Crosby
Proposal: Variation of condition 2 of permitted application 12/01877/FUL to introduce gable to north elevation and alter roof lights
Address: Grantchester Stripe Lane Skelton York YO30 1YJ

Decision Level: DEL

Outcome: ALLOW

The attached appeal related to a replacement dwelling in the Greenbelt. The dwelling is located on the west side of the A19 in Skelton. Planning permission had been granted for a new replacement dwelling in 2012. The replacement dwelling (which has not been built) had a significantly larger footprint and instead of a flat roof like the existing dwelling had a pitched roof with dormers within it. In justifying the larger footprint regard was given to permitted development rights. It was also felt unreasonable to seek a replacement dwelling that retained a flat roof. The new building was set further from the road which removed the conflict with mature trees located around the perimeter. It was felt essential that the property appeared as a bungalow with rooms in the roof space rather than a conventional two-storey dwelling. In 2014 the applicant submitted an application to incorporate a two-storey gable in part of the front of the property to replace a dormer within the roof space. The screened nature of the site meant it would not be prominent. The proposal was refused because, the proposed introduction of a two-storey gable to the previously approved dormer bungalow would significantly increase the scale and bulk of the proposed dwelling beyond that of the approved scheme and very significantly beyond that of the existing low profile single storey-dwelling that is proposed to be replaced. The Inspector allowed the appeal stating that she felt that the changes would not alter the existing impression that living accommodation was located within the roof space. She did not feel that the proposed scheme was sufficiently different to the approved scheme to justify refusal.

Decision Level:

DEL = Delegated Decision

COMM = Sub-Committee Decision

COMP = Main Committee Decision

Outcome:

ALLOW = Appeal Allowed

DISMIS = Appeal Dismissed

PAD = Appeal part dismissed/part allowed

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Outstanding appeals

Officer: Carolyn Howarth						Total number of appeals:	2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
13/01/2015	15/00001/REF	APP/C2741/D/15/2230057	H	9 Church Street Copmanthorpe York YO23	Dormer window to rear		
04/12/2014	14/00049/REF	APP/C2741/D/14/2228780	H	Holme Lea 57 Temple Lane Copmanthorpe York YO23	Installation of dormer windows to front and rear of granny annexe (resubmission)		
Officer: Diane Cragg						Total number of appeals:	2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
14/04/2014	14/00014/CALL	APP/C2741/V/14/2216946	P	Land Lying To The North Of Brecks Lane Strensall York	Residential development of 102 dwellings with associated highways infrastructure, landscaping and public open space		
27/06/2014	14/00023/REF	APP/C2741/A/14/2221021	W	Blue Coat Farm Murton Lane Murton York YO19	Outline application for 9no. dwellings with associated garages and parking		
Officer: Esther Priestley						Total number of appeals:	3
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
28/10/2014	14/00041/REF	APP/TPO/C2741/4159	W	5 Milford Mews Haxby York YO32 3HY	Fell Oak protected by Tree Preservation Order No 191/1992		
12/05/2014	14/00017/TPO	APP/TPO/C2741/3909	W	14 Sails Drive York YO10 3LR	Fell Silver Brch (T3,T11), Mountain Ash (T5), Oak (T8), Trees protected by Tree Preservation Order CYC15		
09/05/2014	14/00015/TPO	APP/TPO/C2741/3907	W	7 Quant Mews York YO10 3LT	Crown Reduce Silver Birch (T1,T2), Trees protected by Tree Preservation Order CYC 15		
Officer: Hannah Blackburn						Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
13/11/2014	14/00046/REF	APP/C2741/A/14/2228703	W	Land To The North Of Twinam Court Intake Lane	Erection of 5no. dwellings with associated parking and access (resubmission)		
Officer: Heather Fairy (Mon - Wed)						Total number of appeals:	2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
07/07/2014	14/00026/REF	APP/C2741/D/14/2221759	H	Holmedene Intake Lane Acaster Malbis York YO23	Two storey front, first floor side, single storey front extensions and balcony to side		

13/01/2015 15/00002/REF APP/C2741/D/14/2229902 H 6 Northfield Lane Upper Poppleton York YO26 6QF Two storey and single storey rear extension

Officer: Jonathan Kenyon **Total number of appeals: 2**

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
17/07/2014	14/00027/REF	APP/C2741/A/14/2222238	W	Laura Ashley Ltd 11 Little Stonegate York YO1 8AX	Change of use to a restaurant and/or drinking establishment (A3 and/or A4 use class) and associated external alterations
15/10/2014	14/00042/REF	APP/C2741/H/14/2226343	W	Swan Court Piccadilly York	Display of 1no. externally illuminated timber fascia sign

Officer: Kevin O'Connell **Total number of appeals: 1**

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
26/09/2014	14/00036/EN	APP/C2741/C/14/2225236	P	Land At OS Field No 9122 Holtby Lane Holtby York	Appeal against Enforcement Notice dated 31 July 2014

Officer: Matthew Parkinson **Total number of appeals: 1**

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
17/06/2011	11/00026/EN	APP/C2741/C/11/2154734	P	North Selby Mine New Road To North Selby Mine	Appeal against Enforcement Notice

Officer: Neil Massey **Total number of appeals: 2**

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
19/12/2014	14/00050/REF	APP/C2741/W/14/3001011	W	15 Green Dykes Lane York YO10 3HB	Change of use from residential (use Class C3) to large house in multiple occupation (Sui Generis) (retrospective)
04/11/2014	14/00045/NON	APP/C2741/X/14/3000132	W	Hendwick Hall Farm Scoreby Lane Scoreby York	Certificate of lawfulness for conversion of stables/outbuildings to habitable annexe

Officer: Rachel Tyas **Total number of appeals: 1**

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
23/09/2014	14/00039/EN	APP/C2741/C/14/2226046	W	9 Feasegate York YO1 8SH	Appeal against Enforcement Notice dated 11 August 2014

Officer: Sandra Duffill						Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
29/10/2014	14/00044/REF	APP/C2741/A/14/2228022	W	13 Margaret Philipson Court York YO1 7BT	Replace existing windows and doors to various different properties at Margaret Philipson Court and Aldwark, York		
Officer: Will Steel						Total number of appeals:	2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
17/12/2014	14/00051/REF	APP/C2741/D/14/2228668	H	2 Westholme Drive York YO30 5TH	Single storey front, side and rear extensions		
17/11/2014	14/00047/REF	APP/C2741/A/14/2228472	W	Apartment 4 Neptune House Olympian Court York	Change of use from residential (use class C3) flexible use house in multiple occupation and residential (use class C3/C4)		
Total number of appeals:						20	

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**14/02008/FULM Erection of a 78 Metre High Wind Turbine
at Ivy House Farm Kexby. Committee Update:-**

Since the Committee Report was prepared and published a further letter of representation has been received objecting to the proposal on the grounds of impact on the open character of the Green Belt and the habitat of rare birds of prey.

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14/02167/GRG3 Erection of a Sports Hall, Detached Teaching Block with Associated Facilities at Fulford School. Committee Update:-

Additional Condition:- Unless otherwise agreed in writing with the Local Planning Authority, prior to commencement of development the developer shall submit in writing and be approved by the local planning authority a formal pre-design BREEAM assessment for the design and procurement stages of the development. The developer shall submit a further BREEAM assessment after construction, at a time to be agreed in writing by the local planning authority. The developer shall submit a completion assessment when issued by the BRE. All assessments shall confirm the minimum 'Very Good' rating anticipated in the preliminary BREEAM assessment submitted with the application

Reason - To ensure the development complies with the principles of sustainable development.

The Community Use Policy for the Proposed Sport's Hall is outlined below:-

“As part of the development of the facilities the school are fully committed to developing a community use agreement in conjunction with the planning authority and the local community and community sports clubs. The facilities will be made available at prices which are comparable with other similar ones across the city. The school already have strong working relationships with a number of community clubs and sports governing bodies, we aim for these relationships to be strengthened and their use of the school's facilities to be increased. These partnerships will be written into the community use agreement and associated usage and development plans. The school anticipate that community access will be offered as demand dictates and certainly to a minimum of an average of 20 hours per week outside school hours. The hours available would cover the periods between 5.30 and 9pm on weekdays during term times, between 9am and 9 pm on weekdays outside term times and at weekends between 10am and 5pm.”

Since the Committee Report was prepared three further letters of representation have been received, two of support and one of objection. The letter of objection raises particular concern in respect of the need to safeguard the projected alignment of the access from the Germany Beck development and the need to ensure that it is constructed in a timely fashion.

Since the Committee Report was prepared further representations have been received from Fulford Parish Council expressing concern in respect of the proposed access from the Germany Beck development and the need to ensure it is constructed in a timely fashion. It is also suggested that the proposed development is EIA Development and should therefore be Screened in accordance with the criteria outlined in Schedule 2 to the 2011 Town and Country Planning (Environmental Impact Assessment) Regulations. The precise area of the development has however been checked and identified to be 4,936 square metres, below the 0.5 hectare minimum threshold identified in the Regulations.

Application at: St Josephs Convent Of Poor Clare Collentines
Lawrence Street York YO10 3EB

For: Conversion, part demolition and extension of existing convent buildings and erection of 14 no. three and four storey buildings to provide student residential and ancillary accommodation (660 bed spaces) with vehicle access to Lawrence Street

Committee Update

Updates from officer's report

Students and car ownership – the applicant's management strategy advises that students would strongly be discouraged from using private cars (and promotes sustainable alternatives). It is not specifically stated that students would be in breach of their tenancy agreement if they were found to be using a private car. The applicants would have concern over the legality of such a statement.

Highway Network Management officers in the Council have reported that they have not experienced issues arising at other private student development in inner city areas, which only provide disabled parking provision - on Hull Road, Carmelite Street (Hungate) & Navigation Road.

Materials - The committee report suggests the metal cladding on the new buildings would be zinc. It is noted that the final material choice is yet to be determined and would be subject to a planning condition.

Landscape officer comment regarding trees for removal

The trees within the application site do not have significant public amenity value due to the location and walled nature of the complex. Nor will they have significant future public amenity value because the development will be entirely private. Nonetheless, the trees are an important and attractive component of the amenity and evolution of the site.

The best specimen trees are located within the formal garden associated with the original convent building. These will be retained within a restored formal garden. The orchard trees form a valuable whole. Many, but not all of these will be retained within this quarter, and new fruit trees will be planted where space allows.

Many of the trees outside the garden and orchard consist of groups of smaller and/or successful self-seeding species, such as Holly, Plum, Hawthorn, Wild cherry, Ash, and as such these are of lower value in arboricultural terms. The grounds are also interspersed with a high number of evergreens. These all contribute to the current amenity of the site by way of their general greenery, but in light of the proposed development they are of little significance.

The development includes the considered planting of a high number of new specimen trees, groups of trees, and avenues of trees, as well as woodland gardens, within a legible, ordered arrangement of open spaces, each with its own character. In time the landscaping strategy would provide a distinct canopy structure across the site and a series of potentially good quality, well-placed specimen trees.

Cemetery

The Nuns have confirmed that they are comfortable with the proposed access arrangements.

The land behind the cemetery is in private ownership, being owned by the school (Church of England) and otherwise a forming private access to housing. The applicants have investigated creating a separate cemetery access but this needs consent from other interested parties.

The creation of a further access is not necessary to make the proposals acceptable in planning terms and there is no guarantee of delivery, and therefore this aspect does not form part of the applications.

14/02881/FULM Erection of a Three Storey Teaching and Research Building for Biological Sciences at University of York. Committee Update:-

Since the Committee Report was prepared a detailed consultation response with Conditions has been received from the Environmental Protection Unit which is outlined below:-

It is noted that the site is a significant distance from neighbouring residential properties and therefore unlikely to give rise to a particular issue in terms of residential amenity nonetheless the following conditions are recommended to deal with any impact arising from the construction of the building and plant noise during its operation;

- Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting during the demolition, site preparation and construction phases of the development 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 scheme, unless otherwise agreed in writing by the Local Planning Authority.

The CEMP shall agree that all demolition and construction works and ancillary operations which are audible beyond site boundary or at the nearest noise sensitive dwelling, including deliveries to and dispatch from the site shall be confined to the following hours:

- Monday to Friday 08:00 to 18:00
- Saturday 09:00 to 13:00
- Not at all on Sundays and Bank Holidays.

All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 (2009) Code of Practice; 'Noise Control on Construction and Open Sites'.

Reason: To protect the amenity of the area

- Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted shall be submitted to the local planning authority for approval. These details shall include maximum sound levels ($L_{Amax}(f)$) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed 5dB below the background noise level at 1 meter from the nearest noise sensitive façade when assessed in accordance with BS4142: 1997 (or exceed the background noise level 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. Whilst it is acknowledged that at background levels of less than 30dB(A) use of BS4142 is inappropriate, EPU consider that in such circumstances the combined rate level of plant inclusive of any character correction should not exceed 30dB(A).

REASON: To safeguard the amenity of occupants of neighbouring premises

- In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be undertaken, and where remediation (clean-up) 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.

Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part 2A of the Environmental Protection Act 1990.

REASON: To protect human health and the wider environment.

Since the Committee Report was written Heslington Parish Council has submitted a consultation response to the proposal and raise no objection to the proposal.

Also since the Committee Report was prepared the site layout has been amended to deal with concerns in respect of the impact upon trees. Condition 2 will therefore need to be amended in accordance with the attached schedule:-

AL(9)001 Rev T1; AL(9) 006 Rev T1; AL(9) 009 Rev T1.

The City's Landscape Architect has indicated that she is satisfied with the proposed revision.

The date given for the University Development Brief for Heslington West is also 1999 and not 2006 as stated.

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