



**Notice of a public meeting of
Planning Committee**

To: Councillors D Myers, Cullwick (Chair), Pavlovic (Vice-Chair), Ayre, Barker, D'Agorne, Daubeney, Doughty, Douglas, Fenton, Hollyer, Kilbane, Warters, Lomas and Fisher

Date: Wednesday, 21 April 2021

Time: 4.30 pm

Venue: Remote Meeting

AGENDA

1. Declarations of Interest

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

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

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

2. Minutes (Pages 1 - 22)

To approve and sign the minutes of the last meeting of the Planning Committee held on 24 February 2021 and 4 March 2021.

3. Public Participation

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

Please note that our registration deadlines have changed to 2 working days before the meeting, in order to facilitate the management of public participation at remote meetings. The deadline for registering at this meeting is at **5.00pm on**

Monday 19 April 2021.

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

Webcasting of Remote Public Meetings

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

During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

4. Plans List

This item invites Members to determine the following planning applications:

a) Burnholme Community Hub, Mossdale Avenue, York YO31 0HA [20/01916/OUTM] (Pages 23 - 78)

Erection of 83no. dwellings (use class C3) with associated parking, landscaping, access and ancillary works. No matters reserved except for the appearance, scale and internal layout of 5no. self-build plots in Terrace 5. [Heworth Ward]

b) Plumbase, Waterloo House, Fawcett Street, York YO10 4AH [20/01521/FULM] (Pages 79 - 124)

Erection of a 3 and 3.5 storey student accommodation block (providing 85 student rooms) following demolition of existing buildings. [Fishergate Ward]

5. Urgent Business

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

Democracy Officer

Angela Bielby

Contact details:

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

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

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

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

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City of York Council

Committee Minutes

Meeting	Planning Committee
Date	24 February 2021
Present	Councillors D Myers, Cullwick (Chair), Pavlovic (Vice-Chair), Ayre, Barker, D'Agorne, Daubeney, Doughty, Douglas, Fenton, Hollyer, Kilbane, Warters, Lomas and Fisher
Apologies	Councillors

15. Declarations of Interest

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda.

In relation to agenda item 3a [Northern House, Rougier Street, York [19/02672/FULM], Cllr Kilbane declared a non pecuniary non prejudicial interest as a Member of Bishopthorpe Road Traders Association and Cllr Doughty declared a non prejudicial interest as his employer was an occupant of the building but he did not work there. There were no further declarations of interest.

16. Public Participation

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme on general matters within the remit of the Planning Committee.

17. Plans List

Members considered a schedule of reports of the Assistant Director, Planning and Public Protection, relating to the following planning applications, outlining the proposals and relevant

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

17a Northern House, Rougier Street, York [19/02672/FULM]

Members considered a major full application from Rougier Street Developments Limited for the demolition of 1 - 9 Rougier Street and erection of 10 storey building, with roof terraces, consisting of mixed use development including 211 apartments (Use Class C3), offices (Use Class B1), visitor attraction (Use Class D1), with associated landscaping and public realm improvements at Northern House, Rougier Street, York.

Members were provided with an update advising them of a revised recommendation in relation to affordable housing contribution from the developer, who had made an offer of £500,000 towards affordable housing in addition to the overage clause on the S106. The money would go towards off-site provision of affordable housing and would be secured in the S106 agreement. There was also a daylight/ sunlight report for which a summary of the results had been submitted. There had been additional consultee responses received from York Civic Trust, the Conservation Area Advisory Panel, and five additional letters of support had been received. Members were advised of revisions to conditions 10, 20, 38 and 41. It was noted that the recommendations remained unchanged from the published report.

Members were then given a presentation on the application detailing the location plan, existing view from the city walls and Rougier Street, proposed elevation from Rougier Street, existing heights, proposed elevations Tanner Street, section of the city skyline and Tanners Moat and visualisations.

In response to questions raised by Members, officers clarified that:

- There had been no work undertaken on the cumulative effect of planning applications on the York skyline. It was noted that harm to the skyline was harm to the historic skyline. Members were advised that each application needed to be considered on its own merits.
- The proposed development was more harmful than leaving the building as it currently stood

- There would be substantial harm to the archaeological deposits should the excavation of the double basement go ahead as it would involve removing significant archaeological deposits from the site.
- There were some significant public benefits that outweighed the harm to the site. In planning terms there was substantial harm to the heritage assets but the public benefit outweighed the harm to the excavation.
- Regarding the archaeological deposits, it was not known how much degradation would take place. It was noted that the bore holes showed evidence to suggest organic deposits were degrading. It was hoped that evidence of a roman road, stone built granaries and potential earlier structures (as well as medieval deposits) may be found
- Regarding the potential loss of 500 jobs, the developer had other schemes around York for office space and it was their intention that tenants would relocate. It could not be guaranteed that those jobs would be retained.
- There had been negotiation regarding office space and there was 30,000 square feet of office space
- There was a condition re remove permitted development rights
- Regarding the existing building being changed to residential use, the application would have to go on got prior approval bit there were permitted development rights and the affordable housing contribution would not be achieved through this
- There were different views in guidance on storage of cycles in apartments. It had been agreed with the developer that it was acceptable for cycles to be stored in individual flats
- Tanners Moat was in the red line of the application
- A condition had been requested regarding LTN 1/20 and the design had been updated to include an integrated cycle route.

[The meeting adjourned from 17:30 to 17:59 to bring speakers into the remote meeting].

Public Speakers

Johnny Hayes spoke in objection to the application on the grounds of substantial harm to archaeology, heritage, and the York skyline. He noted the objections from key consultees and

questioned the balance of benefit against harm, noting the negatives of the scheme.

Cristian Lee Santabarbara (on behalf of York Cycle Campaign) spoke in objection to the application. He noted their concern about the cycle provision and boundary. He noted that the scheme was contract to LTN 1/20 and he urged protection of the route from Scarborough Bridge to Tanners Moat.

Lindsay Cowle spoke in objection to the application. He explained that the scheme would cause significant damage to the city's heritage and there was substantial harm caused. He expressed concern about a lack of affordable housing and he questioned the projected visitor numbers to the Roman attraction. He noted the consultee comments and that it failed to demonstrate that public benefit outweighed the harm. In answer to a Member question regarding the archaeological dig causing harm he explained that legislation stated that unless there was a need to have open pit, the archaeology should be left undisturbed and he added that it was better to leave in situ.

Fern Murrell spoke in objection to the application noting that York should be working towards a planning strategy. She questioned the integrity of the strategy and listed concerns about the height of the building and types of apartments in the scheme.

Eamonn Keogh spoke in support of the application on behalf of the applicants. He noted that the importance of the scheme could not be overstated and detailed the alterations that had been made to the application on officers' advice. He explained that the application was a partnership between the developers and York Archaeological Trust (YAT). He noted the benefits of the office space in the building noting that the scheme would bring an economic boost to the city. He noted that the planning balance was in favour of the approval.

Members asked Mr Keogh and his colleagues (available to answer questions) a number of questions to which they explained that:

- Regarding the viability of the existing building, the site was bought as an office. The future of the building as an office space was limited as Grade B office space and there was the potential for a different type of development scheme to bring public benefit to the city of the archaeological dig

and Roman museum. The offer of £0.5million commutable sum for affordable housing was noted.

- Concerning affordable housing, the development would not be realised for a number of years because of the archaeological dig. The scheme was conceived as a residential scheme with a Roman visitor attraction, the costs for which were taken into account with other costs. The scheme viability did not support affordable housing.

[At 18:29 Cllr D'Agorne lost sound and the meeting adjourned to resolve this. The Senior Solicitor advised that all Members needed to have been present and able to hear all of the discussion. Cllr D'Agorne re-joined and the meeting recommenced at 18:31 with Cllr Fisher repeating his question]

- The figure of 500,000 visitors to the Roman attraction was as a result of working with external consultants. This was believed to be a conservative estimate and the business case was built on this estimate. It was noted that the attraction was three times bigger than the Jorvik attraction and that many attractions attracted in excess of 600,000 visitors. If the numbers dropped below 500,000 this would not make it unviable and visitors were expected to be made up of residents and visitors to the city.
- It was a complicated picture if the museum closed and the modelling was based on a lower number to be economically viable.
- With regard to the type of archaeology expected to be found, a trench had been put in where there would be a deep excavation and there was a fair degree of knowledge about what would be found in that location. The museum would show an insight into everyday life.
- The viability assessment was carried out using NPPF rules and had been assessed by a district valuer. The current building had a limited shelf life as an office and the funders were taking a 50 year funding view of the scheme. The developers were taking a lower percentage return by offering the £500,000 towards affordable housing.
- In regard to the inclusion of a music venue, offer had made clear that the priority was to increase the amount of office space. The applicant was working with the music venue trust to find a site for music venue in the city centre.
- The applicant had worked with the Design and Sustainability Manager on the modelling of visibility. A visibility analysis was undertaken and the level of harm in

the conservation area was on the upper level of substantial harm. The conservation area was a very large asset and modelling showed that visibility was not as widespread as expected. There was no visibility from the railway character area. The impact on the conservation area as a whole, the applicants felt was not at the upper level and was at the lower level given the proportionate analysis.

- As set out in Historic England guidance, visibility was considered in the context of other factors. With regard to the comments made by the Conservation Architect, the applicants disagreed with her assessment and had worked with officers to reduce the harm through visibility as the building was no higher than the Malmaison and Aviva and Victorian buildings on Tanner Row.
- The building was too low to create a wind vortex.
- It was not anticipated that there would be a loss of jobs and it was noted that Network Rail needed grade A office space. Not all of the offices would be vacated immediately and some occupiers had 18 months to 2 years on their leases. Northstar would be promoting two other schemes in the city and had reduced the number of apartments in the scheme and introduced 30,000 square feet of grade A office space.
- The conservation area appraisal identified that the site was suitable for a large scale development.

[At 19:04 Cllr Ayre was asked and confirmed that he had heard all of the discussion].

An explanation of why harm was considered to be at the lower end.

David Jennings (York Archaeological Trust) then spoke in support of the application explaining the importance of the archaeological excavations, the inclusive nature of the visitor attraction that was three times bigger than Jorvik and had the support of a number of bodies such as York CVS. He noted how the attraction would benefit York's cultural strategy. In answer to Member questions, along with colleagues available to it was clarified that:

- YAT had operated Jorvik 36 years and it was explained how the Roman attraction would be operated.
- YAT acknowledged the objections from consultees but noted that the consultees didn't have experience in

running visitor attractions. As well as objectors there was a number of supporters.

- The scheme was for a modern building that responded well to its environment and there was designated space for queues which allowed the opportunity for a secure entrance and to be able to move the queues.
- It was a good location for Roman archaeology as it was so close to the Roman road.

Laurence Beardmore (Vice President of York Chambers of commerce) spoke in support of the application. He explained that the Roman quarter was an exciting proposal for a regeneration project that would add a boost to the city economy post the COVID-19 pandemic. He added that the new attraction would raise new opportunities for York in attracting people to the city. In answer to a Member question regarding what the Chamber was doing to retain the employers occupying Northern House he explained that the Chamber has a broad network and was supportive of the council and Make it York (MiY) regeneration strategy going forward, including the rail industries.

Judith McNicol (Director, National Railway Museum) spoke in support of the application noting the benefits that the Roman quarter would bring to that part of the city, along with York Central. She noted that the economic impact would be wider in bringing visitors to the city and the combined power of York Central and the Roman quarter presented a huge opportunity to the city.

Written representations in support had been received from David Jennings (Chief Executive of York Archaeological Trust), Dr Timur Tatlioglu (Partner, Montagu Evans on behalf of the Applicant), Gareth Williams (Curator at the British Museum), Andrew Lawson (Chief Executive York BID), Professor Ian Haynes (Professor of Archaeology at Newcastle University), Professor John Barrett (Emeritus Professor of Archaeology, University of Sheffield), Professor Nicky Milner (Head of Archaeology at the University of York), Philip Bolson (owner of Mr B Hospitality) and Shaun Collinge (Licensee/Designated Premises Supervisor at the Maltings).

Written representations in objection had been received from Brian Watson and Harkirit Boparai and Chris Sherrington (York Music Venue Network).

[The meeting adjourned from 19:40 to 18:58].

Members were then given the opportunity to put further questions to officers to which officers responded that:

- The Design and Sustainability Manager explained his involvement in the application noting that he had engaged with the applicant regarding changes in the design from an architectural point of view and as a number of improvements were made to the design especially in terms of heights and massing. He noted his comments in paragraph 3.14 of the committee report in which he felt that the building caused harm. He added that in causing harm he did not want to reduce the analysis on the degree of harm. He clarified that rationale for the view of the Conservation Architect. He explained how the different parts of the building articulated the roof scape.
- The timeline for the application coming forward and discussions that officers had had with the applicant including the retention of office space, which the applicant replaced the bar/restaurant with office space.

Cllr Warters then moved and Cllr D'Agorne seconded refusal on the grounds of the public benefit not being outweighed by the harm to the conservation and heritage asset.

[At 20:52 Cllr Barker and was asked and confirmed that he had heard all of the discussion while his camera was off].

Following debate, and in accordance with the revised Standing Orders, a named vote was taken with the following result:

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

The motion was therefore carried and it was

Resolved: That the application be refused with final wording of the reasons to be delegated to officers in consultation with the Chair and Vice Chair.

Reason:

All Members confirmed they had been present for the item.

[The meeting adjourned from 21:04 to 21:18]

17b Haxby Hall, York Road, Haxby, York [20/01944/FULM]

Members considered a major full application from Mr L Garton for the erection of a 65 bed residential and dementia care home following demolition of 5 and 7 York Road and existing care home, and associated access and parking and landscaping at Haxby Hall, York Road, Haxby, York.

An officer update was given advising the committee of further representations from Haxby Town Council, the owner/occupiers of 3 Station Road, 2 Hall Rise and 18 York Road. Members were also advised of suggested amendments to conditions 2 and 27 and of a suggested additional informative. The additional information had been assessed and the planning balance and the recommendation remained unchanged from the published report.

A presentation was given detailing the existing care home buildings in the context of residential properties and their rear gardens and the proposed site plan.

In response to Member questions officers confirmed that:

- It would be ensured that there would be no obstruction with visibility to the entrance.
- A note could be added to condition 4 regarding the length of construction in the CEMP.

Public Speakers

Doug Jennings, Agent for the Applicant, spoke in support of the application noting that the applicant had worked closely with the council's Adult Social Care team and there was a demand for dementia care. He added that this was a replacement care home with uplifts in accordance with the Draft Local Plan. He noted the changes to the design that meant there was no detrimental impact on local residents.

In response to further questions from Members officers clarified that:

- Information on complainants making complaints about the development could not be shared due to GDPR.
- Regarding the quality of building materials, the applicants building to date had used quality materials and there would be a high level of details and officers would work with the applicant to get the best possible solution for the site.
- The site was not in a conservation area.

Cllr Warters moved approval subject to amendment to condition 13 to be changed to the lifetime of the development. This was seconded by Cllr Fisher. Following debate, and in accordance with the revised Standing Orders, a named vote was taken with the following result:

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

The motion was therefore carried and it was

Resolved: That the application be approved subject to an amendment to Condition 13 to be changed to the lifetime of the development, amendments to Conditions 2 and 27 and additional informative as detailed below:

Condition 2 (additions in bold)

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

- YH030-DP(9)920 Rev A - Proposed Site Plan Alternative

- YH030-DP(0)50 - Proposed Elevations

- YH030-DP(0)51 - Proposed Elevations

- YH030-DP(0)52 - Proposed Front Elevation (with Ambulance Station)

- YH030-DP(0)001 - Proposed Ground Floor General Arrangement

- YH030-DP(0)002 - Proposed First Floor General Arrangement

- YH030-DP(0)003 - Proposed Third Floor General Arrangement
- YH030-DP(0)004 - Proposed Roof Plan
- 20-1026-YH-L002 - Planting Details and Schedules
- 20-1026-YH-L001 - Landscape Proposals
- YH030-DP(9)911 - Tree Protection Plan
- NIA/9274/20/9324/v1/Yorkare Haxby Noise Impact Assessment dated 5 October 2020

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

Condition 27

Prior to the commencement of the construction of the development

above foundation level, a scheme for CCTV covering the car park areas including details as to how it will be compatible with the lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall install CCTV in accordance with the approved details prior to the first occupation of the development.

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

Additional Informative 10

Avoiding Bird Nesting Season

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

period and has shown it is absolutely certain that nesting birds are not present.

Reasons:

- i. The site currently occupies the existing care home and 2no dwellings (5 and 7 York Road) and the proposals involve the demolition of the existing building in order to crease an enlarged residential care and dementia care home to enable the continued delivery of specialist and registered care housing to meet an identified need. It is considered that this site is located within an existing residential area of Haxby, in a sustainable location with access to local services, facilities and public transport. This application supports the development of under-utilised land which would help to meet an identified need for housing where supply is constrained, which the NPPF attributes substantial weight. The residential care and dementia care home will provide good size accommodation, with all rooms being en-suite, as well as rooms with an open aspect and that will achieve good levels of daylight and sunlight. Within the building and externally, the scheme shall provide opportunities for gentle physical activity, planting and informal activity and communal spaces, as well as some rooms having individual private amenity spaces.
- ii. Whilst the concerns of the conservation officer are noted, the appearance of the proposed building is considered acceptable, being of a scale that is suitable and appropriately addressing the street frontage and extensive grounds. The public benefits of the development have been demonstrated and are considered to outweigh the less than substantial harm to the setting of the Haxby conservation area, in accordance with para 194 and 196 of the NPPF.
- iii. The revisions to the proposal, including the relocation of the second floor terrace has alleviated concerns in respect to the direct overlooking of private gardens associated with existing residential properties at Hall Rise. Whilst the building is higher, and accommodating a further floor, the set back from the eastern rear boundary off-sets any height increase in the building and overall the building will

not be unduly overbearing, preserving the residential amenity of neighbouring occupiers.

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

All Members confirmed they had been present for the item.

Cllr C Cullwick, Chair

[The meeting started at 4.30 pm and finished at 9.51 pm].

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Meeting	Planning Committee
Date	4 March 2021
Present	Councillors Cullwick (Chair), Pavlovic (Vice-Chair), Ayre, Barker, Daubeney, Doughty, Douglas, Fenton, Hollyer, Kilbane, Warters, Lomas, Fisher and Craghill (Substitute for Cllr D'Agorne)
Apologies	Councillor D'Agorne

18. Declarations of Interest

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda.

Cllr Barker declared a non prejudicial interest in agenda item 4b [York Microlight Centre Limited, Rufforth Airfield, Rufforth, York YO233NA [20/01448/FUL] as the Ward Councillor for that Ward. There were no further declarations of interest.

19. Minutes

Resolved: That the minutes of the meeting held on 4 February 2021 be approved and then signed by the chair as a correct record.

20. Public Participation

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme on general matters within the remit of the Planning Committee.

21. Plans List

Members considered a schedule of reports of the Assistant Director, Planning and Public Protection, relating to the following planning applications, outlining the proposals and relevant

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

**21a North Selby Mine, New Road, Deighton, York
[20/01546/FUL]**

Members considered a full application from Peter Massie for the Variation of condition 4 of permitted application 19/00078/OUTM (redevelopment of the former North Selby Mine site to a leisure development comprising of a range of touring caravan and static caravans with associated facilities) to remove limit of 28 nights occupation in any one calendar year at North Selby Mine, New Road, Deighton, York.

A presentation on the application was given, detailing the site location plan and site parameters plan.

Officers provided an update noting that the full committee report had been republished that day (including the alternative wording for condition 4). Late correspondence had been received Deighton Parish Council in response to the alternative wording of proposed condition 4. Members were also advised of an amendment to condition 4 to require development to be carried in full compliance with the approved site management plan. It was noted that the additional information had been assessed and the planning balance and recommendation were unchanged from the published report.

In response to Member questions, officers confirmed that:

- Proof of residency could include council tax or utility bills to prove primary residence and this could be stipulated to residents.
- There were two pieces of legislation for the classification of a caravan. Both were detailed to Members.
- The placement of lodges on the site would depend whether those lodges fell under the definition of a caravan. If the lodge was permanent and had bigger dimensions than a caravan it would need a new planning permission.
- It could be clarified within a condition what was meant by caravan to make it clear for future developments on site.
- There would be a separate areas for static and touring caravans.
- The limit for a caravan was a width of 6.2m
- Notification letters were sent to Deighton Parish Council and Escrick Parish Council on 25 February 2021

- The Deighton Parish Council response was clarified and read out
- Condition 4 referred to all caravans on site
- Geothermal use of the site was not part of the application

[At 16:53 Cllr Barker confirmed that he had heard all of the discussion when his camera was briefly off]

Public Speakers

Chris Brack spoke in objection to the application on behalf of Deighton Parish Council. He explained that the application was inadequate in stopping caravans from becoming permanent dwellings and that keeping a register of addresses was academic if there was no information on their length of stay. He suggested that the site management plan should include a leasehold clause. A Member noted that only caravans could be sited to which he asked if this included motorhomes and it was clarified that if motorhomes fit the definition of a caravan they would be allowed.

Mr Brack then asked a number of questions from Members to which he responded that:

- The proof of residency could via council tax or utility bills would go some way to towards proof but was not infallible.
- It was suspected that the caravans would not be used as holiday accommodation as the nearby Hollicars, occupiers used their caravans as permanent residences.

Cllr Vassie, Ward Member spoke in objection to the application. He urged the Committee to reject the amendment to the variation of condition 4. He noted that the council had declared a climate emergency and this application would have been an opportunity to address the climate emergency. In response to a question from a Member, Cllr Vassie confirmed that the applicant had not contacted him and that the previous owners of the site had been aware of the carbon benefits of the site.

Liam Toland (Agent for the Applicant) spoke in support of the application. He explained that the amended condition would ensure that the site would not be used for permanent residences. Members asked him a number of questions which he responded that:

- In regard to the 6 month occupancy in a 12 month period, the majority of sites on a similar scale had no occupancy

restrictions. It was felt that the 6 week period was the best way of promoting the site.

- The intention was for touring and static caravans on the site.
- It was felt that the condition put forward was sufficient for the site not to be used for permanent occupancy.
- The lengths/patterns of stay were generally for long weekends, and pitches would be sold for static caravans and rented for touring caravans.
- Concerning the issues raised by Cllr Vassie, technical experts said that the shafts were unviable for geothermal heating. He confirmed that he had responded to Cllr before the last meeting at which the application was considered.
- Prior to the previous application there had been two public consultations with Escrick and a nearby village. Both were well attended.
- The council felt that the 6 week period was acceptable in planning terms.
- The applicant would be willing to accept stipulation regarding proof of residency such as council tax and utility bills.

In response to further questions from Members, officers clarified that:

- They were confident that the management plan condition covered the 6 week period. The Senior Solicitor clarified that the condition could be amended to specify the use classes.
- Case law has confirmed that motorhomes fall within the category of a caravan.
- The negotiations with the applicant has been through their agent.
- The Senior Solicitor advised that with regard to the suggestion from Escrick Parish Council for a leasehold condition, any condition would need to meet the six tests and would need to be necessary and reasonable. She further advised that it was in the gift of the Committee to change the wording of Condition 4.
- It was not in the gift of the Committee to take into account the geothermal use of the site.

Cllr Warters then moved and Cllr Craghill seconded refusal on the grounds of the Condition 4 being changed from 28 days to 6 weeks.

Following debate, and in accordance with the revised Standing Orders, a named vote was taken with the following result:

- Cllrs Barker, Craghill, Daubeney, Fisher, Myers and Warters and voted for the motion;
- Cllrs Ayre, Doughty, Douglas, Fenton, Hollyer, Kilbane, Lomas, Pavlovic and Cullwick voted against the motion.

The motion fell.

Cllr Fenton then moved and Cllr Ayre seconded approval subject to an amendment to condition 4 to the effect that the site would not be occupied for more than 6 months in any calendar year and the wording of this amendment to be delegated to officers in consultation with the Chair and Vice Chair.

Following debate, and in accordance with the revised Standing Orders, a named vote was taken with the following result:

- Cllrs Ayre, Barker, Craghill, Daubeney, Doughty, Douglas Fenton, Fisher, Hollyer, Kilbane, Lomas, Myers and Pavlovic and Cullwick voted for the motion;
- Cllr Warters abstained from the vote.

The motion was carried and it was

Resolved: That the application be approved with the delegation of the final wording to officers in consultation with the Chair and Vice Chair.

Reasons:

- i. The applicant considers the wording of condition 4 previously imposed to be unduly restrictive and, therefore, would not be attractive to the market; it would potentially make the development economically unviable and not on a level playing field with other large holiday sites in neighbouring authorities that the site would compete with.
- ii. It is considered that a condition is required to restrict occupancy in order to avoid permanent residential accommodation and, on the basis of the case put forward by the applicant, this could be achieved

through similar wording to that suggested by the applicant, but amended with the applicant's agreement to include a Site Management Plan and closure of the site for 6 weeks. Subject to the retention of an occupancy condition, there would be no further harm identified.

- iii. Overall, the changes are not substantial or fundamental in the context of the approved scheme and can therefore be dealt with as a variation to the original approval, and that the wording of the condition should be varied for the reasons set out above.

Members confirmed they were present for the item.

[The meeting adjourned from 18:15 to 18:27 during which time Cllr Myers left the meeting].

21b York Microlight Centre Limited, Rufforth Airfield, Rufforth, York YO23 3NA [20/01448/FUL]

Before consideration of the application, the Chair advised Cllr Warters that his comments regarding officers may be in breach of the Member Code of Conduct. Cllr Warters declined an offer from the Chair to apologise for his comments.

Members considered an application from Beckett for the erection of building to provide training facilities, bike and equipment storage for motorcycle training school and microlight hangar, and erection of extension to hangar at York Microlight Centre Limited, Rufforth Airfield, Rufforth, York.

A presentation on the application was given to the Committee. The included the site location plan in context and detail, the existing cluster building, the side elevation to be extended, the existing and proposed site plans and the proposed elevations. Following the presentation officers were asked and confirmed that:

- The motorcycles were currently stored at Tockwith and under the application would be moved to Rufforth. There would also be the addition of an office/classroom area.

[At 18:33 Cllr Hollyer dropped out of and rejoined the meeting].

- Regarding the use class of the buildings on the site, Members were considering the buildings related to this application. Cllr Barker advised that the site was in his Ward and that the buildings were used for light industrial use.
- It was not known whether there would be an increase in employees at the site.
- The airfield had various uses all of which had been granted planning approval. This application related to existing permission for motorcycle training and for a building to continue that operation.
- Concerning other motorcycle activities on the site (Yamaha GT experience) the building was for CBT training and the Yamaha training was unrelated to the application.
- In relation to the Knapton and Rufforth Neighbourhood Plan criteria not supporting new buildings, this application was associated was related to an existing use as set out in paragraph 5.28 of the committee report. It was confirmed that the Knapton and Rufforth Neighbourhood Plan was an adopted plan.
- The classrooms in the application were for mixed use.
- The 1998 planning permission was for the use of a motorcycle training facility.
- The case for very special circumstances was explained.

Cllr Pavlovic then moved and Cllr Barker seconded approval of the application.

Following debate, and in accordance with the revised Standing Orders, a named vote was taken with the following result:

- Cllrs Barker, Daubeney, Douglas, Fenton, Fisher, Kilbane, Pavlovic and Cullwick voted for the motion;
- Cllrs Ayre, Craghill, Doughty, Hollyer, Lomas, and Warters voted against the motion.

The motion was carried and it was:

Resolved: That the application be approved subject to the conditions listed in the report.

Reason: The proposal represents inappropriate development in the green belt and does conflict to a limited extent with Neighbourhood Plan policy RwK11. However,

the proposal does not conflict with the purposes of including the application land in the green belt and only results in a limited loss of openness. The proposal is satisfactory subject to conditions with regard to matters such as contaminated land, drainage and climate change mitigation. The other considerations identified in this case clearly outweigh the harms identified and therefore very special circumstances have been demonstrated to justify the proposal.

Cllr C Cullwick, Chair

[The meeting started at 4.30 pm and finished at 7.06 pm].

COMMITTEE REPORT**Date:** 21 April 2021**Ward:** Heworth**Team:** East Area**Parish:** Heworth Planning Panel**Reference:** 20/01916/OUTM

Application at: Burnholme Community Hub Mossdale Avenue York YO31 0HA
For: Erection of 83no. dwellings (use class C3) with associated parking, landscaping, access and ancillary works. No matters reserved except for the appearance, scale and internal layout of 5no. self-build plots in Terrace 5.

By: City Of York Council**Application Type:** Major Outline Application**Target Date:** 28 February 2021**Recommendation:** Approve**1.0 PROPOSAL****APPLICATION SITE**

1.1 The application site was formerly within the school grounds of Burnholme Community College. The site is allocated for housing development (H3) in the Publication Draft Local Plan. The allocation has an estimated yield of 72 dwellings.

1.2 The former college site now accommodates sports facilities and a community hub. A care home is also nearing completion, and a health centre is envisaged between the community hub and the sports centre.

1.3 The proposed housing is on the southern side of the site, where there were previously playing fields. There is housing to the west, at Burnholme Grove and Penyghent Avenue, playing fields to the east and to the south is Darnbrook Walk and St Aelred's School.

PROPOSALS

1.4 The application is for 83 homes, 5 of which would be self-build. A density of 48 dwellings per hectare. The self-build houses would be to the immediate south of the sports centre.

1.5 The accommodation mix would be as follows -

1-bed	10
2-bed	35

3-bed	22
4-bed	11
Self-build	5

Total 83

- 16 homes to be wheelchair user dwellings (category M4(3) of Building Regulations
- 9 of the houses would be bungalows
- 4 buildings could be multi-generational i.e. separated to provide a 1-bed flat at ground floor and a 3-bed flat above.

1.6 The main access would be from the north, via Burnholme Community Hub. There would also be pedestrian and cycle links to the south, and south-east, connecting into Darnbrook Walk and St Aelred's Mews.

1.7 Homes will achieve Passivhaus standard. The Passivhaus standard requires buildings to have very high levels of insulation and typically includes an efficient mechanical ventilation system. Buildings achieve a 75% reduction in heating requirements compared to current building regulations.

1.8 Homes range from single storey to three storey in height. It is noted that although the care home building to the north is 3-storey, the 3 storey homes proposed would be of a lesser scale/height than this development.

1.9 There would be 74 car parking spaces on site, allocated through a permit scheme. Each house has at least 2 secure and covered cycle parking spaces.

RELEVANT PLANNING APPLICATIONS

1.10 The applications below are the other permissions already approved for development of the former school site -

16/02023/GRG3 community hub & library (this includes access road)
17/01925/FULM Care home

2.0 POLICY CONTEXT

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

2.2 The National Planning Policy Framework ('NPPF') is the principle policy in the determination of this planning application. Key policies / sections of the NPPF are as follows –

- 5 Delivering a sufficient supply of homes
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 12 Achieving well designed places

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

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

2.4 Key relevant Publication Draft Local Plan 2018 Policies are as follows -

- SS1 Delivering Sustainable Growth for York
- H1 Housing Allocations
- H2 Density of Residential Development
- H3 Balancing the Housing Market
- H10 Affordable Housing
- HW7 Healthy Places
- D1 Place-making
- D2 Landscape and Setting
- GI4 Trees and Hedgerows
- GI6 New Open Space Provision
- CC1 Renewable and Low Carbon Energy Generation and Storage
- CC2 Sustainable Design and Construction of New Development
- ENV1 Air Quality
- ENV3 Land Contamination
- ENV5 Sustainable Drainage
- T1 Sustainable Access

3.0 CONSULTATIONS

AFFORDABLE HOUSING

3.1 It is proposed to provide 38.5% of the total housing as affordable, in excess of the policy obligation for a greenfield site of 30%. This is strongly supported by the Housing Strategy Team. The affordable housing is of excellent quality. All homes will be to low-carbon “Passivhaus” standard, and at sizes that exceed the good practice Nationally Designed Space Standards guidance. Taking these factors into account, it is accepted that Shared Ownership is being proposed as an intermediate tenure in place of Discount Sale. There is also an adjustment to strict pro-rata provision to target the affordable housing types at the highest need for these tenures.

EDUCATION

3.2 Officers have asked for a full contribution towards education, as follows -

Primary	Hempland / other schools in area PPA8	19 places
Secondary	Archbishop Holgate	11 places
Pre-school	Within 1.5km radius	10 places

FLOOD RISK MANAGEMENT

3.3 The surface water run off rate is agreed. Ask for agreement of site specific details of the storage facilities for surface water – the swales and below ground storage

HIGHWAY NETWORK MANAGEMENT

3.4 Concerns have been raised with regards to the following issues –

- Mossdale Avenue (principle site access) is not yet adopted or constructed to adoptable standards.
- It is illegal for doors to open outward over the highway. Bin store doors, when opened, would block the footpath.
- Waste collection is impractical. There is limited space for operatives to manoeuvre bins from some of the stores and to the waste collection vehicle (due to proximity to car parking spaces). There are multiple collection points (around 20) which will affect the efficiency of waste collection services.
- Limited parking facilities for delivery vehicles and visitors. Car parking provision is at 87% overall.
- No disabled parking spaces are identified on plan. Where parallel to the road recommended these are 6.5m in length (6m being the recommended minimum

length for a standard space). Due to the tight geometry of the road there is limited provision to accommodate such.

3.5 Vehicular trip generation - based on TRICs data is broadly in line with expected levels for this type of site and location. This estimates approx. 40 additional two-way movements to and from the site during peak times as a result of the development. This level of trip generation is not estimated to have a significant impact on the surrounding highway network.

3.6 Car parking - Taking account of the location of the development, the size of the proposed dwellings, and the lack of suitable public transport options, the Highway Authority is concerned that the development will result in overspill parking within the site (to unsuitable locations) and onto local roads, where there are already significant issues with verge and footway parking. A contribution is therefore required to enable the highway authority to manage this risk

3.7 Requested measures to promote sustainable travel –

- Bus shelter and stop upgrade on Bad Bargain Lane for outbound stop is required as this is where people using service 11 have to wait to go towards the city centre (loop)
- Car club vehicle parking space on site to be provided
- Investigation and improvement of access adjacent to Tang Hall Library (Fifth Avenue) connecting to off road cycle route towards city centre (Sustrans 658)
- Sustainable travel incentives for residents: £400/unit for bus or cycle vouchers and £200/unit for car club incentives.

3.8 Construction management a method statement - can be conditioned to include: Construction traffic routes / Contractor parking / Arrangements for deliveries and loading / Dilapidation survey.

PUBLIC PROTECTION

Land contamination

3.9 The site investigation issued provides details of the remediation works required for the site however it does not provide a full set of ground gas monitoring results. So, further site investigation is required.

Electric vehicles

3.10 City of York Council's draft Low Emissions Planning Guidance recommends 5% active and 5% passive provision. This equates to 8 spaces overall. 6 points are

proposed within the scheme. Further passive provision requested. Officers should also agree the management, maintenance, servicing and access/payment arrangements for Electric Vehicle Recharging Points for a minimum period of 10 years.

Noise

3.11 Dwellings would be close to the community hub and commercial / recreation uses, so dwellings need to be constructed to achieve adequate internal noise levels.

Construction management

3.12 Condition required, to cover working hours, noise, vibration, dust, lighting.

EXTERNAL

FOSS DRAINAGE BOARD

3.13 The applicant is proposing to connect into the new surface water mains sewer which is part of the Burnholme Community Hub and Explore Library. This eventually discharges into the part of Old Foss Beck / Tang Hall Beck which is maintained by the Environment Agency (not the Board). Accordingly, the Board has no comments to make on the proposal.

YORKSHIRE WATER

3.14 As the proposal site is currently undeveloped, no positive surface water is known to have previously discharged to the public sewer network. Surface water discharge to the existing public sewer network is only permitted when it has been evidenced more sustainable methods are unsuitable. Although assumptions (and historic borehole logs) suggest the sub-soil conditions will not support the use of soakaways, Yorkshire Water could require evidence to prove that this is the case, before a discharge to the public sewer network is granted.

3.15 Ask for separate foul and surface water discharge

POLICE ARCHITECTURAL LIAISON OFFICER

3.16 The Police consider that the community and stakeholder engagement by the applicants prior to the submission of this planning application has been exemplary and is reflected in this planning application. From a crime prevention through environmental design perspective, the scheme is very good. The design and layout is to be commended.

4.0 REPRESENTATIONS

4.1 There have been 16 public representations. Re-consultation was undertaken following receipt of revised plans in December 2020, which, of note, changed house types within the terrace adjacent 27 Burnholme Grove.

4.2 Comments made are as follows –

Impact on the locality

- Servicing strategy - questioned whether the site can be serviced and whether the access is suitable.
- Surrounding roads are already unsafe and in poor condition (in particular Bad Bargain Lane). They don't have capacity for more housing. Facilities for pedestrians in the locality need improvement. Signalled pedestrian crossings, on Bad Bargain Lane, particularly adjacent to the Burnholme development, and additionally at the junction with Tang Hall Lane are essential to safe movement of cyclists and pedestrians journeying to and from the city centre.
- The site is not as close to local facilities, and bus services are not as frequent, as suggested within the application.
- The amount of development is excessive for the site and the local area does not have the services, amenities and road network to accommodate such.
- Schools at / overcapacity already therefore could not accommodate further development.
- Welcome introduction of landscaped walking routes; ideally these would perambulate the entire site.
- Lack of meaningful public engagement and consultation. Concerns not addressed.

Ecology

- Loss of hedgerows along the west boundary unacceptable. (Note plans have since been amended, moving houses away from the hedge. The scheme includes retention of the hedge in this area).
- Impact on ecology though development of the field

Impact on neighbour's amenity

- Penyghent Avenue – neighbours have objected to the proximity of houses to the boundary and their proposed height (which is 3-storey in places). The development would lead to a loss of light / be over-bearing / loss of outlook / loss of privacy.
- Residents at Burnholme Grove advised the revised plans were an improvement in respect of impact on amenity as the houses (terrace 3) were reduced to single storey. They had objected to the initial scheme for 2-storey houses adjacent the boundary.
- Construction – disturbance

5.0 APPRAISAL

KEY ISSUES

- Principle of the proposed development
- Housing type and tenure
- Design
- Neighbours amenity
- Highway Network Management
- Open Space
- Ecology
- Drainage
- Education
- Public Protection

PRINCIPLE OF PROPOSED DEVELOPMENT

5.1 In principle, the presumption in favour of sustainable development, as set out in NPPF paragraph 11, applies in determining the application. This means permission should be granted unless policies within the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The site is allocated in the Local Plan for housing development.

HOUSING TYPE AND TENURE

5.2 The scheme proposes 83 dwellings and in accordance with the aspirations of the Council's Housing Delivery programme around 40% of these would be affordable (at least 16 Social Rent and 16 for Shared Ownership is anticipated). The local planning policy target for affordable at this site, which will be secured through the planning process, is 30% based on policy H10: Affordable Housing. This would equate to 25 homes - 20 for social rent and 5 for discount sale.

5.3 The housing is predominantly 2 and 3 bedroom sized (57 of the 83 proposed, with the 5 self-build homes to be defined at detailed design stage). The accommodation mix is appropriate, considering local need. In this respect Draft Local Plan 2018 policy H3 states that the Council will seek to balance the housing market across the plan period and work towards a mix of housing identified in the Strategic Housing Market Assessment (SHMA). Proposals for residential development will be required to balance the housing market by including a mix of types of housing which reflects the diverse mix of need across the city. This includes flats and smaller houses for those accessing the housing market for the first time, family housing of 2 to 3 beds and homes with features attractive to older people. The Strategic Housing Market Needs Assessment 2016 addendum estimates that housing need between 2012-32 for market housing is predominantly 2 and 3 bedroom houses. For affordable housing most need is for 1 and 2 bedroom houses.

5.4 The NPPF promotes effective use of land and discourages developing at unduly low densities (paragraphs 122 and 123). The proposed density is 48 dwellings per hectare (DPH) and the scheme involves a reasonable amount of public open space and amenity space. The density is reasonable, sitting between the guideline densities in Local Plan policy H2 which suggests 50 DPH in the urban area, 40 DPH for suburban areas.

DESIGN

5.5 NPPF paragraph 127 states that planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area;
- b) are visually attractive as a result of good architecture, layout and landscaping;
- c) are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place;

- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space); and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

5.6 The scheme achieves the aspirations of the NPPF in terms of design; it will be distinctive, informed by its place-making and Passivhaus principles. The layout provides good connectivity north - south, with improved pedestrian and cycle access between houses and amenities. It has been designed so public open spaces and amenity are integral to the scheme and the layout adopts Secure by Design principles, in particular with good surveillance of the public realm and the secure residents amenity spaces provided between terraces. The public realm follows the principles established within the National Design Guide; it is designed to encourage activity and recreation, and for people to walk and cycle rather than depend upon cars. All apartments have their own front doors and benefit from multiple outlook.

SUSTAINABLE DESIGN AND CONSTRUCTION

5.7 National Planning Guidance allows local authorities to require energy performance in housing equivalent to the now abolished Code for Sustainable Homes Level 4 (which is approximately 20% above current Building Regulations). It also allows for a reasonable proportion of energy to be from renewable or low/zero carbon technology. Local requirements are set out in Publication Draft Local Plan policies CC1 and CC2. These require a 28% enhancement over Building Regulations overall, secured through energy efficiency and low/zero carbon / renewables.

5.8 This development aims to achieve Passivhaus certification, which will significantly exceed local policy requirements. The buildings are proposed to incorporate efficient building fabric, therefore reducing heating requirements overall, and the use of the following low/zero carbon technology - PV panels, air-sourced heat pumps and MVHR (mechanical ventilation and heat recovery).

NEIGHBOURS AMENITY

5.9 As noted in 5.5 NPPF paragraph 127 advises planning should ensure a high standard of amenity for existing residents. The site is presently open, predominantly undeveloped. As such residential development, as allocated in the Publication Draft Local Plan, will affect outlook from surrounding homes and their gardens. However due to the proposed layout and building scale/design a reasonable level of amenity, for a suburban setting such as this will be maintained.

Impact on 27 Burnholme Grove

5.10 Terrace 3 proposed would be to the south of no.27. The house at no.27 is positioned close to the south boundary (around 4.5 m away), it has a substantial sized garden to its western side. Terrace 3 has been re-designed since the application was first made, so it would not be over-dominant over the neighbour and nor would there be an undue loss of outlook. There are 2 fewer houses proposed now within the terrace; it has been shortened so there would be views from the upper floor of no.27 beyond. The buildings are reduced in massing also and would be single storey. There would be no overlooking issues and, in applying Building Research Establishment (BRE) guidelines, there would be no adverse effect on daylighting.

Impact on Penyghent Avenue

5.11 The terraces on the western side of the site are spaced away from the side boundary, with the hedgerow at the boundary shown as retained (terrace 6 was moved further from the boundary (now 1.7m away) and outside of the root protection area of the hedge in the revised plans issued in January). Side elevations of houses would look towards the rear of houses on Penyghent Avenue. The terraces are either single or two storey, stepping up to three storey further away from the boundary. The side elevations of the two taller terraces are over 21m from neighbouring buildings, which is adequate separation to maintain reasonable amenity. The orientation of the terraces (perpendicular to existing houses) also helps maintain an open aspect from neighbouring houses. Terrace 12 is closer to the adjoining house; around 19m. Terrace 12 would be single storey; the development would therefore not be over-dominant and would not lead to overlooking.

Impact on Darnbrook Walk

5.12 Terrace 12 is to the north of Darnbrook Walk. The terrace is single storey. As such and due to the orientation (i.e.to the north) it raises no amenity issues.

HIGHWAYS

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

- Opportunities to promote, and facilitate access to sustainable transport included where appropriate.
- Give priority first to pedestrian and cycle movements.

- Minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.
- Be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- Safe and suitable access to the site be achieved for all users.
- Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 111 requires an assessment of impacts on the network, when development will generate significant amounts of movement.

5.14 The NFFPF also states “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.15 Relevant sustainable communities principles within local policy D3 for new development are as follows –

- Create a people friendly environment which promotes opportunities for social and community interaction
- Promote integration, connectivity and accessibility to, from and within the site by maximising opportunities for walking, cycling and frequent public transport thereby promoting and facilitating a modal shift from the car to more sustainable and healthier forms of travel

Minimise the environmental impact of vehicle trips to and from the development and mitigate the impact of residual car trips on the highway network where possible, including addressing air quality issues.

The comments of the Council’s highways network management team are acknowledged and have been considered in full.

Safe and promotion of sustainable travel

5.16 The scheme promotes sustainable travel in that the streets and spaces within the site are designed to function as highway (enabling servicing via a vehicular loop around the housing), but have a landscaped character that prioritises pedestrian movement, creating an environment with low traffic speeds and restricted car access where practical. Spaces around the buildings will therefore have the feel of public realm and promote recreation.

5.17 Whilst there is a single vehicle access from Mossdale Avenue to the north, to encourage pedestrian and cyclist trips, there is wider connectivity with direct links to Darnbrook Walk to the south and into the public path to the eastern side of the site, connecting Derwenthorpe and the community hub and Applefields School. The site is within walking distance from multiple bus routes linking the site to nearby local centres and the city centre.

5.18 For electric vehicles there will be 4 exclusive car parking spaces on-site. There is further provision already at the community hub, which would be available for residents to use. To meet current local expectations for at least 5% active / 5% passive provision, (to be secured through condition) the intent is future provision (4 spaces) can be accommodated at the community hub car park; thus enabling wider community use. External sockets are proposed at houses so electric bikes could be charged.

5.19 The arrangements for car parking are that residents will have to apply for permits to be allowed to use a space. There would be 74 spaces on site and 83 dwellings (89% provision). Blue badge holders would have priority (there are 11 M4 (wheelchair accessible) homes proposed) and a space for a car club vehicle.

5.20 For cycles there are a mix of storage spaces proposed, including in-curtilage and larger communal stores. All homes have access to at least 2 covered and secure cycle storage spaces.

5.21 Bin stores – the doors to the stores would open out over the footpath. At three points, with doors open, the clear footpath width would be between 1.3m to 1.6m. Recommended footpath width is 2m. The doors would be self-closing. At the times when residents were putting out waste, or at the time of collection, the footpath would be required for this activity. Given the frequency (and duration) there would be conflict, there would be limited disruption and inconvenience. It is important to note the streets are to be designed as shared spaces, with pedestrian priority, and to be used for recreation, as promoted in the National Design Guide. The functionality of the footpath would not be compromised because it provides access to the bin stores and there would not be an unacceptable impact on highway safety. As such this issue does not provide a reason to refuse the application. The Highways Act 1980 prohibits the construction of any doors or gates on a premises opening outward onto a street and therefore, if necessary, these areas would not become adopted highway.

Impact on the network

5.22 The site is allocated for housing in the Publication Draft Local Plan, and located in the urban area. The measures within the Travel Plan are intended to address concerns that the development could lead to car parking off site causing local

tension, given the 74 car spaces and 83 dwellings proposed. The scheme promotes sustainable means of travel, by limiting car parking spaces, promoting car share, cycling and walking, the latter two by facilitating and connecting to off-road pedestrian and cycle routes and providing facilities for cargo and electric bikes. It is served by public transport. Sustainable living is a key principle of the housing delivery programme. The houses will be marketed to this effect, and through the Travel Plan, residents will continuously be informed of these aspirations and encouraged to benefit from sustainable travel. Car parking will be allocated to residents annually. The scheme is compliant with NPPF policy on promoting sustainable development and the principles that underpin the overall local plan, as set out in policy DP2.

5.23 Trip rates have been estimated using industry standard techniques. A maximum number of vehicle trips, as a consequence of the development, would be 40 (per hour) at peak times. This is not a level of impact that would have a severe impact on the network; no off-site mitigation is required in this respect.

OPEN SPACE

5.24 The NPPF advises that planning decision should aim to create healthy and inclusive places. Paragraph 96 states 'access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate'.

5.25 Local policy GI6 (new open space provision) of the DLP 2018 states 'all residential development proposals should contribute to the provision of open space for recreation and amenity'.

5.26 There is no sport provision on-site as such. The site is adjacent playing fields, the community hub, sports halls and multi-use games area. In accordance with policy and supplementary guidance the off-site contribution towards sports would be £45,795.

5.27 The scheme will have a high quality landscaped setting. In addition to the provision of a central public open space, the scheme includes the following character areas -

- Communal snickets between terraces will be gated and able to provide areas where children can play. These areas can also facilitate allotments subject to future demand.

- Streets between terraces 3, 6, 9, 12 will be car free landscaped areas.
- Natural play trail to be provided on the eastern side of the site where the public footpath runs south to St Aelred's Mews

5.28 Considering local standards there is adequate provision, in area and type of amenity space and children's play provided for within the development.

ECOLOGY

5.29 NPPF paragraph 170 states decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

5.30 There are a group of self-sown trees in the southwest corner of the site; typically birch and willow trees and a section of hedgerow along the northern boundary of the former playing fields. These areas of vegetation would be cleared to facilitate development. The hedgerow around the former playing fields on the eastern and western sides of the site and at the boundary with Burnholme Grove would be retained. To compensate for the loss of trees and hedgerows, there will be replacement planting of both, in particular at the south boundary of the site and alongside the pedestrian / cycle route to the east of the proposed housing and St Aelred's School. The proposal includes planting of 210 new trees, including 87 fruit trees. Some 80m of hedgerow would be lost but here will also be planting of 285m in replacement. Given the above it is considered that any ecology impact will be mitigated against.

DRAINAGE

5.31 Relevant NPPF advice on flood risk is not to increase flood risk elsewhere. With regards drainage developments should incorporate sustainable systems, unless there is clear evidence that such would be inappropriate. Local Policy ENV 5 requires surface water run off at brownfield sites to be restricted to 70% of the existing rate. Sustainable drainage, following the hierarchy in the NPPG, should be facilitated unless this is not feasible.

5.32 The site is in Flood Zone 1 where there is a low probability of flooding and where residential development is suitable.

5.33 The drainage approach for the site is policy compliant and follows the approved strategy for the wider site. There is no watercourse to directly connect into and site investigations confirm soakaway is not a suitable option therefore connection into the existing drainage, at a rate that is 70% of the existing, is the preferred approach. The run-off rate has been approved. The drainage connection will be into the

drainage under the access road to the north. Surface water and foul drainage would be separate. The drainage scheme features swales where spatially possible, in open spaces and at the south end of the site, to provide water storage and provide ecological value. The site specific details and future maintenance responsibilities will be dealt with through condition.

EDUCATION

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

5.35 As local schools do not currently have capacity contributions towards further school places at all levels have been requested. These would be used towards schools within the catchment area, as set out in section 3.

PUBLIC PROTECTION

5.36 NPPF paragraph 178 states planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. The site will be subject to thorough site investigation to inform any required site remediation. This would be secured through condition, along with implementation and validation of such.

5.37 NPPF paragraph 180 states planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. This includes consideration specifically of noise and light pollution.

5.38 In paragraph 182 it advises decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

5.39 The site has been identified by the Council for mixed use development, including residential. The community hub includes a sports centre and outdoor sport pitch (MUGA) in addition to the community hub. These uses will co-exist with the

surrounding area, which is residential and the care home under development to the immediate north. A condition is proposed that will require a noise assessment to demonstrate that noise levels in the proposed houses will be acceptable, in accordance with best practice (British Standards and World Health Organization).

5.40 NPPF paragraph 181 states decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.

5.41 In accordance with NPPF policy regarding air quality, the proposed development promotes sustainable travel, it will provide for electric vehicle car use and promote car share / walking and cycling. These aspirations will be secured through implementation of the scheme itself (delivering facilities and new and enhanced green infrastructure, in the form of connectivity and routes for pedestrians and cyclists only) and through implementation of the travel plan over a 5 year period.

6.0 CONCLUSION

6.1 This site is allocated for housing in the Publication Draft Local Plan. The scheme has been designed to promote sustainable modes of travel, health and well-being. The latter through both the design of the housing itself and the surrounding public realm and movement network.

6.2 The housing on the western side of the site has been re-designed to address concerns over neighbours' amenity and there will be measures to retain the hedgerow at the western boundary.

6.3 Conditions will deal with technical matters and secure the following developer contributions (which each pass the test of being necessary, directly related to the development and fairly and reasonably related in scale and kind) –

- Affordable housing – minimum 30% / 25 dwellings
- Education – funding for 19 primary spaces / 11 secondary / 10 early years
- Sports provision off-site - £45,795
- Sustainable travel measures
- Off site highway works – measures to safeguard against risks arising from overspill parking and improvements to the Bad Bargain Lane bus stop

6.4 Approval is recommended; the NPPF states that the presumption in favour of sustainable development applies in determining this application, this means approve the development unless “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole”.

6.5 This scheme has strong sustainability credentials. Housing is to be to Passivhaus standards, and within an attractive and landscaped setting. Private car ownership is discouraged, with alternatives promoted and facilitated. The scheme in particular accords with the social objective of the NPPF – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being.

6.6 The use of conditions will ensure the scheme is compliant with the economic, environmental and social objectives of the NPPF and its policies.

COMMITTEE TO VISIT

7.0 RECOMMENDATION: Approve

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

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

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

Location Plan 288 B (00) 000 P4

Tree Assessment Plan (Quants) drawing 1255 rev 4

Landscaping plans

Urbed drawings

1116_URBED-Z0-ZZ-DR-L P1 - Hardscaping, Landscape and tree planting plans
Associated plant schedule dated 24/9/20

Proposed site plan 288B (00) 001 P4
Proposed roof plan 288B (00) 002 P4

Terraces site plans
288 (00) 100, 101, 102, 103, 104, 105,106, q07, 108, 109, 110, all revision P3
288 (00) 111 revision P4

Terraces elevations
288 (00) 200 - 206 - revision P3
288 (00) 207 - revision P4
288 (00) 208 - 211 - revision P3
288 (00) 208 - 212 - revision P4

Site wide plans and sections
288 (00) 220 P3, 300 P3

Typical details

ASHP stores - 288B (80) 002 P1
Cycle storage - (80) - 001 P2, 010 P1, 005 P2, 006 P2, 011 P1, 012 P1 - typical
details for internal storage 33 - 402 - 404
Bin storage - 288 (80) 007 and 008
Sniket entrances - 288B (80) 003 and 004
Gardens - 288B (80) 009

House types (all 288B drawings) - all revision P2

A - 00 001, 00 002
B - 00 001, 00 002
C1 - 00 001, 00 002
C2 - 00 001, 00 002
D - 00 001, 00 002
E - 00 001, 00 002
F - 00 001, 00 002
G - 00 001, 00 002
H - 00 001, 00 002
I - 00 001, 00 002

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

3 Construction Management

Application Reference Number: 20/01916/OUTM

Item No: 4a

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

The plan shall include: -

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

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

4 Tree / hedgerow Protection

Trees and hedgerows shall be protected during all construction works, as shown on the Quants Tree Assessment Plan drawing 1255 revision 4, with measures in accordance with BS: 5837: Trees in relation to construction.

Prior to commencement of development an Arboricultural Method Statement detailing protection measures for the existing trees and hedgerows, shown as being retained, shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include details of means of installing utilities.

The development shall be carried out in accordance with the approved details. A copy of the statement shall be available for inspection on site at all times.

Reason: In the interests of good design and biodiversity, in accordance with NPPF sections 127 and 170.

5 LC1 Land contamination - Site investigation

6 LC2 Land contamination - remediation scheme

7 LC3 Land contamination - remedial works

8 Drainage

Prior to construction of the buildings hereby permitted, details of the proposed means of foul and surface water drainage, as shown on Civic drawing 1169-03-CIV-XX-ZZ-DR-D-1001 P07, including details of any balancing works and off site works, shall be submitted to and approved by the Local Planning Authority. The information shall include site-specific details of:

- Site specific details of the flow control manhole and the means by which the surface water discharge rate shall be restricted to a maximum rate of 3.5 litres per second.
- Site specific details of the attenuation tank the means by which the surface water attenuation up to the 1 in 100 year event with a 30% climate change allowance shall be achieved.
- Site specific details of the 300mm and 500mm swales
- The full storage volume calculations for the surface water attenuation above.
- Details of future maintenance and responsibilities for implementation.

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

Reason: In order to avoid increased flood risk elsewhere in accordance with Publication Draft Local Plan policy ENV4 and NPPF paragraph 163.

9 Self Build

Prior to the commencement of building works of terrace 5 (self-build housing) reserved matters applications with fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning

Authority:

- Appearance
- Landscaping
- Layout
- Scale

The terrace shall also be provided with services (access to a public highway and connections for electricity, water and waste water) to the extent that it can be defined as a serviced plot of land, as defined in the The Self-build and Custom Housebuilding Regulations 2016.

All applications for approval of reserved matters for the self-build dwellings shall be in accordance with the approved 'draft design code v4' submitted with the outline application. Development shall be carried out in accordance with the approved details.

The development of the 5no. self-build dwellings hereby approved shall not be carried out unless as 'self-build or custom-build' development as defined in the Glossary in Annex 2 of the National Planning Policy Framework (February 2019) or any subsequent replacement document.

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

10 Affordable Housing

No development shall commence unless and until a scheme for affordable housing provision as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

The affordable housing shall meet the definition of affordable housing in the Glossary in Annex 2 of the National Planning Policy Framework (February 2019) or any subsequent replacement document.

The scheme shall include the provision of at least 25 affordable homes on site and shall include:

- The number, type / tenure and location of the affordable housing.
- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing.
- The arrangements for the transfer of the affordable housing to a Council approved

registered housing provider or the management of the affordable housing (if no registered housing provider is involved);

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

The affordable housing shall be permanently retained thereafter in accordance with the approved scheme.

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

11 Education

No development shall commence unless and until a scheme to ensure the provision of adequate additional pre-school, primary and secondary school places within the local catchment area has been submitted to and approved by the local planning authority.

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

INFORMATIVE:

The provisions of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, the obligation should provide for a financial contribution calculated as shown in the table below. The basis for this calculation is contained within the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated June 2019.

Primary - Hempland / other schools in area PPA8 - 18 places - £341,568

Secondary - Archbishop Holgate - 11 places - £287,386

Pre-school - Within 1.5km radius - 10 places - £170,784

12 Amenity Space - Sport

No development shall commence unless and until details of provision for off-site sports facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The facilities shall thereafter be provided in

accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy GI6 of the Publication Draft Local Plan which requires that all new housing sites make adequate provision for the open space needs of future occupiers.

INFORMATIVE:

The requirements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of sport. The obligation should provide for a financial contribution calculated at £45,795.

13 Off site car parking

No development shall commence unless and until a scheme to safeguard against the risk of highway safety issues arising from overspill parking provision has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of promoting sustainable travel and highway safety, and due to the low provision of car parking on site.

INFORMATIVE:

The requirements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site highway management. The obligation should provide for a financial contribution calculated at £15,000.

14 Noise

Prior to the construction of the dwellings hereby permitted a detailed scheme of noise insulation measures for protecting the approved residential from externally generated noise shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation.

Reason: To protect the amenity of people living in the new property from externally generated noise and in accordance with NPPF paragraph 182.

INFORMATIVE: The building envelope of all residential accommodation should achieve internal noise levels in habitable rooms, as follows -

- Day-time (07:00-23:00 hrs - no greater than 35 dB LAeq (16 hour)

- Night (23:00-07:00 hours) - 30 dB LAeq (8 hour) and LAFMax level should not exceed 45dB(A) on more than 10 occasions in any night time period in bedrooms and should not regularly exceed 55dB(A).

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

15 Materials

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

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

Reason: In the interests of visual amenity and local distinctiveness, in accordance with paragraph 127 of the NPPF.

16 Large scale details

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

- Entrance canopies
- Windows and their surrounds
- Eaves

Reason: In the interests of visual amenity and local distinctiveness, in accordance with paragraph 127 of the NPPF.

17 Ecology

Any tree or hedgerow removal on-site shall be undertaken in accordance with the recommendations in section 4.2 of the Quants Bat Surveys and Hedgerow Regulations Survey dated October 2020.

The dwellings hereby permitted shall incorporate habitat facilities, in accordance with the Ecology Strategy in 4.6 of the Landscape Statement dated 24/9/2020.

Reason: To minimise the impacts on and to provide net gains for biodiversity, in accordance with NPPF paragraph 170 and to ensure the favourable conservation status of a European Protected Species can be maintained through retaining bat roosting features on site.

18 Main access

Prior to first occupation of the development hereby permitted the means of vehicular, cyclist and pedestrian access into the site from Bad Bargain Lane shall be submitted to the Local Planning Authority for approval in writing and the scheme carried out in and completed in accordance with the approved details. This access shall thereafter be retained for access purposes only for the lifetime of the development.

Reason: To ensure that the primary access into the site is provided for and is acceptable in highway terms.

19 Adoptable highway

The development shall not be occupied until there has been submitted to, and approved in writing by the Local Planning Authority, a detailed scheme which identifies areas to be adopted highway and standard construction details for the relevant areas (section drawings to include base course and surfacing materials). The scheme shall be constructed in accordance with the approved details.

Reason: In the interests of good design.

20 New connections

The pedestrian and cycle connections into the existing route on the east side of the site; to the east of terraces 5, 8, 11 and St Aelred's School, shall be provided in accordance with the approved plans prior to first occupation of the relevant (aforementioned) terraces. The access shall be level or with the shallowest gradient that can reasonably be achieved.

The pedestrian and cycle connections into Darnbrook Walk shall be provided prior to first occupation of the development (unless an alternative phasing arrangement has been approved by the Local Planning Authority). These works shall include a (level or ramped) connection into the footpath along Darnbrook Walk. Details of the scheme shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing. The development shall be carried out in accordance with the approved details.

Reason: In the interests of good design, and to promote sustainable travel, in accordance with NPPF paragraphs 127, 108 and 110.

21 Landscaping / public realm

The development shall not be occupied until there has been submitted to, and approved in writing by the Local Planning Authority, a detailed soft landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs (following the principles shown on the submitted urbed landscape drawings and landscape strategy).

The hard landscaping shall follow the principles as shown on the approved drawings - Urbed drawings 1116_URBED-Z0-ZZ-DR-L P1 (Hardscaping, Landscape) and the associated landscape strategy. All hard landscaping areas, including highway, shall be installed prior to first occupation.

Alternatively a phasing plan, detailing times at which the landscaping and public open space shall be completed, shall be submitted to the local planning authority for approval.

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

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 in the interests of the character and appearance of the area.

22 Children's play facilities

Prior to first occupation of the dwellings hereby permitted details of children's play equipment, located within public open space and semi-private spaces between terraces (to include location and details of facilities) shall be submitted to and approved in writing by the Local Planning Authority. The details shall explain the timing of installation of each area (relevant to housing). The works shall be carried out in accordance with the approved details prior to first occupation of the development hereby permitted.

Reason: To ensure that there is adequate open and amenity space and to promote health and well-being, in accordance with section 8 of the NPPF.

23 Cycle / bin storage

Prior to first occupation of the dwellings hereby permitted the associated cycle and bin storage shall be provided in accordance with the approved plans and thereafter retained for such use.

The cycle storage shall be provided in accordance with the strategy as shown on drawing 288 (80) 010 P1

The bin store doors (and any other door that open outwards onto and over public footpaths) shall be self-closing.

Reason: In the interests of good design, visual and residential amenity, and to promote sustainable travel in accordance with paragraphs 108 and 127 of the NPPF.

24 External lighting

External lighting within the site shall not exceed the maximum values of light recommended for E3 environmental zones, as set out in the Institute of Lighting Engineers Guidance notes for the reduction of obtrusive light Guidance Note 01/20.

Reason: To avoid undue light pollution, in accordance with NPPF paragraph 180.

25 Electric Vehicles

Prior to first occupation of the development hereby permitted, a scheme for providing electric vehicle charging facilities, for cycles and cars, shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall be installed in accordance with the approved details.

The scheme shall include the location and type/specification of installations, timeframe for installation, and a management and maintenance strategy regarding the car parking spaces.

There shall be at least four dedicated spaces provided on-site and passive provision for at least four further spaces provided, either on-site or within the car parking area at the community hub to the north.

Reason: To encourage the use of electric vehicles and reduce emissions, in accordance with paragraphs 110 and 170 the NPPF and policy ENV1 of the Publication Draft Local Plan.

26 Car club

Prior to first occupation of the development hereby permitted details of a car club

scheme, in accordance with a contract to be entered into by the developer and an approved car club provider, shall be submitted to and approved in writing by the Local Planning Authority. The car club scheme shall comprise -

- The allocation of 1 car club parking space - location to be specified
- Provision of car club membership (to the value of at least £200 per dwelling) for all eligible residents of the development
- Promotion of the scheme
- The phasing at which the scheme will be introduced

Reason: In order to reduce private car use in the interests of sustainable travel and given the low provision of car parking on site.

27 Bad Bargain Lane bus stop

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

Bus shelter and stop upgrade on Bad Bargain Lane for outbound stop (as this is where people using service 11 have to wait to go towards the city centre (loop))

Reason: In order to promote sustainable travel and given the low provision of car parking on site.

28 Travel Plan

An updated Travel Plan, following the principles and objectives established within the Civic Travel Plan V1.1 dated September 2020, shall be submitted to and approved in writing by the Local Planning Authority for approval prior to first occupation. The approved travel plan shall be implemented upon the commencement of the use hereby approved.

The travel plan shall provide full details regarding the following sustainable travel incentives -

- Ongoing management of the communal cycle parking, use of cargo bikes and car parking.
- Travel Plan co-ordinator to be specified.
- Provision and implementation of sustainable travel incentives for first occupants: £400/unit for bus or cycle vouchers and £200/unit for car club incentives.

The required annual monitoring reports shall be issued to the Local Planning Authority.

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

29 Sustainable construction

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

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

30 Removal of permitted development rights

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2 Part 1 (or any Order revoking and re-enacting that Order with or without modification) there shall be no enlargements to any of the dwellings hereby permitted, apart from the self-build plots on terrace 5, that would extend beyond the rear of the original dwellinghouse without the prior written planning permission of the Local Planning Authority.

There shall be no new windows inserted in the west side elevation of terraces 3, 6, 9, 12.

Reason: In the interests of amenity, to ensure adequate outside amenity space for future residents and to prevent an adverse effect on surrounding residents. As such the Local Planning Authority considers that it should exercise control over any future extensions which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

8.0 INFORMATIVES:

STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

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

Contact details:

Application Reference Number: 20/01916/OUTM

Item No: 4a

Case Officer: Jonathan Kenyon
Tel No: 01904 551323

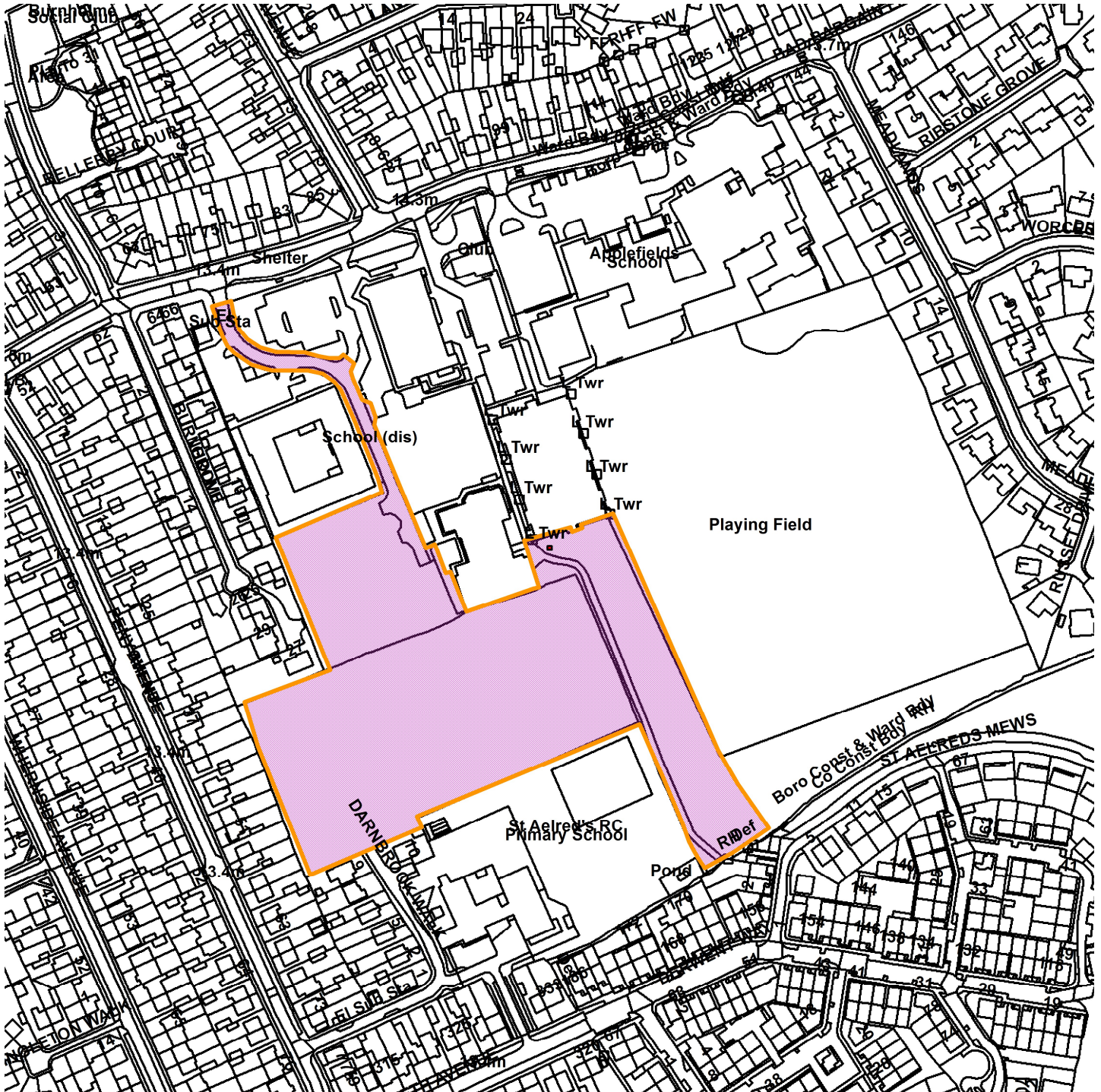
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20/01916/OUTM

Burnholme Community Hub, Mossdale Avenue, YO31 0HA



GIS by ESRI (UK)



Scale : 1:2779

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

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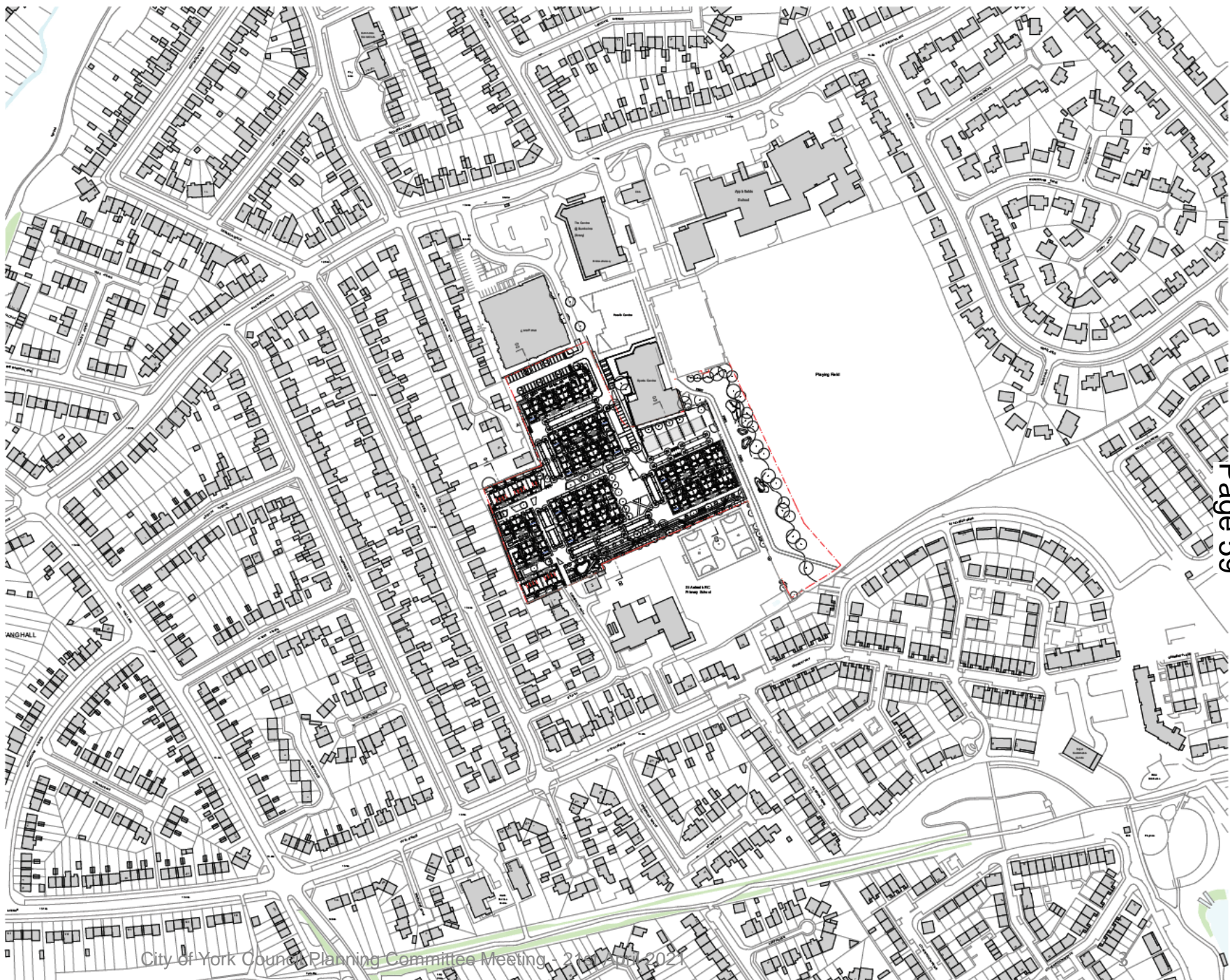
Planning Committee

To be held remotely on 21st April 2021 at 4:30pm

20/01916/OUTM - Burnholme Community Hub, Mossdale Avenue, York

Erection of 83no. dwellings (use class C3) with associated parking, landscaping, access and ancillary works. No matters reserved except for the appearance, scale and internal layout of 5no. self-build plots in Terrace 5.

Site Location Plan



Existing Site



View from North
East – sports
centre building and
proposed main
entrance



View from North:
Main Access and
Care Home Building



Page 62

Access to front of
community hub from
Car park to East. Care
Home buildings



Land to front of
Community Hub



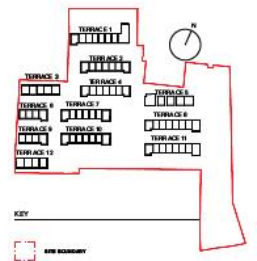
New access leading off
Bad Bargain Lane



Proposed Pedestrian access from Darnbrook Walk



Proposed Site Plan



KEY

- SITE BOUNDARY
- A 2 Bedroom (4 Person House)
- B 2 Bedroom (5 Person House)
- C 4 Bedroom (7 Person House)
- D 2 Bedroom (4 Person House)
- E 2 Bedroom (5 Person House)
- F No. 1 Bedroom (3 Person Flat)
No. 2 Bedroom (5 Person Duplex)
- G No. 1 Bedroom (2 Person Flat)
No. 2 Bedroom (5 Person Duplex)
- H 2 Bedroom (4 Person Bungalow)
- I No. 1 Bedroom (3 Person Flat)
- MGD - Existing Homes
- Self-Build Plot (3 Flats)

Ref No.	Issued	Issue Title
01	18/03/21	PLANNING - Revision
02	18/03/21	PLANNING - Revision



HEALTH, SAFETY AND ENVIRONMENTAL INFORMATION BOX

! **Warning**

Note: This drawing is to be used in conjunction with the risk register provided for inclusion in the health and safety plan. The contractor is to identify in their sub-contract the risk register to be completed by the contractor when dealing with the type of works indicated in this drawing.

NOT FOR CONSTRUCTION

DO NOT SCALE FROM THIS DRAWING

All measurements given are indicative, or the contractor must check prior to the practical execution of any programme. All discrepancies between drawings are given and their resolution is to be brought to architect attention.

MIKHAIL RICHES

18 - St Wendon Street
London, E1 8DS
+44 (0)20 760 1856
m@mrtd.co.uk

DRAWING TITLE: **Proposed Site Plan**

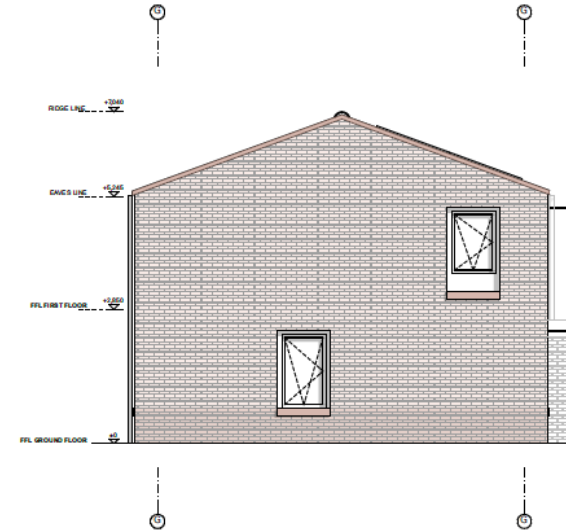
PROJECT: Northcliffe, Newarth	DATE: 18/03/2021
CLIENT: HOP - City of York Council	REA Stage: C
DRAWING STYLE: PLANNING	SCALE: 1:500 @ A1
Project No: 288 B - (00) 001	Sheet No: P4



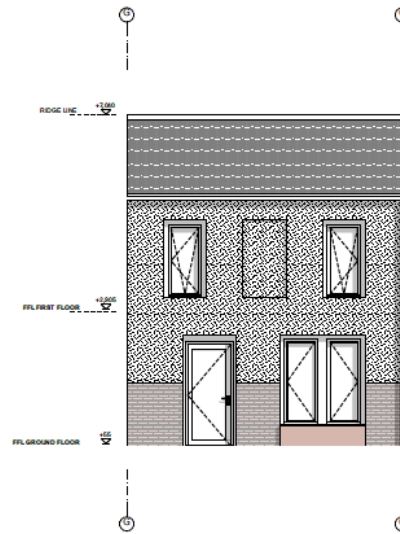
Housetype A – 2 Storey



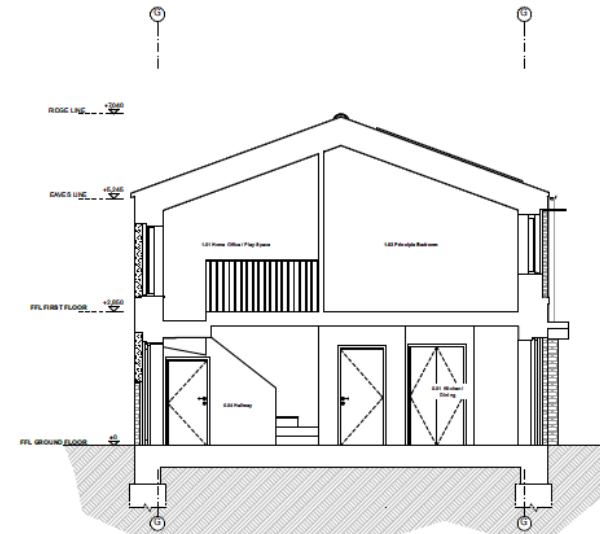
A (0) 200 South Elevation



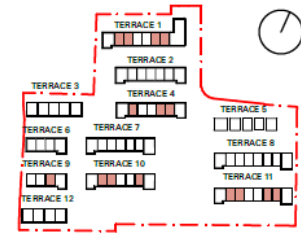
A (0) 202 East Elevation (Terrace 3 ONLY)



A (0) 201 North Elevation



A (0) 300 Section A-A



KEY

Revision	Issued	Issue Title
-	11/09/2020	PLANNING
P1	21/12/2020	PLANNING - Revision



**NOT FOR CONSTRUCTION
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DRAWING TITLE: B | Burnholme, Heworth

**House Type A - 2B/4P
Elevations and Sections**

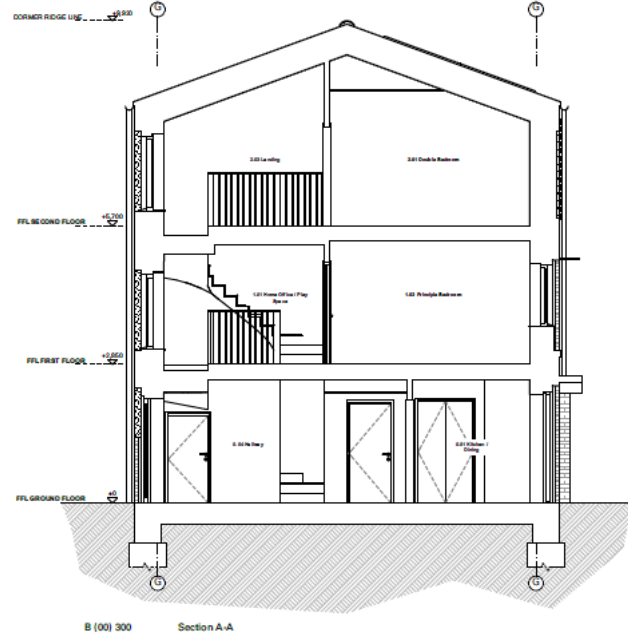
PROJECT: Burnholme, Heworth	DATE: 21/12/2020
CLIENT: HDP - City of York Council	SCALE: 1:100 @ A3
DRAWING STATUS: PLANNING	Revision
Project No.: 288	Site No.: B
Drawing No.: A (0) 200	Revision: P1



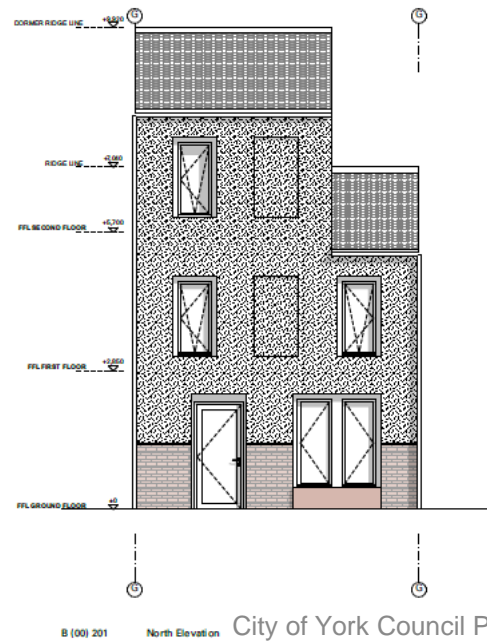
Housetype B – 3 Storey



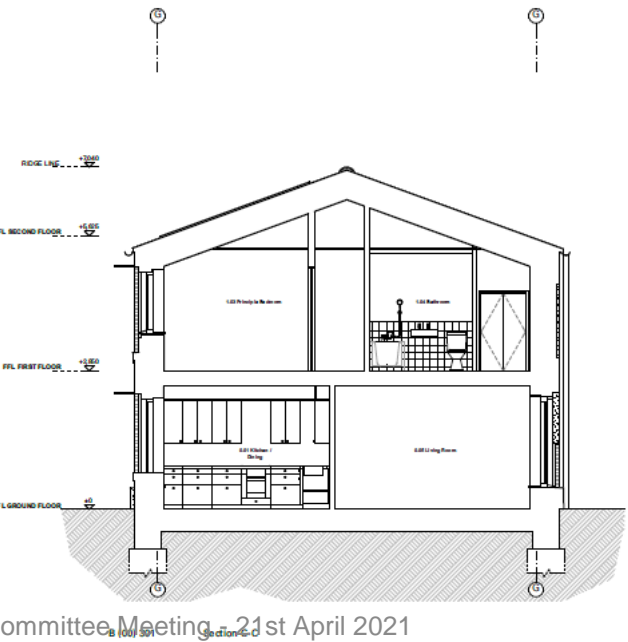
B (00) 200 South Elevation



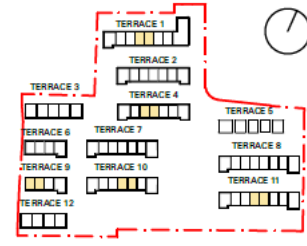
B (00) 300 Section A-A



B (00) 201 North Elevation



B (00) 301 Section B-B



KEY

Revision	Issued	Issue Title
-	11/09/2020	PLANNING
P1	21/12/2020	PLANNING - Revisor



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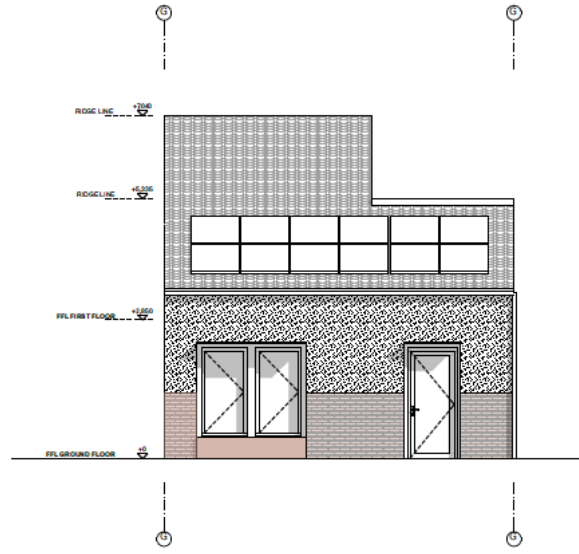
MIKHAIL RICHES 15 - 29 Windsor Street
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DRAWING TITLE: B | Burnholme, Heworth
**House Type B - 3B/5P
Elevations and Sections**

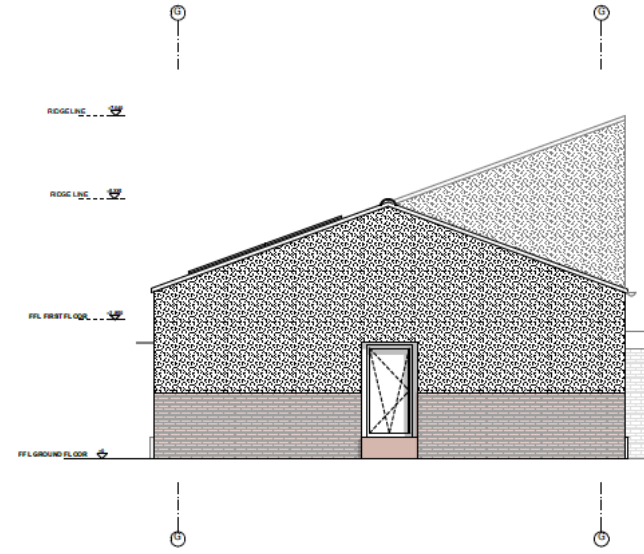
PROJECT: Burnholme, Heworth		DATE: 21/12/2020
CLIENT: HDP - City of York Council	DRAWING STATUS: PLANNING	
SCALE: 1:100 @ A3	Project No. 288 B B (00) 002	
Revision	13	



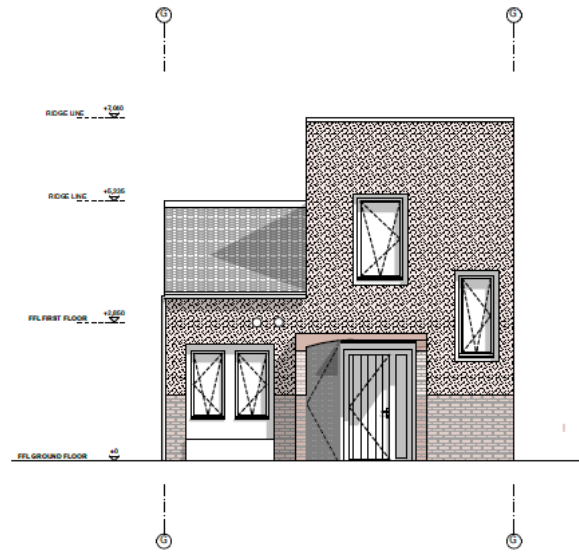
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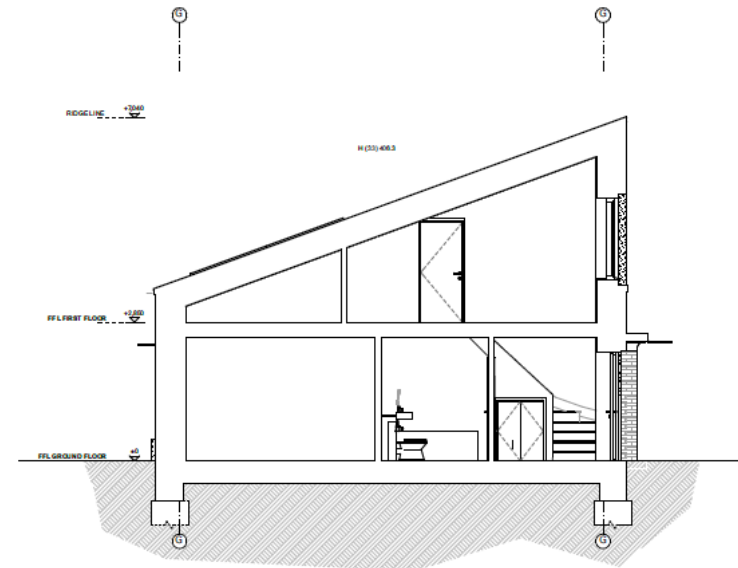
H (00) 201 South Elevation



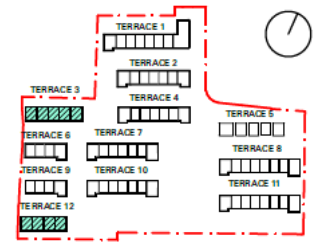
H (00) 202 West Elevation



H (00) 200 North Elevation



H (00) 300 Section A-A



KEY

Revision	Issued	Issue Title
-	11/09/2020	PLANNING
P1	21/12/2020	PLANNING - Revision



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DRAWING TITLE: B | Burnholme, Heworth

**House Type H - 2B/4P
Elevations and Sections**

PROJECT: Burnholme, Heworth		DATE: 21/12/2020
CLIENT: HDP - City of York Council	DRAWING STATUS: PLANNING	
SCALE: 1:100 @ A3	Project No:	Revision

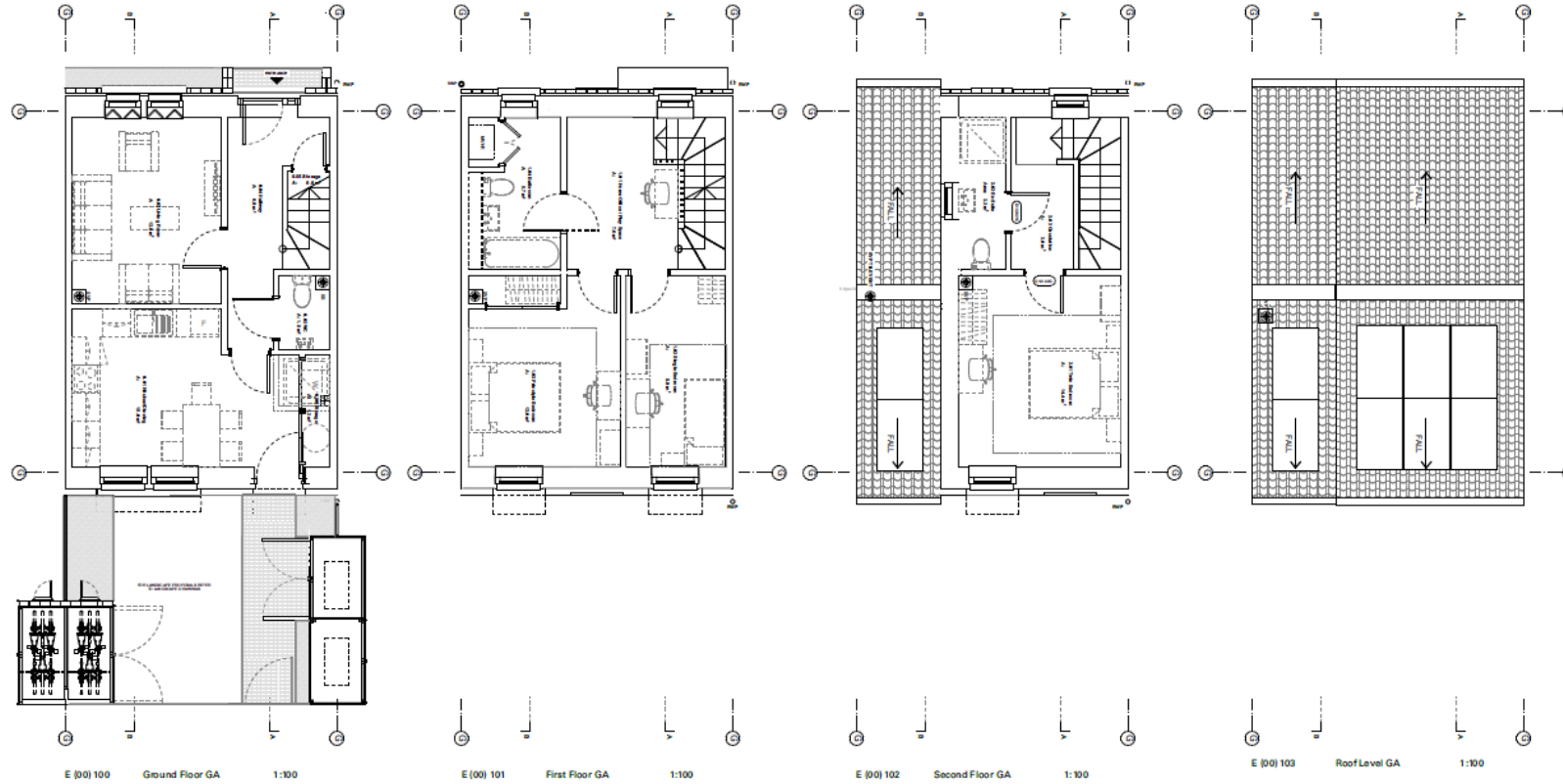
288 B H (00) 002 P1



Housetype E – Floor Plans



KEY



Revision	Issued	Issue Title
-	11/09/2020	PLANNING
P1	21/12/2020	PLANNING - Revision



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DRAWING TITLE: B | Burgholme, Heworth

**House Type E - 3B/5P
Plans**

PROJECT: Burgholme, Heworth

CLIENT: HDP - City of York Council DATE: 21/12/2020

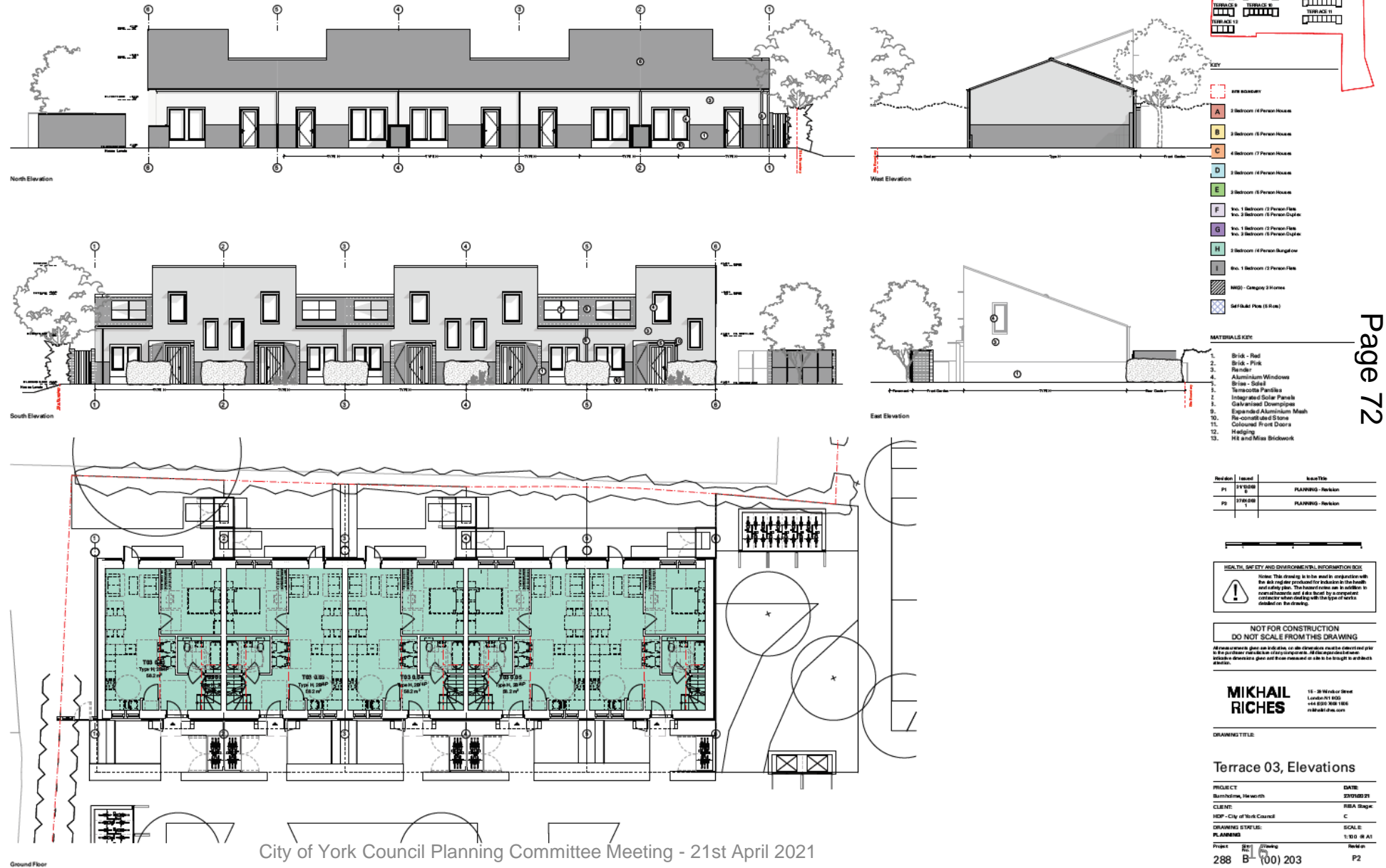
DRAWING STATUS: PLANNING SCALE: 1:100 @ A3

Project No. Drawing No. Revision

288 B E (00) 5001 P1



Terrace 03 Plan and Elevations



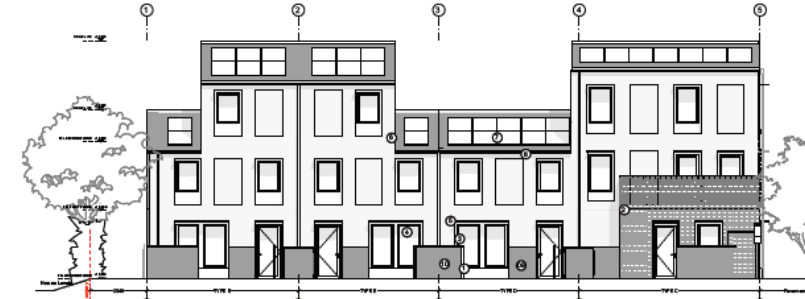
Terrace 06 – Plan and Elevations



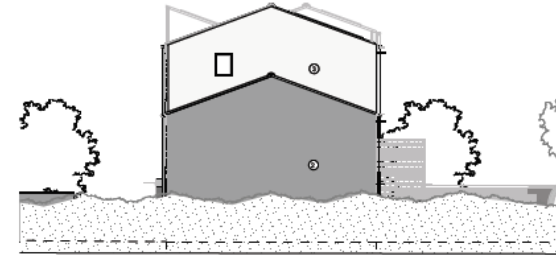
North Elevation



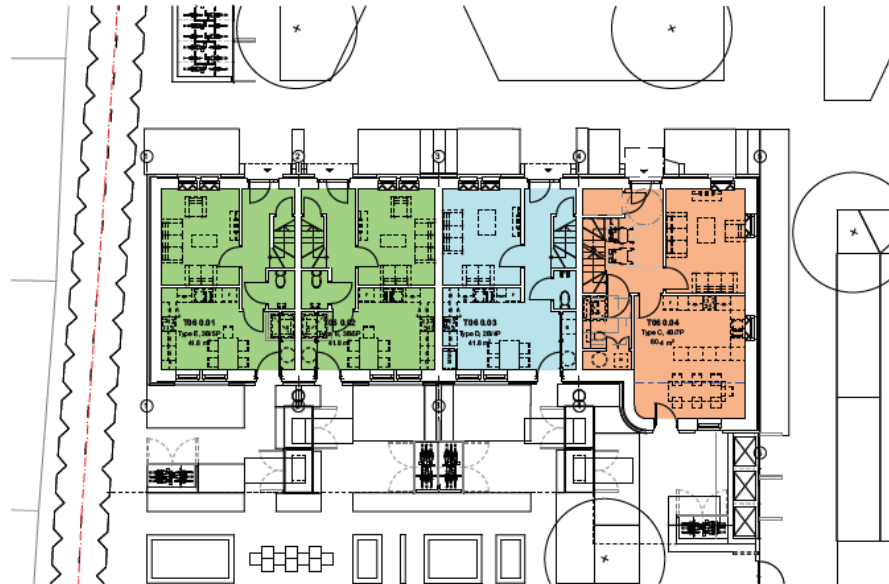
East Elevation



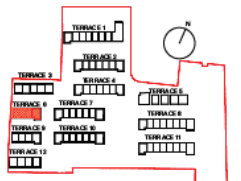
South Elevation



West Elevation



Ground Floor



KEY

- APP Boundary
- 2 Bedroom / 4 Person House
- 2 Bedroom / 5 Person House
- 4 Bedroom / 7 Person House
- 2 Bedroom / 4 Person House
- 2 Bedroom / 5 Person House
- No. 1 Bedroom / 3 Person Flat
No. 2 Bedroom / 5 Person Duplex
- No. 1 Bedroom / 2 Person Flat
No. 2 Bedroom / 5 Person Duplex
- 2 Bedroom / 4 Person Bungalow
- No. 1 Bedroom / 3 Person Flat
- MG1 - Category 3 Homes
- Self-Build Plot (5 Flats)

MATERIALS KEY

1. Brick - Red
2. Brick - Pink
3. Render
4. Aluminium Windows
5. Brick - Side
6. Terracotta Panels
7. Integrated Solar Panels
8. Galvanized Downpipes
9. Expanded Aluminium Mesh
10. Re-constituted Stone
11. Coloured Front Doors
12. Hedges
13. HR and Miss Brickwork

Revision	Issued	Issue Title
01	27/03/21	PLANNING - Revision
02	27/03/21	PLANNING - Revision

HEALTH, SAFETY AND ENVIRONMENTAL INFORMATION BOX

Notes: This drawing is to be used in conjunction with the risk register produced for inclusion in the health and safety plan. The manufacturer is to advise in normal practice and also be used by a competent contractor when dealing with the type of work indicated on the drawing.

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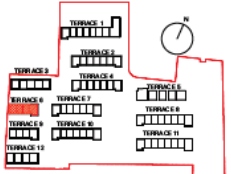
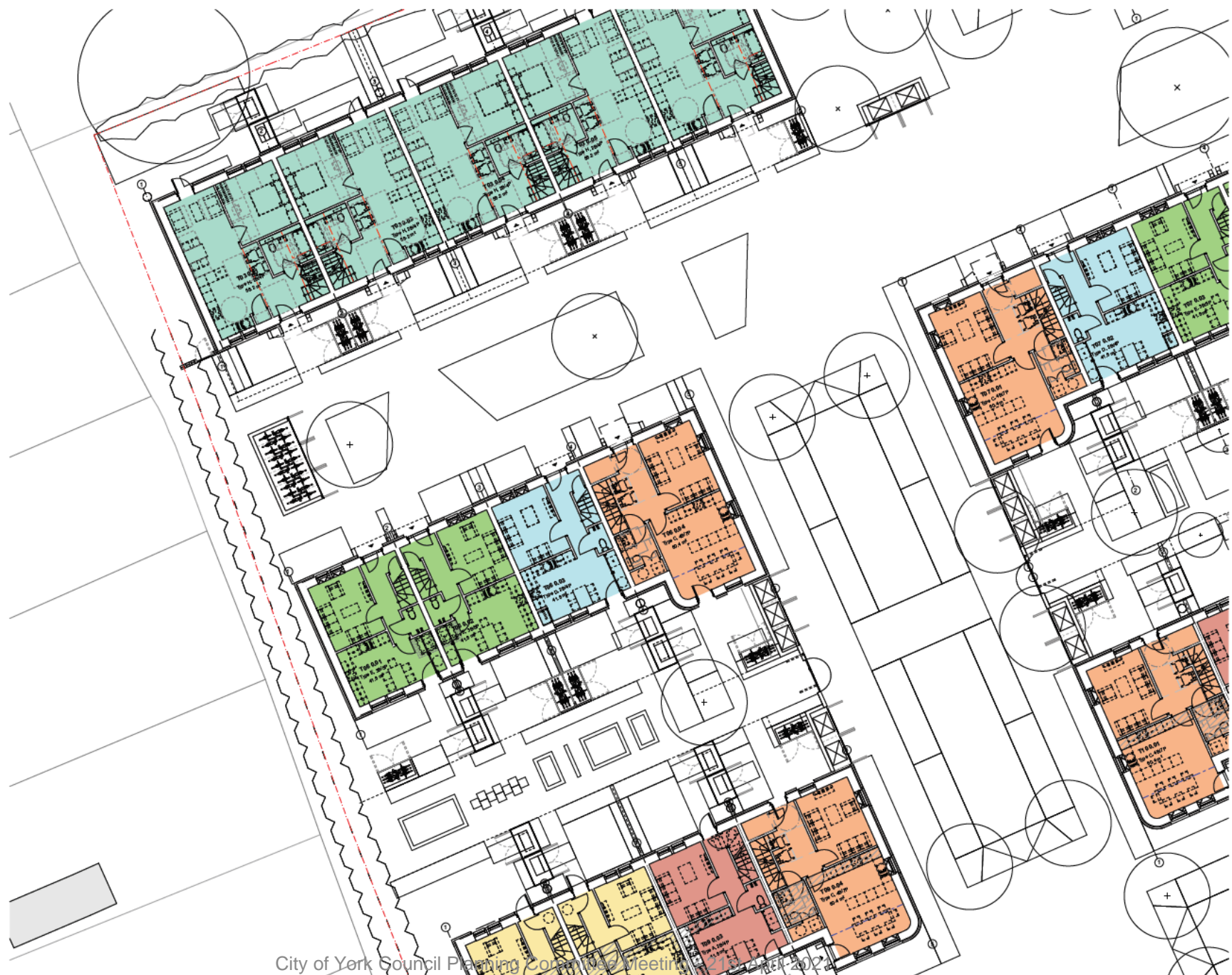
DRAWING TITLE:

Terrace 06, Elevations

PROJECT	DATE	
Burnthorpe, Harworth	27/03/21	
CLIENT:	MRJA Group	
MDP - City of York Council	C	
DRAWING STATUS:	SCALE:	
PLANNING	1:50 @ A1	
Project No.	Drawing No.	Revision
288	B1 (00) 206	P2



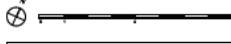
Terrace 06 Site Plan



KEY

- AFB boundary
- A 3 Bedrooms / 6 Person House
- B 3 Bedrooms / 5 Person House
- C 4 Bedrooms / 7 Person House
- D 3 Bedrooms / 6 Person House
- E 3 Bedrooms / 5 Person House
- F No. 1 Bedroom / 2 Person Flat
No. 3 Bedrooms / 5 Person Duplex
- G No. 1 Bedroom / 2 Person Flat
No. 3 Bedrooms / 5 Person Duplex
- H 3 Bedrooms / 6 Person Bungalow
- I No. 1 Bedroom / 2 Person Flat
- MGD - Category 2 Homes
- Self-Build Plot (3 Flats)

Revision	Issued	Issue Title
P1	27/03/20	PLANNING - Revision
P2	27/03/20	PLANNING - Revision



HEALTH, SAFETY AND ENVIRONMENTAL INFORMATION BOX

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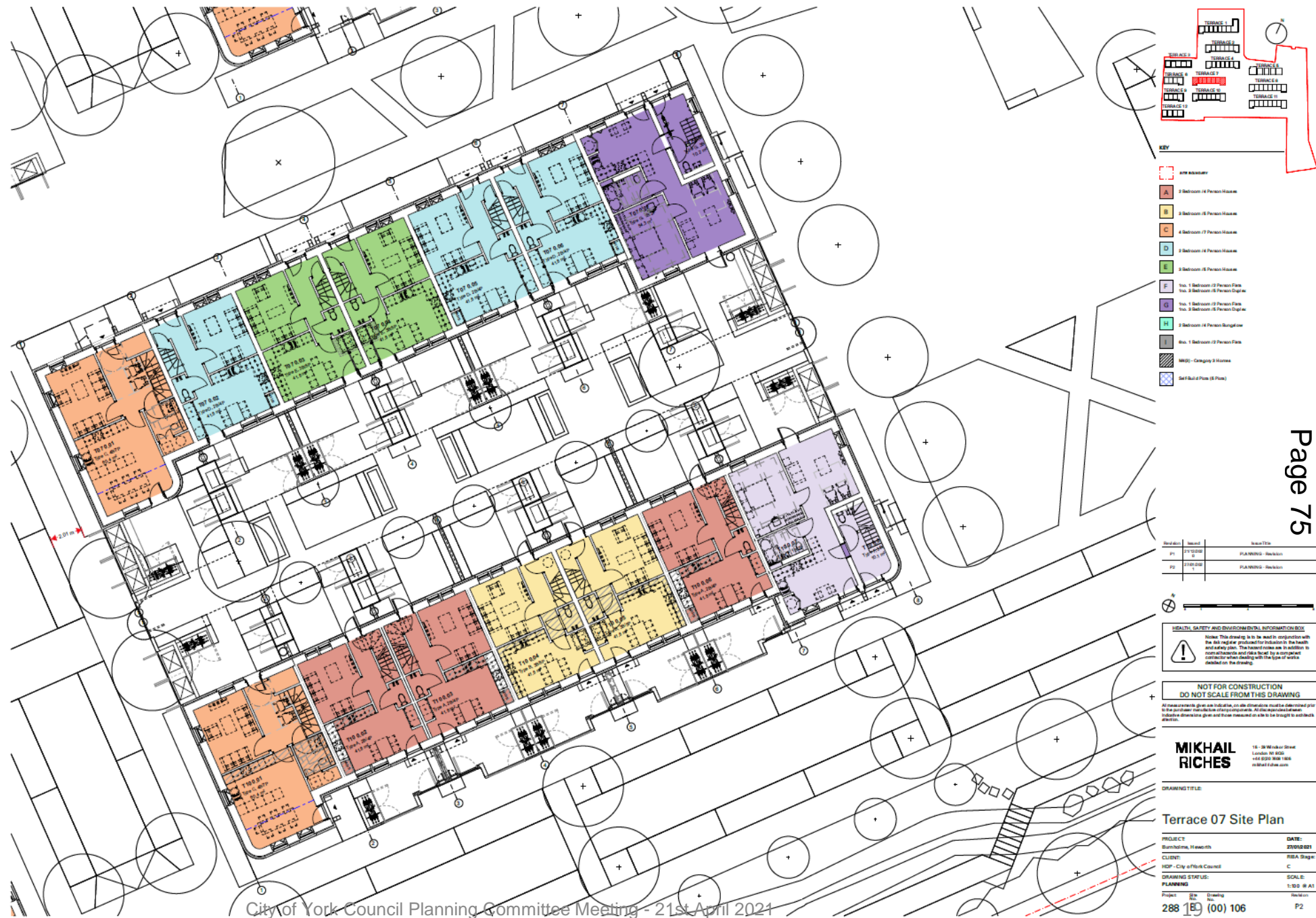
DRAWING TITLE:

Terrace 06 Site Plan

PROJECT:	Barncliffe, Harrogate	DATE:	23/03/20
CLIENT:	RBA Stage		
HOP - City of York Council			
DRAWING STAGE:	PLANNING	SCALE:	1:100 @ A1
Project No.	288	Drawing No.	105
Revision		Sheet	P2



Terrace 07 Site Plan



KEY

- APN boundary
- 2 Bedroom / 4 Person House
- 3 Bedroom / 6 Person House
- 4 Bedroom / 7 Person House
- 2 Bedroom / 4 Person House
- 3 Bedroom / 6 Person House
- No. 1 Bedroom / 2 Person Flat
No. 2 Bedroom / 3 Person Duplex
- No. 1 Bedroom / 2 Person Flat
No. 2 Bedroom / 3 Person Duplex
- 2 Bedroom / 4 Person Bungalow
- No. 1 Bedroom / 2 Person Flat
- MHO - Category 3 Homes
- Self-Build Plot (8 Flats)

Revision	Issued	Issued To
01	27/03/20	PLANNING - Revision
02	21/04/20	PLANNING - Revision



HEALTH, SAFETY AND ENVIRONMENTAL INFORMATION BOX

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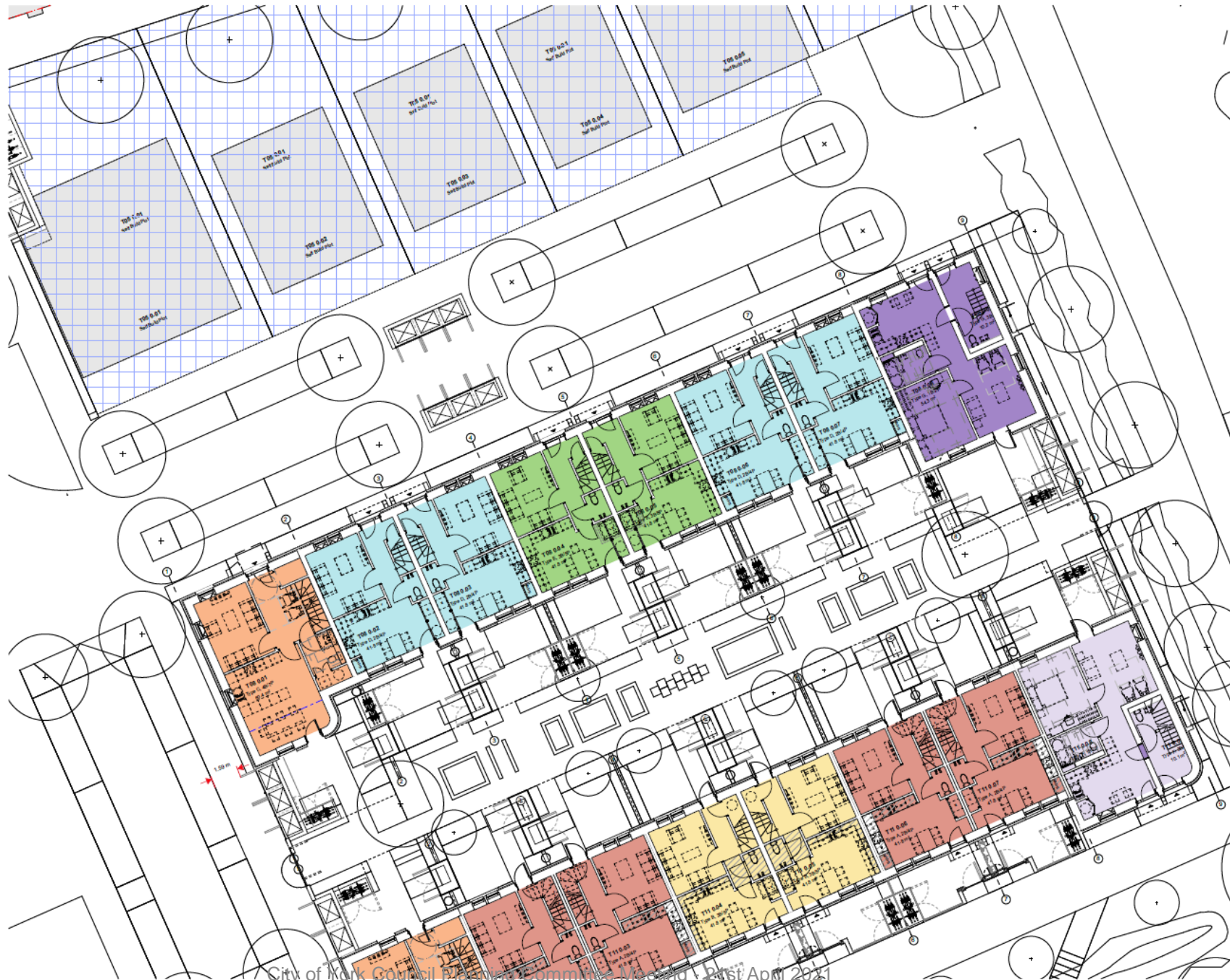
DRAWING TITLE:

Terrace 07 Site Plan

PROJECT: Sunholme, Heworth	DATE: 27/03/2021
CLIENT: MKR Stage 1	SCALE: 1:100 @ A1
HOA: City of York Council	SCALE: 1:100 @ A1
DRAWING STATUS: PLANNING	SCALE: 1:100 @ A1
Project No: 288 189	Sheet No: (00) 106
Scale: Drawing	Revision: P2



Terraces 5,8,11 Plan



- KEY**
- A16 Boundary
 - 2 Bedroom 16 Person House
 - 3 Bedroom 18 Person House
 - 4 Bedroom 17 Person House
 - 2 Bedroom 14 Person House
 - 3 Bedroom 16 Person House
 - 1 Bed 1 Bedroom 12 Person Flat
1 Bed 2 Bedroom 18 Person Duplex
 - 1 Bed 1 Bedroom 12 Person Flat
1 Bed 2 Bedroom 18 Person Duplex
 - 2 Bedroom 14 Person Bungalow
 - 1 Bed 1 Bedroom 12 Person Flat
 - M101 - Changing 3 Houses
 - Self Build Plot (8 Plots)

Rev/No	Revised	Revised By
P1	27/03/20	PLA/MW/D - Revision
P2	27/03/20	PLA/MW/D - Revision



HEALTH, SAFETY AND ENVIRONMENTAL INFORMATION BOX

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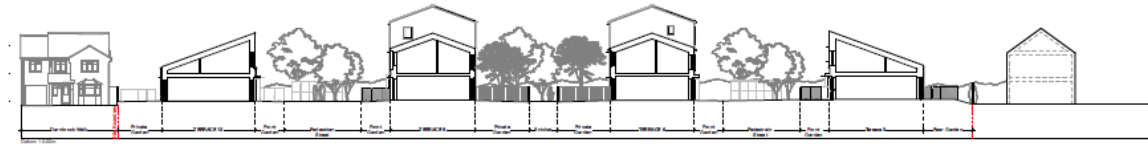
DRAWING TITLE

Terrace 08 Site Plan

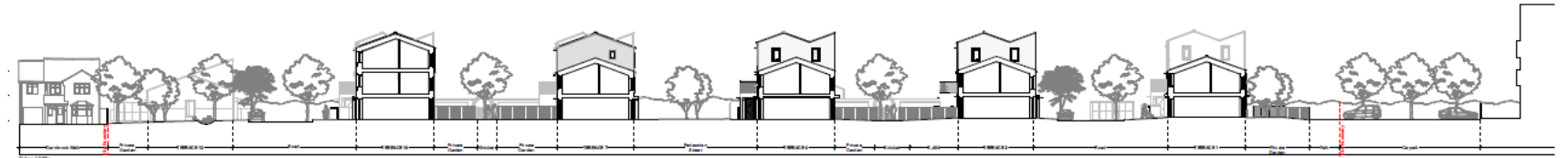
PROJECT	Barncliffe, Haverth	DATE	27/03/20
CLIENT	RIBA Group	SCALE	C
RD/ - City of York Council			
DRAWING STATUS:	PLANNING	SCALE:	1:50 @ A1
Project No.	20/00107	Sheet no.	P2



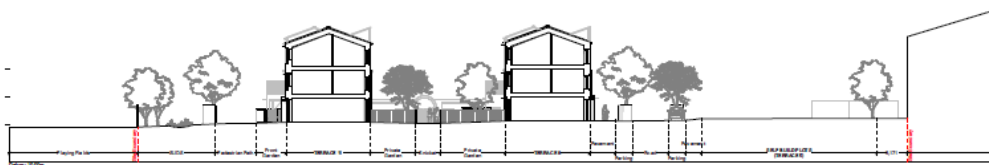
Site Wide Sections



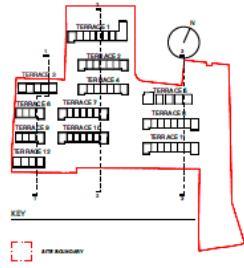
01 Site Wide, Section 1-1



02 Site Wide, Section 2-2



03 Site Wide, Section 3-3



Revision	Issued	Issue Title
P1	27/03/21	PLANNING - Revision
P2	17/04/21	PLANNING - Revision

HEALTH, SAFETY AND ENVIRONMENTAL INFORMATION BOX

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DRAWING TITLE: **Site Wide Sections**

PROJECT	Burncliffe, Harworth	DATE	27/03/2021
CLIENT	City of York Council	RIBA Stage	C
DRAWING STATUS	PLANNING	SCALE	1:200 @ A1
Project No.	288 B (00) 300	Sheet No.	P2



3D Visual from
Design & Access
Statement



COMMITTEE REPORT

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

Reference: 20/01521/FULM
Application at: Plumbase Waterloo House Fawcett Street York YO10 4AH
For: Erection of a 3 and 3.5 storey student accommodation block (providing 85 student rooms) following demolition of existing buildings
By: KMRE Group (Church Fenton) Limited
Application Type: Major Full Application
Target Date: 10 May 2021
Recommendation: Approve

1.0 PROPOSAL**APPLICATION SITE**

1.1 The application site sits between Barbican Court and Escrick Terrace on Fawcett Street. It comprises of an L-shaped 2-storey warehouse type building arranged around a car parking area at the front of the site. A second larger warehouse type building, of similar height, is located behind.

1.2 The site is partially within the Central Historic Core Conservation Area (the warehouse building at the back is outside of the conservation area). There are seven Listed Buildings along Fawcett Street, been Paragon Street and where the road meets Fishergate. The site is within the nationally designated City Centre Area of Archaeological Importance.

1.3 To south of the site is a terrace of 2-storey houses facing Fawcett Street. Along Escrick Street are 2-storey and 2.5 storey houses. Nos.2-11 have small private amenity spaces to the immediate rear of the buildings. Otherwise the space behind the buildings is hard-standing and provides communal car parking.

1.4 To the north, opposite the front warehouse building on-site, is Barbican Court, a 3-storey block of housing. The fire station and its car parking area and outside training yard are adjacent the north and east sides of the site.

PROPOSALS

1.5 The scheme is for student accommodation, 85 student rooms with reception, communal living area and student workroom at the frontage of the building by Fawcett Street. The building would essentially be rectangular, with gable end(s) facing Fawcett Street. It would be 3-storey, stepping up to 3.5 storey on the rear section.

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

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

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

2.0 POLICY CONTEXT

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

2.2 The National Planning Policy Framework ('NPPF') is a material consideration in the determination of this planning application. Key policies / sections of the NPPF are as follows –

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

2.3 The Publication Draft City of York Local Plan 2018 ('2018 DLP') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF its policies can be afforded weight according to:

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

2.4 Key relevant Publication Draft Local Plan 2018 Policies are as follows -

DP3 Sustainable Communities

D1 Place-making

D4 Conservation Areas

D6 Archaeology

CC1 Renewable and Low Carbon Energy Generation and Storage

CC2 Sustainable Design and Construction of New Development

ENV5 Sustainable Drainage

H7 Student Housing

3.0 CONSULTATIONS

ARCHAEOLOGY

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

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

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

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

3.5 An archaeological evaluation should take place following the demolition of the rear warehouse building in an attempt to ascertain how much of the known archaeology surrounding the rear part of the site survives beneath it. The results of the evaluation will determine the appropriate course of mitigation required. This may result in a strip, map and record which will continue towards Fawcett St until the archaeology peters out. The process would be secured through condition. A watching brief will be required during any site investigation works, grubbing up of foundations following demolition and any works to the middle/rear of the site unless the strip, map and record is undertaken. The mitigation / investigation can be dealt with by condition.

CONSERVATION ARCHITECT

3.6 The front part of the site (up to the line of Plumbase), lies within York's Central Historic Core Conservation Area, (Character area 18 – Fishergate), and is surrounded by listed buildings including the Grade II listed Ivy Cottage which lies directly opposite the site.

The site is also within the setting of the Grade I listed City Walls and Fishergate Bar, Fishergate Primary School and several other listed buildings and buildings of merit grouped along Fawcett Street.

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

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

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

HIGHWAY NETWORK MANAGEMENT

3.10 Raised the following issues on the original scheme.

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

Waste collection

- Waste have confirmed that they currently collect waste from Barbican Court by reversing off the highway. This is not an ideal situation, there are safety

implications for crew and pedestrians with any reversing movements, which should therefore be avoided. Traffic passing the site in both lanes have to stop whilst the manoeuvre is completed.

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

PUBLIC PROTECTION

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

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

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

WASTE

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

CONSERVATION AREAS ADVISORY PANEL

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

FISHERGATE PLANNING PANEL

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

NORTH YORKSHIRE POLICE

3.18 It is important appropriate designing out crime measures are incorporated into this scheme as there is a high level of crime and disorder in the area. Should permission be granted, request a crime and safety planning condition so that the 'designing out crime' advice and recommendations are addressed.

Recommendations are made regarding defensible space, lighting to assist with surveillance and deter crime, and secure cycle storage.

YORKSHIRE WATER

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

4.0 REPRESENTATIONS

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

Amenity

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

Visual impact

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

Highways

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

Archaeology

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

Proposed use

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

5.0 APPRAISAL

KEY ISSUES

- Principle
- Heritage assets (including archaeology)

- Design of the proposed building – function and form
- Neighbours amenity
- Highway safety and sustainable travel
- Public protection

PRINCIPLE

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

5.2 In considering the proposed use and whether it is acceptable in principle, key sections in the NPPF are 5. Delivering a sufficient supply of homes and 11. Making effective use of land. The policies within the NPPF establish that in principle the proposed use is acceptable.

5.3 Section 5 of the NPPF paragraph 59 states that “to support the Government’s objective of significantly boosting the supply of homes (which includes student housing), it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”.

5.4 Section 11 key relevant text is as follows -

- Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (para. 117).
- Give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs (118)
- Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site (123).

5.5 Policy H7 Student Housing within the DLP 2018 carries limited weight in decision-making at this stage as the plan is not adopted. It is against the NPPF policies that this proposal should principally be assessed. H7 states proposals for new student accommodation will be supported where:

- i. there is a proven need for student housing; and
- ii. it is in an appropriate location for education institutions and accessible by sustainable transport modes; and
- iii. the development would not be detrimental to the amenity of nearby residents and the design and access arrangements would have a minimal impact on the local area.

5.6 The council's Strategic Housing Market Assessment 2016 acknowledges that the student rental market remains strong and that demand for purpose built student accommodation is high, particularly from international students. Both the applicants and the council's data show that around 50% of students are within purpose built accommodation. The location is suitable for student accommodation, given the proximity to the city centre and York University. The site is in a sustainable location, literally just outside of the city centre, as shown in the 2018 Draft Local Plan maps.

HERITAGE ASSETS

5.7 The building at the front of the site and the car park are within the Central Historic Core Conservation Area. The rear building is outside of the conservation area. The Council has a statutory duty (under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to consider the desirability of preserving or enhancing the character and appearance of designated conservation areas. Where there is found to be harm to the character or appearance of the Conservation Area, the statutory duty means that such harm should be afforded considerable importance and weight when carrying out the balancing exercise. The approach to determining planning applications, in terms of assessment on Heritage Assets, is set out in section 16 of the NPPF.

5.8 The NPPF states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

5.9 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits.

5.10 The site is within the City Centre Area of Archaeological Importance. NPPF paragraph 189 states that "where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation". NPPF footnote 63 states non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

5.11 The site falls within the Fishergate character area of the Central Historic Core Conservation Area. The conservation area was extended as part of the most recent

appraisal, to include Fawcett Street and Fishergate. The area was included as it forms an important entry into the city and provides a setting for the walls. The conservation area appraisal notes the number of listed buildings along the street. The listed buildings on Fawcett Street are within an urban setting. This scheme would not materially affect the setting of any listed buildings on the street.

5.12 Whilst the application site is not identified as a detractor in the conservation area appraisal, it certainly does not make a positive contribution. In terms of the section of the site that is within the conservation area, the frontage building is now run-down and the car parking area has a negative impact on the street scene. The existing building, due to its front building line, and given the utilitarian appearance of the building, looks awkward within the street in views from the west in particular. It also leaves a narrow pavement width.

5.13 No identified harm to the conservation area as a consequence of the proposals has been identified. The scheme respects the townscape and setting of the city walls, which are the main elements of this part of the conservation area, as explained in the area appraisal. The development would not materially impact the setting of any listed buildings. The scheme would conserve the conservation area on the following grounds -

- The proposed building line better respects the neighbouring buildings, which have areas of defensible space between them and the street. Local widening of the footpath is proposed, following the alignment of Fawcett Street.
- The building would have a pair of front gables facing the street, and be 3 storey in scale. These would be of brick and slate roof. The way the building would enclose and address the street, with active frontages, and its scale, massing and the use of materials respects the conservation area setting.
- There are views of the rear section of the site (which is outside of the conservation area) and the local townscape from the Grade I listed City Walls. The relevant section of the building will be 3.5 storey, the top floor within the pitched roof. It will be seen in distant views, beyond the Barbican Centre and its adjacent hotel; modern buildings which deviate from the historic townscape in building scale and form. The proposed building will appear in character with the historic townscape due to its form, massing and scale and use of materials. It would not harm the setting of the City Walls.

ARCHAEOLOGY

5.14 In accordance with the NPPF site investigation has taken place and our understanding of local archaeology is informed by site investigations nearby, at Barbican Court and the fire station on Kent Street. The investigation did not reveal any significant archaeological features or deposits that would require preservation

in-situ. However investigation locally suggests that it is likely that archaeological features and deposits possibly relating to the Romano-British, Anglo-Scandinavian and medieval periods may still be present on this site. This may include human remains and organic material. Based on the information we have officers consider excavation to be an appropriate form of mitigation. An archaeological evaluation (secured by condition) will be required following the demolition of the rear warehouse building, to ascertain how much of the known archaeology surrounding the rear part of the site survives beneath it. The results of the evaluation will determine the appropriate course of mitigation required. This may result in a strip, map and record, which will continue towards Fawcett Street.

DESIGN

5.15 NPPF paragraph 127 states that planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area;
- b) are visually attractive as a result of good architecture, layout and landscaping;
- c) are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space); and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

5.16 NPPF paragraph 150 references the sustainability of buildings, and requires that any local standards reflect national standards. 151 promotes increasing the use and supply of renewable and low carbon energy. Local requirements are DLP 2018 policies CC1 and CC2, which seek to secure enhancements over the 2013 Building Regulations. New buildings are expected to have a dwelling emission rate (DER) that is a 28% improvement over the 2013 regulations.

5.17 The existing access road from Fawcett Street is retained. The layout will allow waste collection for this site and Barbican Court to take place away from Fawcett Street in future. An improvement in highway safety terms. The front of the existing warehouse is uncharacteristically close to the street and leaves a pinch point where the footpath narrows. The proposed building is set back, behind some landscaping, and can facilitate a wider footpath.

5.18 The site, as existing, contributes to the conservation area by presenting a car parking area and dilapidated warehouse type building, and revealing the blank side elevation of the neighbouring terrace. The development makes an improved

contribution to the setting, compared to the existing arrangement, by better respecting the urban grain considering building layout, form, scale, its use of materials and through the introduction of soft landscaping. The building proposed successfully addresses Fawcett Street, providing an active frontage, harmonious building line and façade that is respectful of the conservation area. The site currently contains no soft landscaping. A garden area would be introduced on the south side of the site, along with tree planting. Communal uses front onto Fawcett Street, to present an active frontage, and being mindful of air quality and traffic noise.

5.19 The building has contemporary detail but primarily is of red brick, with slate pitched roof. The scale and repetition of the elevations is relieved by the circulation areas, the variable roof height and form and the twin gable form that fronts Fawcett Street. The staircases would be clad in Corten steel, with the amount of glazing mindful of the need to reduce perceived overlooking and light pollution and the subsequent effect on neighbours.

5.20 The essentially rectangular form of the building respects the local urban grain, with streets leading off Fawcett Street. The larger and main windows to student rooms extend outward from the main façade; designed and orientated to avoid overlooking towards neighbouring houses.

5.21 The building is part three storey and larger at the rear, where it steps up to 3.5 storey and there are rooms within the roof. Building heights are reasonable and comparable to those locally. Along Fawcett Street are buildings of 3 and 4 storey and large 2 storey, late 18th century, early 19th century buildings of generous proportions.

5.22 NPPF paragraph 122 states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. This scheme allows development of 3 and 3.5 storey, which would make efficient use of the site whilst respecting local building heights and providing amenity space.

5.23 A condition will require a 28% improvement over building regulations in terms of energy efficiency. The scheme anticipates the use of PV panels and mechanical ventilation with heat recovery (MVHR) which are low/zero carbon technologies in this respect. The initial appraisal issued with the application only anticipated compliance with building regulations. The applicants have been advised of the local requirement and agreed (22.1.21) a condition can secure compliance.

AMENITY

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

5.25 The existing frontage building is two storey and immediately adjacent the shared access with Barbican Court. The proposed building would be around 2m further from Barbican Court. There would be 10m between buildings.

5.26 The proposed building would be no more than 2.5m higher, to both eaves and ridge height, than the existing building. Barbican Court and the front section of the proposed building would both be 3-storey and of comparable eaves and ridge height. The rear, taller section of the building in overall height would be around 1.5m taller than Barbican Court. A height of 2.85m has been allowed for between floors. Building Regulations recommend floor to ceiling heights are 2.3m.

5.27 Where the proposed building steps up in height, this is either beyond Barbican Court, further east, or on the opposite / south side of the building. The taller section does step up nominally before the east end of Barbican Court, but the section of Barbican Court where opposite has undercroft/ground floor car parking (accommodation is on the upper floors only) and the rooms at the far end of the building are dual aspect.

5.28 Comparing the existing and proposed buildings, and the distribution of building scale on the proposed building there would not be a material effect on Barbican Court in terms of daylight and the proposed building would not be unduly dominant. The arrangement and juxtaposition of 3 and 4 storey buildings would be appropriate for the urban setting.

Impact on buildings to the south

5.29 To the south is the blank side elevation of 5 Fawcett Street and rear of houses along Escrick Street. The latter have a parking court at the rear. The existing warehouse building at the rear of the application site is immediately adjacent the boundary wall.

5.30 The proposed building is between 5m and 6m from the south boundary. Buildings would be approximately 18m apart. The proposed eaves level of the building, where behind Escrick Street, would be some 2m higher than the comparable part of the existing warehouse roof (and in maximum height around 4.8m higher than the houses to the south). Although the proposed building is taller than the existing, this is offset by moving the building away from the boundary. A minor increase in building height can be accommodated without undue impact, and

the proposed building would not be unduly dominant or over-bearing. The proposed building is to the north and would therefore have no effect on daylight.

Overlooking

5.31 Where facing neighbouring housing windows on the upper floors are either angled to avoid overlooking, or would have opaque glazing, so neighbours would not feel overlooked. The staircase on the south side has been designed so glazing is restricted to avoid possible issues with overlooking.

HIGHWAY NETWORK MANAGEMENT

5.32 The NPPF states that in assessing applications for development, it should be ensured that -

- Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location. Para 105 advises that if setting car parking standards consider accessibility, development type, public transport, local car ownership, and facilitation of electric charging.
- Applications for development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas.
- Safe and suitable access to the site can be achieved for all users.
- Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.33 Given the type of development proposed, and its location, an essentially car free development accords with the NPPF policies and objectives. It is also consistent with the approach taken at other city centre sites with purpose built student accommodation, which has successfully integrated into its locality.

5.34 The site depends on the existing access adjacent Barbican Court. Tracking drawings demonstrate this can safely accommodate waste collection (which can enter and leave onto Fawcett Street in a forward gear). There is also space for servicing and deliveries, along the access road and in-front of the building.

5.35 Modelling for this type of development shows no harm on the highway network, this is re-enforced by review of other city centre sites for purpose build student

accommodation now established. Sustainable travel is promoted in that the existing public footpath local to the site (currently too narrow) is widened. Covered and secure cycle provision is provided – 48 covered and secure spaces and 6 visitor spaces outside. Evidence from travel plans at other sites shows this is a reasonable level of provision for student accommodation.

PUBLIC PROTECTION

Air quality

5.36 The development falls within City of York Council's City Centre Air Quality Management Area (AQMA), based on historical breaches of the health based nitrogen dioxide annual mean objective. The council undertake monitoring of nitrogen dioxide on Fawcett Street to the north (75m away) and south (30m) of the site, near junctions with Kent Street and Escrick Street respectively. While pollution levels monitored at these sites in recent years have indicated that levels of nitrogen dioxide are well within health based standards, the sites are not strictly representative of the location of the development. Air quality will be at its worst at ground level.

5.37 To address air quality the façade is set back from the street and no living accommodation is provided in ground floor rooms facing the street. Windows in this area will be non-opening. Overall the development will potentially make a positive contribution to air quality, by being essentially car free, and containing trees and soft landscaping. Also bearing in mind the existing premises include a substantial car parking area. On schemes of this scale and type it is standard for air quality impacts from demolition and construction to be dealt with via condition, and through a construction management plan.

Noise

5.38 A condition is proposed to ensure noise levels within living / bedrooms are adequate and meet World Health Organisation standards. Public Protection have flagged up the proximity of the fire station as a possible noise source. However when that site was developed, noise from operations was considered and it was deemed to have an acceptable effect on existing residents.

6.0 CONCLUSION

6.1 The proposals are acceptable in principle when applying NPPF and local plan policy. The presumption in favour of sustainable development, as set out in NPPF paragraph 11 therefore applies. There is evident demand for purpose built student accommodation and the NPPF requires planning decisions give "substantial weight" to the value of using suitable brownfield land within settlements for housing.

6.2 In assessment of Heritage Assets, the conservation area was extended as part of the most recent appraisal, to include Fawcett Street and Fishergate. The area

was included as it forms an important entry into the city and provides a setting for the walls. The conservation area appraisal also notes the number of listed buildings along the street. The scheme would preserve the character and appearance of the conservation area, and the setting of listed buildings within it, because the development would be more sympathetic to the urban grain along Fawcett Street and the building would be of appropriate scale, form and materials. No harm to heritage assets has been identified. The re-use of a brownfield site, to provide housing, carries substantial weight when applying the NPPF and is also therefore a public benefit that weighs in favour of the scheme.

COMMITTEE TO VISIT

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

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

Sections 1613-109 Rev C

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

3 Construction management

Prior to commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to throughout the construction period. The plan shall include the following details -

- Dilapidation survey

A dilapidation survey of the highways adjoining the site which shall be jointly undertaken with the Council's highways department and the results of which shall be agreed in writing with the Local Planning Authority.

- Management of vehicular movements associated with construction and contractor parking.

- Wheel washing facilities and measures to prevent mud and detritus getting on to

the public highway.

- Measures to control the emission of noise, dust and dirt during construction. To include a site specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and a package of mitigation measures commensurate with the risk identified in the assessment and measures to control noise during any piling of foundations.

In particular details will be required with regards to demolition and method of piling for the proposed building.

- A scheme for recycling/disposing of waste resulting from construction works.

- Means of preventing light pollution during construction, including the angling of lighting and times of operation.

- Point of contact on site for enquiries.

- A complaints procedure.

The procedure should detail how a contact number will be advertised to the public, and procedure once a complaint had been received. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses public.protection@york.gov.uk and planning.enforcement@york.gov.uk

Reason: Specifically required prior to commencement, to protect the amenity of the locality.

4 Times of construction

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

Any working outside of the permitted hours is subject to prior approval in writing by the Local Planning Authority. (Any requests to work outside of the permitted hours shall contain justification and details of practical measures to avoid noise disturbance).

Reason: To protect the amenities of adjacent residents.

5 Archaeology

A programme of post-determination archaeological evaluation and an appropriate scheme of mitigation is required on this site.

No development (apart from demolition of above ground structures) shall take place until these details have been approved and implemented on site.

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

B) The site investigation and post-investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication (if required) and dissemination of results and archive deposition will be secured.

C) A copy of a report on the evaluation and an assessment, of the impact of the proposed development, on any of the archaeological remains identified in the evaluation shall be deposited with City of York Historic Environment Record to allow public dissemination of results. The report shall be issued within 4 weeks of completion or such other period as may be agreed in writing with the Local Planning Authority.

D) Where archaeological features and deposits are identified, proposals for the investigation, recording and recovery of archaeological remains, and the publishing of findings, shall be submitted as an amendment to the original WSI. A report on the archaeological works detailed in Part D shall be deposited with City of York Historic Environment Record within 2 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: In accordance with Section 16 of NPPF as the site lies within an Area of Archaeological Importance. An investigation is required to identify the presence and significance of archaeological features and deposits and to ensure that archaeological features and deposits be recorded appropriately.

- 6 LC1 Land contamination - Site investigation
- 7 LC2 Land contamination - remediation scheme
- 8 LC3 Land contamination - remedial works
- 9 LC4 Land contamination - unexpected contamination
- 10 South boundary wall

Prior to demolition of the warehouse at the rear (east) side of the site a scheme for making good the south boundary wall shall be submitted to and approved in writing

by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.

The scheme shall illustrate - the height of the boundary wall, include details on capping and the height in context with brick piers on the south side of the wall. Any rebuilding required shall use reclaimed bricks where practical.

Reason: In the interests of local distinctiveness and residential amenity.

11 Drainage

Prior to the commencement of construction site specific details of foul and surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

INFORMATIVE: If SUDs methods can be proven to be unsuitable (i.e. direct connection to watercourse or soakaway) then in accordance with City of York Councils Sustainable Drainage Systems Guidance for Developers (August 2018) peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas).

Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 30% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas not proven then Greenfield sites are to limit the discharge rate to the pre developed run off rate. The pre development run off rate should be calculated using either IOH 124 or FEH methods (depending on catchment size).

12 Sustainable design & construction

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

Prior to commencement of construction, details of the measures undertaken to secure compliance with this condition shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

13 Materials

The external materials to be used shall be as annotated on the approved drawings.

A sample panel of the brickwork to be used on the building shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: In the interests of the character and appearance of the conservation area, visual amenity and local distinctiveness, in accordance with paragraph 127 of the NPPF.

14 Large-scale details

Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction and the works shall be carried out in accordance with the approved details.

Typical sections for elevations (in full) at 1:10 or 1:20

Reason: In the interests of the character and appearance of the conservation area, visual amenity and local distinctiveness, in accordance with paragraph 127 of the NPPF.

15 Air quality screening assessment

Should the scheme include a gas fired boiler, an air quality screening assessment shall be carried out to assess the likely impact on local air quality. The assessment shall be carried out prior to installation and the development shall occur in accordance with the approved details thereafter.

Reason: to ensure that any proposed gas fired boiler does not cause an unacceptable impact on local air quality.

16 Landscaping scheme

The development shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a detailed hard and soft landscaping scheme. Notwithstanding the approved plans the scheme shall illustrate the following -

- a) The number, species, height and position of trees and shrubs. Which shall include trees within the public open space and adjacent the street (the latter where practical)
- b) Details of all boundary treatment / means of enclosure. To include low boundary wall at the front of the site (it is recommended the wall leaves a narrower gap to that shown on the site plan by the cycle stands).
- c) Hard surfacing to roads, shared spaces, parking areas and footpaths.
- d) Planting and maintenance schedule for the cycle / bin store roof.

The approved landscaping scheme shall be installed prior to first occupation.

Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority. The areas of landscaping, as shown on the approved plans, shall be maintained as such at all times.

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

17 Windows to be as shown on plan to prevent overlooking

Windows shall have an opaque finish, in accordance with the annotation on the approved elevations. This shall be maintained as such at all times. The specification of such shall be approved in writing by the Local Planning Authority prior to installation and the works carried out accordingly.

Reason: To avoid undue overlooking of neighbouring residents.

18 Highway works - footpath widening

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

plans, or arrangements entered into which ensure the same.

Highway works - widening of the footpath between the shared access and 5 Fawcett Street as shown on the approved site plan.

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

19 Noise insulation to dwellings

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

Daytime (07:00-23:00 hrs)

- No greater than 35 dB LAeq (16 hour)

Night (23:00-07:00 hours)

- 30 dB LAeq (8 hour)

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

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

Reason: To protect the amenity of people living in the new property from externally generated noise and in accordance with the NPPF paragraphs 127 and 180.

20 Cycle and bins provided and retained

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

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

21 Travel Plan

The development shall be carried out and the operation of the use hereby approved shall be in adherence with the Interim Travel Plan reference 600137-HEX-00-TP-RP-X-0002-V06.

Reason: To promote sustainable travel in accordance with section 9 of the NPPF.

22 Student Accommodation only

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

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

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

23 Front windows

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

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

24 Communal uses

The development hereby permitted shall include the amenities for occupants (living area, workroom, laundry, reception area), in accordance with the approved floor plans.

Reason: In the interests of good design and amenity.

8.0 INFORMATIVES:

Notes to Applicant

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

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

Contact details:

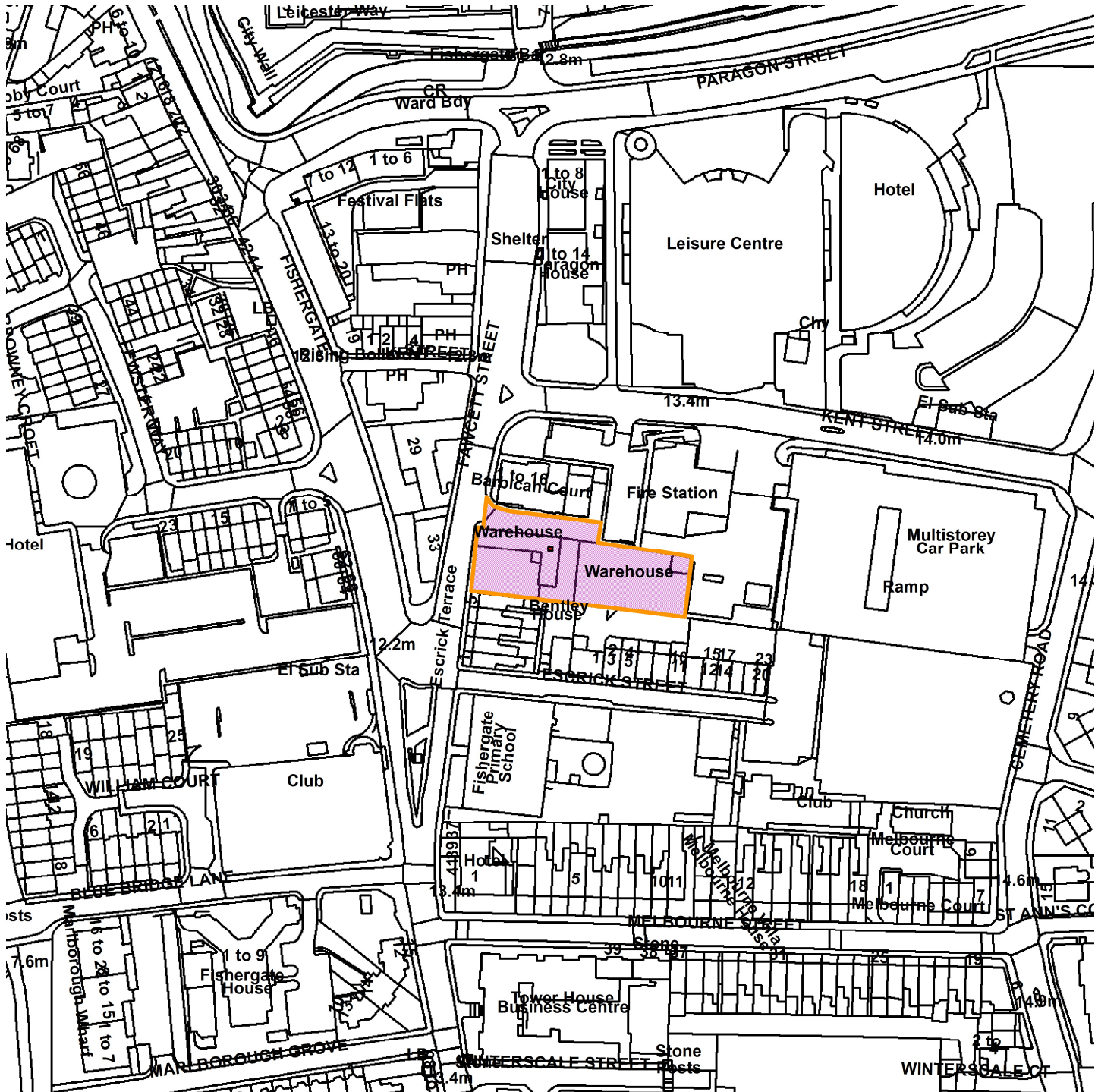
Case Officer: Jonathan Kenyon

Tel No: 01904 551323

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20/01521/FULM

Plumbase, Waterloo House, Fawcett Street, YO10 4AH



Scale : 1:1894

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

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Planning Committee

To be held remotely on 21st April 2021 at 4:30pm

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

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

Site Location Plan

FAWCETT STREET, YORK



FAWCETT STREET SITE LOCATION PLAN - Scale 1:1250



City of York Council Planning Committee Meeting - 21st April 2021



FAWCETT STREET SITE CONTEXT PLAN - Scale as bar



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

Page 107

REV DESCRIPTION BY CHD DATE



254 PARK SQUARE WEST, LEEDS, LS1 2PW
T: 0113 233 7755
W: www.loroc.co.uk

3RD FLOOR, 84, 85 FAUL STREET, LEEDS, LS1 2PP
T: 0113 233 7755
F: 0113 233 7755

CLIENT: KMRE GROUP LIMITED

PROJECT: FAWCETT STREET YORK

TITLE: PLANNING INFORMATION
General Arrangement
EXISTING SITE PLAN

DRAWING NO. 103-100 REVISION

SCALE 1:1250 @ A3 DATE AUG 2020

DRAWN BY: [initials] CHECKED BY:

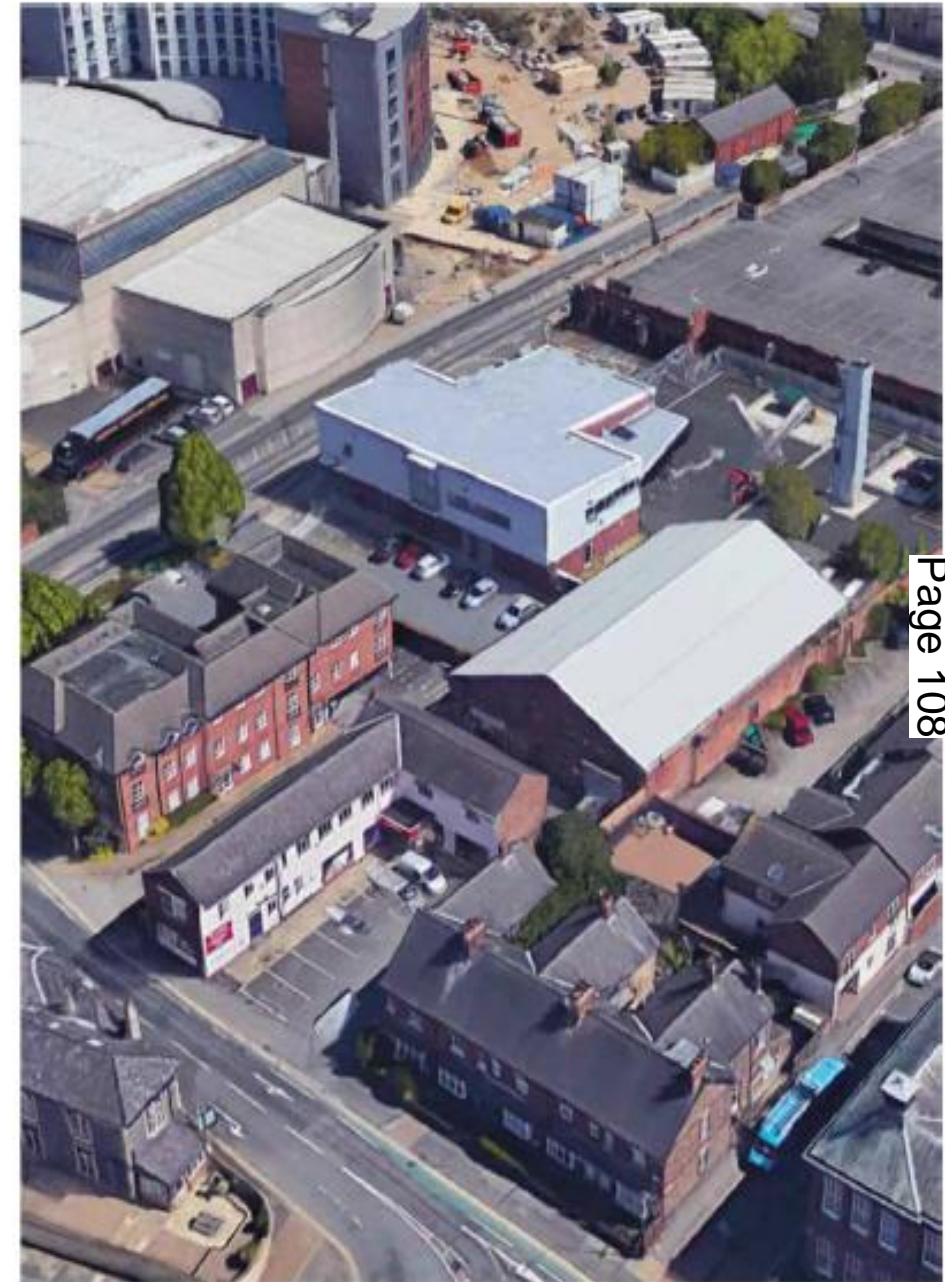
PURPOSE OF ISSUE

- PLANNING
- BUILDING REGS
- TENDER
- COMMENT
- INFORMATION
- CONSTRUCTION

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Existing Building and Aerial Context



Existing building



Page 109

Streetview – Fawcett Street



Page 110



Streetview – Existing Building



Streetview –
Existing building



View from Fishergate



Page 113

View from City Walls/Paragon Street



Page 114

Barbican Court (1)

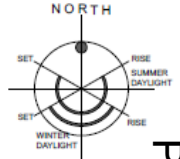
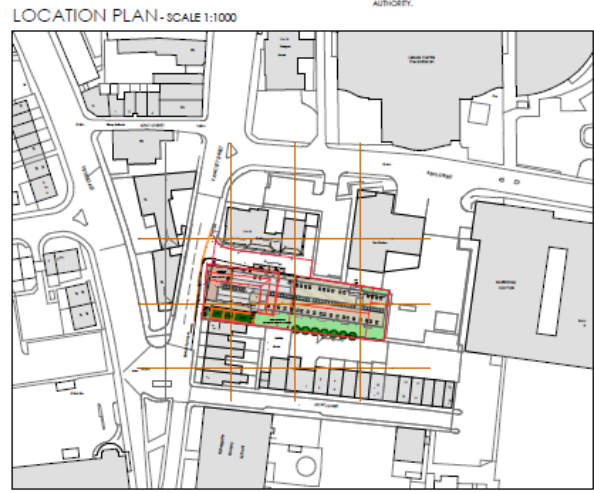


Barbican Court (2)



City of York Council Planning Committee Meeting - 21st April 2021

Proposed Site Plan



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



25A FINE SQUARE WEST, LONDON E1 2PB
020 7553 0770
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25A FINE SQUARE WEST, LONDON E1 2PB
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CLIENT: KARE GROUP LIMITED

PROJECT: FAWCETT STREET YORK

TITLE: PLANNING INFORMATION General Arrangement PROPOSED SITE PLAN

DRAWING NO: 1613-102 REVISION: 1
SCALE: 1:200 DATE: 14/04/2021

DRAWN BY: W CHECKED BY: W

PURPOSE OF DRAWING: PLANNING INFORMATION



Proposed Elevations

FRONT (NORTH) ELEVATION - facing the access road



REAR (SOUTH) ELEVATION - facing Escrick Street



SIDE (WEST) ELEVATION - fronting Fawcett Street



SIDE (EAST) ELEVATION - towards Fire Station



A: SCHEME UPDATED TO SAFE DISCUSSIONS WITH MURC IR 21.01.21
 YORK PLANNERS

REV DESCRIPTION BY CHECK DATE

LOFOO
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040 PARK SQUARE WEST, YORK YO1 1DB
 01904 322870
 WWW.LOFOO.CO.UK

CLIENT: KIMBLE GROUP LIMITED

PROJECT: FAWCETT STREET, YORK

TITLE: PLANNING INFORMATION GENERAL ARRANGEMENT TYPICAL PROPOSED ELEVATIONS - COLOUR

DRAWING NO: 11/21/01 REVISION: A

SCALE: 1:100 (R/A) DATE: JUNE 2020

DRAWN BY: W CHECKED BY:

PURPOSE OF ISSUE

PLANNING BUILDING REGS TENDER

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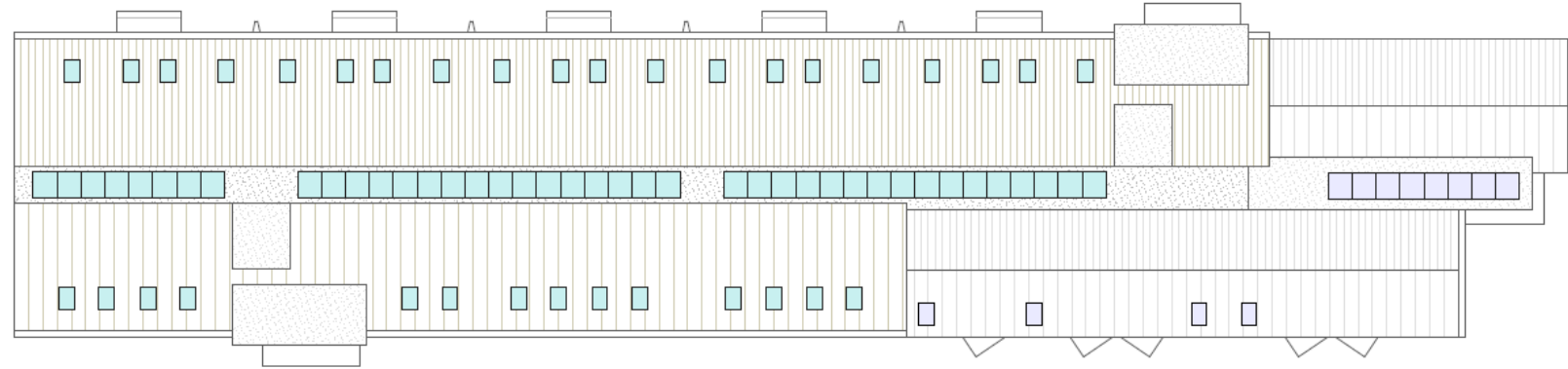
Proposed Third Floor and Proposed Roof Plan

FAWCETT STREET, YORK

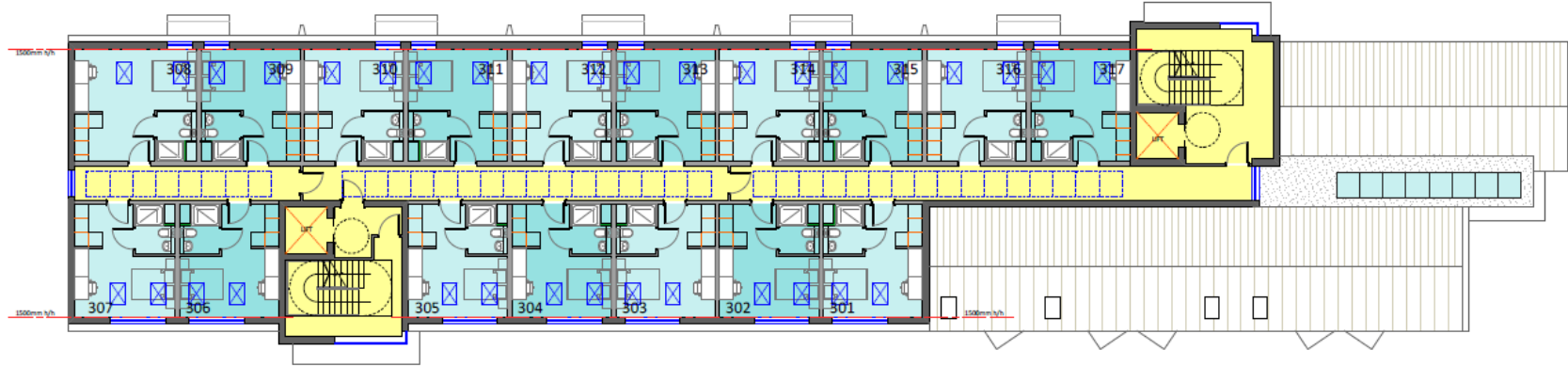
ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE BUILDING REGULATIONS AND THE REQUIREMENTS OF THE LOCAL AUTHORITY.

■ Circulation Area

PROPOSED ROOF PLAN



PROPOSED THIRD FLOOR PLAN - 17no. beds



City of York Council Planning Committee Meeting - 21st April 2021

1. Plan (to be completed to suit needs to identify and describe)	2. Section
A. Plan (to be completed to suit needs to identify and describe)	B. Section (to be completed to suit needs to identify and describe)
REV. DESCRIPTION	BY. DATE

LOROC ARCHITECTS

20A FAWCETT STREET, YORK YO1 1PE
01904 771111

3RD FLOOR, 16, NEWALL STREET, YORK YO1 1DB
01904 771111

CLIENT: KMBE GROUP LIMITED

PROJECT: FAWCETT STREET, YORK

TITLE: PLANNING INFORMATION
General Arrangement
PROPOSED FLOOR PLANS (LEVELS) ROOF PLAN

DRAWING NO.: 1413-104 REVISION: A

SCALE: 1:500 DATE: 04/2021

DRAWN BY: M CHECKED BY:

PURPOSE OF USE:

- PLANNING
- BUILDING REGS
- RENEW
- COMBINED INFORMATION
- CONSTRUCTION

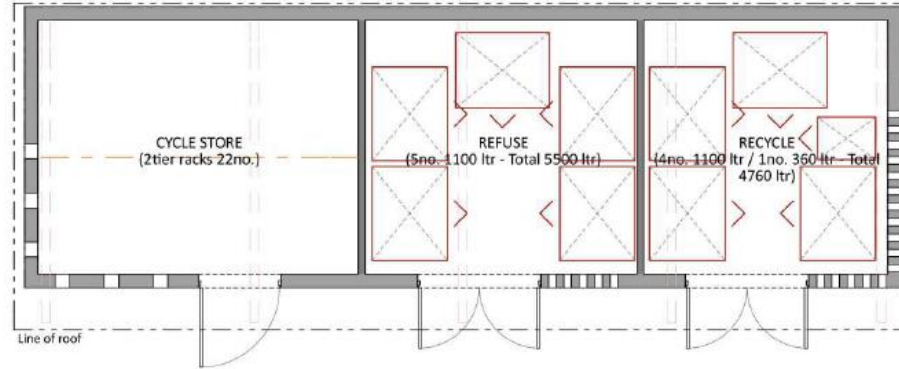
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Proposed Bin and Cycle Storage

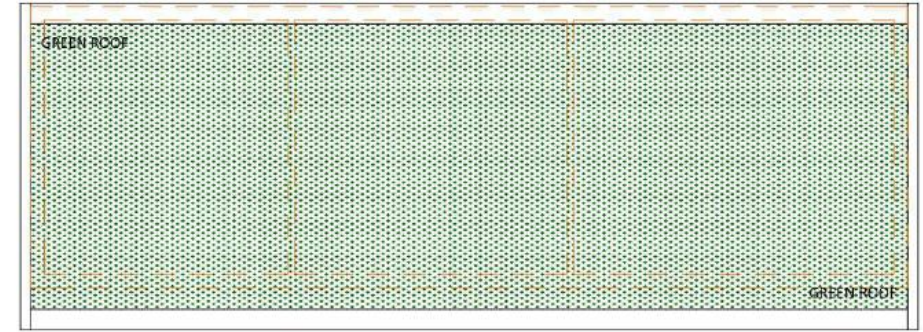
FAWCETT STREET, YORK

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

PROPOSED PLAN



PROPOSED ROOF PLAN



SIDE (WEST) ELEVATION - fronting Fawcett Street



Hit and miss brick detailing to create openings

FRONT (NORTH) ELEVATION - facing new development



Vertical clear openings

Metal doors with solid framing and punch metal infill to allow for ventilation

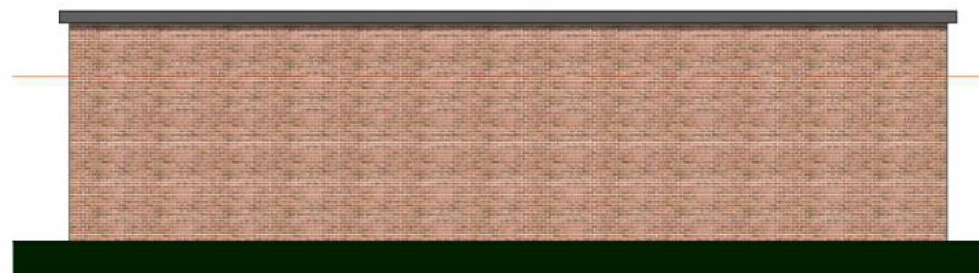
Hit and miss brick detailing to create openings

SIDE (EAST) ELEVATION - fronting Fire Station



Vertical clear openings

REAR (SOUTH) ELEVATION - facing gable no.5



REV DESCRIPTION BP CHD DATE

LOFOO
ARCHITECTS

25A PARK SQUARE WEST, LEEDS LS1 9PW 3RD FLOOR, 86-88 PAUL STREET, LONDON, EC3A 4HE
T: 0113 220 7233 W: www.lofoo.co.uk T: 020 878 9333

CLIENT: EMME GROUP LIMITED

PROJECT: FAWCETT STREET YORK

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

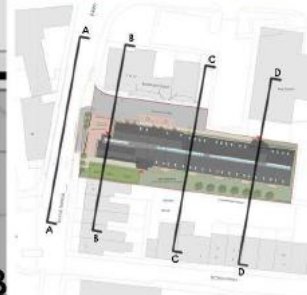
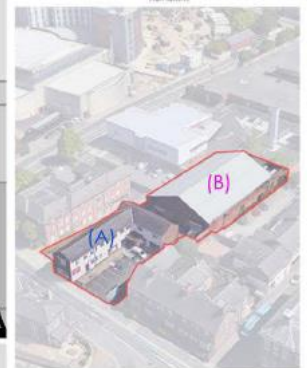
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SCALE 1/10 @ A3 DATE JUN 2021
DRAWN BY: W CHECKED BY:

PURPOSE OF ISSUE:
 PLANNING BUILDING REGS TENDER
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Proposed Sections



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

C	ADDED RIDGE, EAVES & GROUND LEVELS TO SECTIONS	EC	06/24/21
B	UPDATED SECTIONS	SC	17/12/20
A	UPDATED SECTIONS	SC	08/11/20
REV	DESCRIPTION	BY	DATE
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CLIENT:	KAME GROUP LIMITED		
PROJECT:	FAWCETT STREET, YORK		
TITLE:	PLANNING INFORMATION: GENERAL ARRANGEMENT DESIGN SECTION		
DRAWING NO:	147518	REVISION:	C
SCALE:	1/500 @ A1	DATE:	NOV 2020
DRAWN BY:	HC	CHECKED BY:	
PURPOSE OF ISSUE:	<input type="radio"/> PLANNING <input checked="" type="radio"/> BUILDING REGS <input type="radio"/> TENDER <input type="radio"/> INFORMATION <input type="radio"/> CONSTRUCTION		
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Proposed Materials Schedule

FRONT (NORTH) ELEVATION - facing the access road



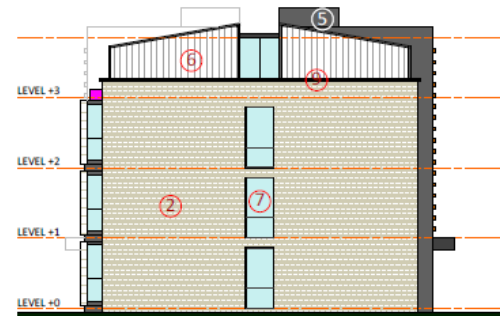
REAR (SOUTH) ELEVATION - facing Escrick Street



SIDE (WEST) ELEVATION - fronting Fawcett Street



SIDE (EAST) ELEVATION - towards Fire Station



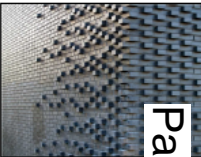
- ① Corten metal cladding
- ② Brickwork specification to be agreed (flemish bond)
- ③ Projecting brick detailing, with flush brick surrounds where applicable
- ④ Ashlar stone panels
- ⑤ Flat metal cladding, colours to be agreed
- ⑥ Vertical profiled metal cladding / rainscreen, dark grey (RAL 7016)
- ⑦ Aluminium windows, dark grey (RAL 7016)
- ⑧ Slate tiled roof
- ⑨ Stone coping

All windows to be aluminium frames, rainwater good aluminium with box section downpipes. Front section of rise and fall brackets



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

EXAMPLES OF BRICK DETAILS AS ITEM 3 ON MATERIAL SCHEDULE



Page 123



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PREPARED BY: [Name] CHECKED BY: [Name] DATE: [Date]

LORD
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20A FAWCETT STREET, YORK YO1 1EP
 01904 333333

100 FAWCETT STREET, YORK YO1 1EP
 01904 333333

CLIENT: FAWCETT GROUP LIMITED

PROJECT: FAWCETT STREET YORK

TITLE: PLANNING INFORMATION Planning Information PROPOSED ELEVATIONS

DRAWN BY:	11/13/18	REVISION:	A
SCALE:	1:100 @ A1	DATE:	AUG 2020
CHECKED BY:	[Signature]	CHECKED BY:	[Signature]

PURPOSE OF SEAL:

PLANNING BUILDING REGS OTHER

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