

## COMMITTEE REPORT

**Date:** 17 January 2024      **Ward:** Guildhall  
**Team:** East Area      **Parish:** Guildhall Planning Panel

**Reference:** 21/01045/FULM  
**Application at:** Tramways Club 1 Mill Street York YO1 9PY  
**For:** Erection of residential building to form 35no. apartments with associated landscaping and public realm improvements to adjacent Rest Gardens following demolition of former Tramways Club  
**By:** Hollie Shackleton  
**Application Type:** Major Full Application  
**Target Date:** 10 August 2021  
**Recommendation:** Approve subject to Section 106 Agreement

### 1.0 PROPOSAL

#### Proposals

1.1 Planning permission is sought for a 3-5 storey building providing 35 apartments (21 x 1 bed, 12 x 2 bed, 2 x3 bed). The applicant is also proposing landscaping works to the adjacent Rest Garden. The Rest Garden is St Georges closed churchyard, maintained by the Council. The scheme has been supported by a viability appraisal completed by CBRE (updated assessment April 2023) (“the FVA”) that made a case that the scheme could not afford to provide policy compliant planning obligations.

#### Application site

1.2 The site is within the Central Historic Core Conservation Area. To the east is the Grade II listed Church of St George and attached rectory, gates, railings. To the south is the Grade II listed Turpin’s Grave within St Georges Graveyard. There are at least 6 Council trees within the Rest Garden which are directly adjacent to the southern boundary of the proposed building. The site is within an Area of Archaeological Interest. The site is within Flood Zone 1. On George Street and Mill Street there are apartments opposite the application site. These were recently constructed and are 3-storey. There is a hotel to the rear of the site which is 5-storey.

## Environmental Impact Assessment

1.3 The proposed development does not comprise 'Schedule 1' development. The proposed development is however of a type listed at 10 (b) in column 1 of Schedule 2 (Urban Development Projects) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. It is the view of Officers that the proposed site is not within or adjacent to an environmentally sensitive area (as specified in the regulations) and taking into account the characteristics of the proposed development, the location of the development, and characteristics of the potential impact, the proposed development would not result in significant environmental effects and therefore an Environmental Impact Assessment is not required.

## Relevant Planning Application History

- 22/01755/TCA - Fell 3no. Cherry trees; to 3no. Lime trees crown reduce in height by up to 30%, crown lift above highway by 5m and 3m over the path, thin crown by 10% - tree works in a Conservation Area – No objection (allowed).
- 22/01793/TCA (adjacent Rest Garden) - Reduce lateral branches on north side of 1no. London Plane by up to 6m; minimal pruning to 1no. Lime; reduce lateral branches on north side of 1no. Sycamore and 1no. Lime by up to 4m; reduce lateral branches on north-western side of 1no. London Plane by up to 6m - tree works in a Conservation Area – No objection.

## **2.0 POLICY CONTEXT**

### NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

2.1 Most relevant policies of the NPPF are –

2. Achieving sustainable development
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
11. Making effective use of land
12. Achieving well-designed places

### PUBLICATION DRAFT YORK LOCAL PLAN (2018)

2.2 The Draft Local Plan 2018 (“the DLP 2018”) has now been subject to full examination. Modifications were consulted on in February and September 2023. It is anticipated the plan will be adopted in 2024. Policies are given weight in decision-

making based on their consistency with the NPPF overall and whether there are unresolved objections.

## 2.3 Key relevant policies

SS3 York City Centre  
SS5 Castle Gateway  
H3 Balancing the Housing Market  
H10 Affordable Housing  
HW1 Protecting Existing Facilities  
D1 Placemaking  
D2 Landscape and Setting  
D4 Conservation Areas  
D5 Listed Buildings  
D6 Archaeology  
GI2 Biodiversity and Access to Nature  
GI4 Trees and Hedgerows  
GI7 Burial and Memorial Grounds  
CC2 Sustainable Design and Construction of New Development  
ENV1 Air Quality  
ENV2 Managing Environmental Quality  
ENV3 Land Contamination  
ENV5 Sustainable Drainage  
T1 Sustainable Access  
DM1 Infrastructure and Developer Contributions

## 3.0 CONSULTATIONS

### INTERNAL CONSULTATIONS

#### DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (CONSERVATION ARCHITECT)

3.1 No objection. The scheme reflects amendments following advice from conservation at pre-application. St George's Church will remain dominant, in terms of scale and massing, in relation to the new proposals.

3.2 Initially officers advised they were disappointed by the blandness of the architecture onto George Street; the scheme would be more successful if there were more glazed windows. The scheme has been revised to address this matter and officers provided no further comment.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (LANDSCAPE ARCHITECT) 06.09.2023

3.3 The overall improvements to the external environment on this side of the development outweigh the harm. Should it be feasible to secure the proposed landscape improvements to the adjacent gardens, and subsequent maintenance, this would be a significant public benefit. The proposed landscape scheme includes replacements for a number of trees which have/would be removed (mostly for arboricultural reasons).

3.4 With strict adherence to a site-specific arboricultural method statement, it may be possible to demolish the existing building and erect the proposed development without significant harm to the remaining higher category trees.

3.5 To reduce the likelihood of requests from future occupants to carry out works to the tree canopies, the building should be located further away from the Peace garden boundary if at all possible. The proposed development is also very close to the Lime trees on George street. As a result, these will need cyclical pruning.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ECOLOGY OFFICER) 19.10.2023

3.6 No objection. Ecological enhancements have been recommended within the Bat Survey Report with the aim of providing biodiversity net gain post construction. These include the provision of bat roosting features and bird boxes.

3.7 Request conditions following conditions: precautionary methods during demolition and felling of trees; biodiversity enhancements; and details of external lighting

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ARCHAEOLOGY)

3.8 No objection. Recommend a condition to secure a programme of post-determination archaeological evaluation.

3.9 The redevelopment of the site includes an enlargement of the existing basement area. The site is likely to have been occupied since at least the early medieval period and is located immediately adjacent to the site of St Georges Church and burial ground. A desk-based assessment and archaeological evaluation has been submitted.

3.10 In summary, the site appears to contain thin layers of undated archaeological deposits at shallow depths outside the footprint of the current building but in areas that have previously been disturbed by residential development. The extent of the resource beneath the extent building is unknown but any archaeological features that remain beneath the cellar floor is likely to be the bases of cut features into the natural deposits.

3.11 Following demolition a further archaeological evaluation will need to take place:

- clarify the nature, date and extent of the archaeological layer identified in the borehole survey
- to ascertain the extent/character of any features surviving in the current basement area
- clarify whether the construction of the club has removed the archaeological resource within its footprint.

3.12 The results of the evaluation will determine whether any further archaeological recording is required either in the form of excavation or as a watching brief. As the site is within the Area of Archaeological Importance an archaeological watching brief should take place on any further ground investigation works required in relation to this scheme.

#### EDUCATION PLANNING OFFICER

3.13 The scheme generates need for 5 additional school places (2 primary, 1 secondary, and 2 early years). Officers explain which schools the contributions would go towards and that the total amount would be £115,089.

#### HIGHWAY NETWORK MANAGEMENT

3.14 No objections. The scheme was amended following officer feedback that servicing of the site could take place within the current arrangements. A separate lay-by facility/pick up/drop off within the site was removed from the scheme at highways officer's request.

3.15 Recommend the following conditions: Removal of redundant crossing; details of the cycle parking areas; Construction Traffic Management Plan / Method of works; Travel Plan; car free development. A financial contribution (£25,000) was requested for the Council to support the travel plan.

#### LEAD LOCAL FLOOD AUTHORITY

3.16 No objection. Recommend condition to secure implementation of the Drainage Strategy and Impermeable Areas Plan – Re:18433-DCE-XX-XX-D-C-100 revision P04.

## PUBLIC PROTECTION

3.17 No objection subject to conditions.

### Noise

- Dwellings should be constructed as to ensure that the internal noise levels meet the requirements of BS8233:2014. As there are residential properties close to the proposed site recommend that controls are put in place to minimise noise, vibration and dust during demolition and construction.

### Land contamination

- The applicant has submitted a Phase 1 desk top study. This assessment is acceptable and the conclusions include the need for a site investigation.

## PUBLIC REALM

3.18 No objection. Requested a planning obligation towards off-site sports (10,863), amenity (£7,700) and play space (£8,416).

3.19 The City of York Local Plan Evidence Base: Open Space and Green Infrastructure Update September 2017 shows that the ward (Guildhall) has an under-provision of outdoor sports, this development is also close to the boundary of connecting wards (Fishergate) that also have a shortfall of outdoor sports provision which this development should support. Contribution requested to carry out improvements to sports facilities at one or more of the following sites / clubs: York RI Queen Street, Rowntree Park Tennis Club, York Canoe Club, or another project within the ward or connecting wards.

## FORWARD PLANNING

3.20 Support the principle of bringing this brownfield, centrally located site into residential use. Subject to negotiation regarding the provision of affordable housing would not raise a policy objection.

## ECONOMIC GROWTH TEAM

3.21 No comment received.

## AFFORDABLE HOUSING

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3.22 Advised on planning obligation to secure off site contribution. This is on the basis it would likely be difficult to be a Registered Provider interested in the leasehold of only 5 dwellings. In line with Local Plan policy H10 £1,234,146.27 would be required.

## WASTE SERVICES

3.23 No objection.

## EXTERNAL CONSULTATIONS

### GUILDHALL PLANNING PANEL

3.24 Object.

- The building is still oversized and provides little green space. The memorial garden is not part of the site.
- Roof level is too intrusive on George and Mill Street.
- The height of the existing building on the site is one/two storeys. The proposal is five storey.
- The solar panels on the roof, positioned to the north of the penthouse will not receive full sunlight.

### POLICE ARCHITECTURAL LIAISON OFFICER

3.25 No objection. The principles of crime prevention through environmental design have been taken into consideration. In particular, the access control measures for all entrances, the defensive space created by the private terraces and the provision of secure cycle storage. It is also considered that the natural surveillance and guardianship that the proposal can provide to the adjacent Rest Gardens will alleviate issues around antisocial behaviour that this space suffers from.

### YORKSHIRE WATER

3.26 No objections, request following condition: development constructed in accordance with Drainage Strategy and Impermeable Areas' 18433-DEC-XX-XX-D-C-100 (revision P01)

### CONSERVATION AREAS APPRIASAL PANEL

3.27 No comments received.

## 4.0 REPRESENTATIONS

4.1 Twelve representations of objection have been received and two petitions signed by 42 and 207 individuals respectively. One letter in support received.

Objections.

- Erode the character of the area, particularly in relation to the church and the peace garden. Views of garden lost.
- Although improvements to the garden would be welcomed, such minor works cannot address the massive adverse impact that the development would have on the amenities of residents and the character of the area.
- Impact on trees
- Sense of enclosure to Mill Street creating a dark corridor. Lack of active façade
- Overdevelopment
- Height should mirror building on opposite side of road – 3 storeys. 3-4 storey scale is harmful to conservation area. Building at a scale appropriate to Piccadilly is not sympathetic to the urban grain of Mill Street and its lesser scaled buildings.
- The building due to its scale would compete with Grade II listed St Georges Church. This is an inappropriate architectural approach; the church being a listed building and designated building of merit should be the focal point in the area.
- The sectional drawings of the proposed development and surrounding building is misleading.
- Roof form and alignment of windows uncharacteristic
- Harm to the amenities of the occupants of the nearby residential dwellings. Loss of outlook and overshadowing.
- No parking provision, would result in issues in the surrounding areas.
- No vehicle lay-by has been provided resulting in an obstruction from delivery vehicles on Mill Street.
- Disruption resulting from construction.
- Solar panels facing north not efficient.
- Loss of a community facilities, no other provision in the area.
- Lack of affordable housing.

Support

- Good use of the land area on a dilapidated site.
- Style is in keeping with the surrounding new builds.



## Rachel Maskell MP

### Conservation area

- Loss of light at street level
- Impinge on gardens adjacent.
- Removal of hedges to improve surveillance.

### Scale of development

- Loss of light due to the height of the development
- Other developments have been required to be 3-storey maximum around George Street.
- The church will be dwarfed due to the scale of the building.

### Parking

- No parking for proposed apartments. People likely to demand parking nearby. Concerned this will be at the expense of existing residents, including those with mobility issues. There should be an assessment of impact on parking as a result of the proposed development.
- No parking for tradespersons in the area.

While housing is urgently needed across the city, the demand is for affordable and social housing. This development is not offering accommodation that will match the need in York and there is not an urgency to develop more luxury accommodation in the area.

## Guildhall Ward Councillors – Cllrs Melly, Clarke Merrett

- Loss of a community asset
- The scale, massing, and number of dwellings of the proposed development amounts to overdevelopment of the site. Concerned about the proximity of the proposed building to mature trees, and both the harm to them that the development could cause and the concern that there will subsequent pressure to cut back or remove the remaining trees due to light restriction in the facing flats.
- Building is too high and too dominant. It would cause harm to the character of the conservation area and the settings of the city walls, the grade II listed St Georges church, and Dick Turpin's grave.
- There is a significant housing need locally, but we do not feel that this development in its current form would help to meet it.
  1. The proposal does not include affordable housing.
  2. The flats are not suitable homes due to the lack of storage space, functional kitchen space, outdoor space, children's play equipment, and suitable cycle storage.

3. The proposed layout is poorly designed for the use of the dwellings as homes. They seem designed to be short term holiday lets which would not contribute to the local housing supply.

- If used as short-term holiday lets, it will undermine community cohesion, have a negative impact on the amenity of existing residents, and introduce a higher level of noise to the neighbourhood than if the site was developed as an appropriate number of genuine homes.
- Cycle storage design is not suitable. The area is in the basement. Access involves manoeuvring, including dismounting and reversing. The nature of the cycle storage would not encourage cycle use by future residents. No cycle storage for adapted cycles or cycle trailers. There is also no access to the cycle storage area for adapted cycles or cycle trailers due to the lift size and manoeuvring required.
- No parking provision is provided on site, but some car ownership by future residents is very likely. Share the concerns of neighbouring residents that this will put additional parking pressure on the surrounding area.
- No provision, such as a lay-by or suitable highway space, for deliveries to the site. All delivery vehicles visiting the site would need to park on highway with parking restrictions, causing an obstruction.
- The "residents footpath" on the South of the development looks poor in terms of designing out crime, and creates an alleyway in an area where anti-social behaviour already exists.
- The proposed improvements to the open space and graveyard labelled on the plans as "rest garden" are welcome as long as they are maintained in perpetuity and conditioned to be provided prior to first occupation of the proposed housing.

#### Former Ward Councillor Cllr Craghill

#### Trees

- Negative impact on mature trees along the boundary line with Dick Turpin's graveyard public open space. Would like assurance that the development will be set well back from these trees perhaps via providing appropriate on site open space for residents of the development along this boundary.

#### Scale

- Despite some stepping down the development is still too high and over dominant where it faces on to George Street, Mill Street and on to the Dick Turpin's graveyard open space.

## Amenity space

- The design of 'St George's Terrace' is confusing – is it for the sole use of residents of the development? It is terribly close to the boundary of the graveyard and it isn't clear how the terrace would work as a useable space?

## Clarity sought on proposals for graveyard / rest garden

- Proposals to fund improvements to the area such as high quality seating and some apparent changes to the landscaping are potentially welcome but it isn't clear who will maintain the open space into the future?
- Not clear if there is going to be the required clearing of undergrowth and opening up of the area at the far end of the graveyard as it this area which promotes much of the anti-social behaviour associated with the open space.
- Whilst provision for use by older people is welcome there is also a need for some improved play facilities in this part of the ward and this is something ward councillors have been considering for this space.
- Whilst a section 106 contribution to the area is welcome there is a need for this to fund a more open consultation with existing residents of the area as to exactly how they would like the graveyard to be improved and what facilities it should include.

## 5.0 APPRAISAL

### KEY ISSUES

- Principle of proposed use and loss of former use
- Impact to heritage assets
- Design of the scheme
- Residential amenity
- Promoting sustainable transport
- Ecology & biodiversity
- Drainage
- Sustainable design and construction
- Planning obligations

### PRINCIPLE OF PROPOSED USE AND LOSS OF FORMER USE

5.1 NPPF section 8 (promoting healthy and safe communities) sets out that planning decisions should guard against the unnecessary loss of valued facilities (including

pubs), particularly where this would reduce the community's ability to meet its day to day needs.

5.2 DLP 2018 Policy HW1 (Protecting Existing Facilities) states that development proposals that involve the loss of facilities last used for community purposes will only be supported where –

- facilities of equivalent or greater capacity and quality are provided.
- robust evidence is submitted to demonstrate that the facilities no longer serve a community function and demonstrably cannot be adapted to meet other community needs or are surplus to requirements; or in the case of commercial facilities, evidence is provided that demonstrates the facilities are no longer financially viable with no market interest.

5.3 In respect of the second point, the background text to the policy advises changes in the economic climate may mean that some commercial facilities are no longer financially viable. In exceptional circumstances, their loss will be approved if it can be demonstrated that they no longer serve a community function and cannot be adapted to meet other community needs, or they are surplus to requirements. If the intent is to demonstrate a facility is surplus to requirements, evidence is required that there are facilities in the immediate area to appropriately cater for the loss of the facility. It is important and relevant in this case that this background text was added in the 2023 modifications to the plan. The club closed and was marketed for redevelopment in 2019.

5.4 The site is within the Castle Gateway Opportunity Area ST20. DLP 2018 Policy SS5 explains ST20 has been identified as a major regeneration area; the aims of regeneration include to improve the economic, environmental and social sustainability of the area and to bring forward new commercial and other development that improves the area and complements and facilitates the implementation of the public realm enhancements. The policy notes the area suffers from neglected buildings.

5.5 The social club was owned by its members. It closed in 2019 due to low membership and financial difficulties; this decision was taken following a majority vote by members' regarding its future. The site was subsequently put on the market for redevelopment.

5.6 Given the type of venue, its ownership, the reasons behind closure and the time that has lapsed since the decision to sell, the applicant has not been challenged to evidence that no alternative community use is possible through marketing. The closest comparable site is St Lawrence WMC on Lawrence Street and this is within walking distance of the application site. There is no conflict with NPPF paragraph

93(c) (no unnecessary loss of valued facilities) the venue closed in 2019 due to low membership and residential redevelopment of the site would not affect the ability of the community to meet its day-to-day-needs.

5.7 Whether the development is acceptable in principle is a planning balance judgement. This requires the decision-maker to have regard to whether the loss of the facility is outweighed by housing delivery. Significantly boosting the supply of homes is established as the Government's objective, set out in NPPF section 5 (housing delivery). NPPF section 11 relates to making effective use of land and requires substantial weight to be given to using suitable brownfield land for homes. The city does not have a 5-year housing supply and has under-delivered on its housing requirements in previous years. The scheme is consistent with the regeneration of area ST20; Castle Gateway as defined in policy SS5. In principle, in this case NPPF policy is weighted in favour of the proposed use.

## HERITAGE ASSETS

5.8 The site is within the Central Historic Core Conservation Area. To the east is the Grade II listed Church of St George and attached rectory, gates, railings. To the south is the Grade II listed Turpin's Grave within St Georges Graveyard. The site is within the City Centre Area of Archaeological Interest.

5.9 In accordance with section 72 of the Planning (Listed Building and Conservation Area) Act 1990, the Local Planning Authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area in exercising its planning duties. Section 66 requires the Local Planning Authority to have regard to preserving the setting of Listed Buildings or any features of special architectural or historic interest it possesses.

5.10 Section 16 of the NPPF (conserving and enhancing the historic environment) classes listed buildings and conservation areas as 'designated heritage assets'. Section 16 advises that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Local planning authorities should take account of the desirability of sustaining and enhancing an asset's significance, the positive contribution it can make to sustainable communities and the positive contribution new development can make to local character and distinctiveness.

5.11 NPPF requires Local Authorities take into account the desirability of sustaining and enhancing the significance of heritage assets and that they should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including any development affecting the setting of a heritage asset) taking

account of the available evidence and any necessary expertise. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Where a development proposal would lead to less than substantial harm to the significance of the asset, this harm should be weighed against public benefits of the proposal.

5.12 Chapter 12 of the NPPF gives advice on design and states planning decisions should ensure that development will add to the overall quality of the area, be visually attractive, sympathetic to local character and history.

5.13 In the Central Historic Core Conservation Area Appraisal (2013) the site falls within Character Area 14: Piccadilly and is directly adjacent Character Area 16: Outer Walmgate.

5.14 The site sits behind the Holiday Inn hotel which fronts onto Piccadilly. This block and Piccadilly Plaza on the opposite side of Mill Street range in height and step up to 5.5 storey facing Piccadilly. Along George Street are residential buildings 3-storey high where they face the street and a 3-4 storey office building. This townscape is late 20<sup>th</sup> and 21<sup>st</sup> century and architecturally of its time. St George's Church is surrounded by car parking and post war housing along Margaret Street.

5.15 The proposed building ranges in height from 3.5 storey (set behind existing trees) facing George Street, then steps up to 4 and 5 storey where it meets the back of the Holiday Inn hotel. The varied massing is a response to the context and the building is comparable in height with the neighbouring buildings. In terms of respecting the urban grain and prevalent townscape, the proposed building is appropriate in its layout, form and massing.

5.16 The scheme will not be harmful to the character and appearance of the conservation area. In terms of the Central Historic Core Conservation Area the site lies within the Piccadilly Area and adjacent the Outer Walmgate Area. The appraisal for outer Walmgate acknowledges the area has been subject to significant change and this is visually evident from the setting of the application site. The area appraisal states "there are very few historic buildings in this area as a result of the slum clearances and post-war development. Several phases produced blocks and houses of varying design and material; continued use of brick and pitched roofs alludes to the architectural context of the city". The site itself is in part of the Piccadilly area, within a section identified as "late 20<sup>th</sup> century commercial development". The host building by virtue of its scale, its form with pitched roof, detailing and materials, with vertical emphasis and use of brick, would not be out of character with this setting.

5.17 There will not be harm to the setting of listed buildings. St George's Church and the grave within the Rest Garden are both listed at Grade II. These structures are set within an urban setting being primarily surrounded by development of 20<sup>th</sup> century origin. The relationship between the church and its churchyard / the Rest Garden are not affected by the scheme. The architectural and historic significance of these assets would not be detrimentally affected by the regeneration of the application site proposed.

### Archaeology

5.18 The site is within the City Centre Area of Archaeological Importance. NPPF section 16 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". Footnote 68 of the NPPF states that non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

5.19 The City Archaeologist is satisfied that sufficient information has been provided prior to determination to understand the potential impacts on archaeology and determine appropriate mitigation. This information extends to on-site investigation. Conditions have been recommended in this respect, which would involve a written scheme of investigation to be prepared and implemented. During the approved works where archaeological features and deposits are identified proposals for the preservation in-situ (preferred), or for the investigation, recording and recovery of archaeological remains and would need to be submitted for approval.

### DESIGN OF THE SCHEME

5.20 NPPF section 12 (achieving well-designed and beautiful places) sets out design considerations. It acknowledges trees make an important contribution to the character and quality of urban environments and advises that developments should

- a) function well and add to the overall quality of the area over the lifetime of the development;
- b) be visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- 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 support local facilities and transport networks; 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.

5.21 These design principles are expanded upon further in the National Design Guide. Further design advice is contained in NPPF section 11 which relates to making effective use of land. Paragraph 129 states "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".

5.22 The design is reasonably informed by its setting. The building is setback from George Street to preserve trees. The building alignment on Mill Street respects the building line opposite in terms of how buildings are setback from the street. The massing is a direct response to the context and strikes an appropriate balance between the scale of buildings on George Street and the taller buildings fronting Piccadilly. The layout respects the urban grain, building lines and landscape characteristics of the setting. The building form; modern townhouse vernacular and recessive mansard type roof and the palette of materials is compatible with the local townscape, which is primarily development from the 20<sup>th</sup> and 21<sup>st</sup> century.

5.23 Each elevation contains sufficient amination and active frontages, with a townhouse vernacular appropriate to the setting. There are amenity terraces on two of the three elevations and full height windows and projecting oriel type windows on the east elevation looking towards St George's Church.

5.24 Whether the scheme is compatible with retention of surrounding trees of high value has been assessed. The applicants have provided an updated Arboricultural report and Impact assessment, construction management details in outline and updated elevations and additional cross sections to illustrate the relationship between the apartment block and adjacent trees. The details illustrate that the scheme can be constructed without damage to the trees. The Lime trees on George Street will need cyclical pruning from time to time, the council's landscape architect has advised that in this respect the overall improvements to the external



environment on this side of the development, with a new landscaping scheme, outweigh the harm.

## RESIDENTIAL AMENITY

5.25 The NPPF in section 12 advises planning decision should create places 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. NPPF Section 15 where it covers ground conditions and pollution advises that planning decisions should aim to avoid noise giving rise to significant adverse impacts on health and quality of life and ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from contamination. DLP 2018 policy ENV2 advises development will be permitted where it does not unacceptably harm the amenities of existing and future occupants on site.

5.26 The scheme has an active frontage on each outward facing elevation and will provide improved natural surveillance, in particular over the graveyard where there have been reports of anti-social behaviour. The activity associated with the new use will be beneficial in respect of designing out crime. The landscape masterplan includes proposals to replace the stepped access with a ramped access to the graveyard area and make the place a more useable and welcoming space. Overall, the scheme accords with the National Design Guide in respect of its policies for public spaces in respect of making them useable and safer.

5.27 The national space standards (for dwellings) are optional and have not been adopted by York Council; they can be used only as a guide. The apartments proposed exceed the optional standards for one and two bed dwellings. Each apartment has private outside amenity space which is a benefit in favour of the scheme. The apartments which face George Street are dual aspect. Some apartments will be close to trees which will affect daylight to the apartments. The trees will be afforded protection from removal. The trees are also beneficial; along with the landscaping of the adjoining garden they provide a tranquil landscape setting and offer privacy. Whether the trees add value to the apartments or otherwise is a personal preference and the presence of the trees is not regarded as grounds to refuse the application on amenity grounds.

5.28 Paragraph 129 (c) of the NPPF refers to making effective use of land and states “local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the

resulting scheme would provide acceptable living standards) ... significant uplifts in the average density of residential development may be inappropriate if the resulting built form would be wholly out of character with the existing area". The BRE (British Research Establishment) guidance on site layout for daylight and sunlight also advocates building at a density that respects its context.

5.29 The proposed building respects its context and is aligned with NPPF advice on making effective use of land and achieving appropriate densities (in section 11). In terms of existing separation, between buildings at the Piccadilly end of Mill Street, buildings are just less than 10m apart. The same separation distance applies for the terraces of houses on George Street. The proposed apartments would be at least 11m from the houses opposite on Mill Street. The setback of the proposed building from the street is comparable with the residential building opposite, as is the height and massing of the scheme (buildings opposite range from 3-5 storey in height). Whilst the proposed building at the north corner extends to the site boundary (therefore narrowing separation distances), this is opposite what is predominantly the blank gable end of the block opposite, which is set further back from the pavement edge.

5.30 The levels of noise for future residents and a remediation strategy for the site can be secured by standard conditions.

## PROMOTING SUSTAINABLE TRANSPORT

5.31 The NPPF in section 9 (promoting sustainable transport) encourages development that is sustainably located and accessible. It requires that all development achieves safe and suitable access for all users. Paragraph 115 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 116 of the NPPF provides that development should give priority first to pedestrians and cycle movements and create places that are safe, secure and attractive thereby minimising the scope for conflicts between pedestrians, cyclists and vehicles. DLP 2018 policy T1: Sustainable access states "development will be permitted where it minimises the need to travel and provides safe, suitable and attractive access for all transport users ... including those with impaired mobility, such that it maximises the use of more sustainable modes of transport".

5.32 The development proposes no off-street car parking. This is a city centre location where there are sustainable travel alternatives to private car use. Application 19/02415/FULM at Castle Mills for 106 apartments and commercial uses was approved with no off-street car parking and there are no reasons why the same approach should be opposed in this case. Generally, on-street parking locally is controlled as Mill Street and the application site is outside of the R18 residents

parking zone that extends to George Street. Future residents would be outside of the zone and therefore would not be eligible for on-street parking permits under the current arrangements. There are measures to prevent an impact on the network. National advice is that travel plans are required for developments that would generate significant amounts of transport movement. A scheme of 35 dwellings in the city centre, with no car parking, would not generate significant amounts of traffic.

5.33 Highways officers are content that servicing can take place utilising the current arrangements provided on George Street; it is not necessary to duplicate the on-street provision within the site (which would be at the expense of soft landscaping) and such an arrangement (when initially proposed) raised safety concerns regarding vehicles reversing onto the highway, visibility and conflict between users of the highway, including cyclists and pedestrians.

5.34 The supporting documentation submitted with the application evidences that the access into the basement storage is workable and highways officers have not objected to the revised plans. The fire curtains shown on the plan maintain openness in corridors for ease of use (these seal in case of fire). The plans have been updated and the lift dimensions increased so there is capacity for larger cycles. The parking spaces are also set out so longer cycles can be accommodated, taking into account LTN 1/20 advice. A cycle space per bedroom is proposed and there are visitor spaces at an entrance. The cycle parking is adequate quality.

## ECOLOGY & BIODIVERSITY

5.35 NPPF section 15 (conserving and enhancing the natural environment) requires planning decisions to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. The DLP 2018 policies reflect this advice in relation to trees, protected species and habitats.

5.36 The submitted ecology information is up to date and confirms there are no protected species in the building. The recommendations of the report including new habitat facilities (e.g. bat and bird boxes), to secure policy compliance, can be required via condition.

## DRAINAGE

5.37 The site is outside of flood zones 2 and 3. In terms of flood risk the development accords with section 14 of the NPPF in terms of steering new development to areas with the lowest risk of flooding.

5.38 The NPPF states major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the lead local flood authority. DLP 2018 policy ENV5: Drainage states that for all development on brownfield sites, surface water flow shall be restricted to 70% of the existing runoff rate (i.e. 30% reduction in existing runoff), unless it can be demonstrated that it is not reasonably practicable to achieve this reduction in runoff.

5.39 There is an agreed drainage strategy which incorporates the restricted run-off required under local policy. The agreed scheme can be secured through planning conditions.

## SUSTAINABILITY

5.40 Local Plan Policy CC2 'Sustainable Design and Construction of New Development' states that all new residential dwellings should achieve on-site carbon emissions reduction of a minimum of 31% over and above the requirements of Building Regulations Part L (2013). Following recent changes to Building Regulations, developments should further aim to achieve up to a 75% reduction in carbon emissions over and above the requirements of Building Regulations Part L (2013) unless it is demonstrated that such reductions would not be feasible or viable.

5.41 The applicants have advised that, although when the application was made policy targets were less onerous, the scheme will achieve at least a 31% improvement over Building Regulations. A condition shall be applied to secure policy requirements in CC2.

## PLANNING OBLIGATIONS

5.42 Policy DM1 of the DLP 2018 states that the Council will seek financial contributions from developers to ensure that the necessary infrastructure is in place to support future development in York. The following considerations arise from this application:

### Affordable housing

In determining affordable housing requirements Vacant Building Credit is applicable. The policy ask therefore equates to 5 dwellings. The Council's affordable housing team advise in this case an off-site contribution would be most appropriate; they do not think a registered provider would be interested in managing only 5 dwellings. The off-site contribution, based in DLP 2018 policy H10 would be £1,234,146.27

## Education

5 additional school places (2 primary, 1 secondary, and 2 early years). £115, 089.

## Open Space

All residential development proposals are expected to contribute to the provision of open space for recreation and amenity. Applicable DLP 2018 policy GI6. The scheme does propose enhancements to the adjacent graveyard, which include inclusive access.

A contribution towards off-site amenity, play, and sport is considered necessary. The contributions would be as follows -

Sport – £10,863

Children's play – £8,416

The amenity space contribution would be £7,700. However, this contribution is not sought as the scheme includes improved access and quality of the graveyard adjacent the site.

## VIABILITY

5.43 The scheme has been subject to independent review of viability and construction costs. In accordance with guidance the FVA has been published. There is a recommendation from the district valuer (representing the Council) that the FVA demonstrates that policy compliant planning obligations are not achievable on this site. The advice is that the scheme at most can afford to provide £170,000 towards planning obligations. The applicants have agreed to this contribution. The sum of £170,000 would cover the education and open space policy requirements in full but not the full amount of the off-site affordable housing contribution. The Affordable Housing Contribution would be reduced to £35,632.

5.44 Paragraph 58 of the NPPF and Government guidance in the NPPG state that the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and viability evidence underpinning the plan is up to date, and site circumstances including any changes since the plan was brought into force, and the transparency of assumptions behind evidence submitted as part of the viability assessment. The NPPG advocates the use of review mechanisms to strengthen local authorities' ability to seek compliance with relevant policies over the lifetime of the project.

5.45 Officer's advice is that given the benefits of the scheme overall (when considered against NPPF policy) and given that it has been subject to an independent review, the lack of a policy compliant planning obligation is not grounds to refuse the scheme. A s106 agreement could secure the £170,000 that the scheme is able to provide, and a review mechanism can be included should there be any more value in the scheme on completion. The contribution will comply with Regulation 122 of the Community Infrastructure Levy Regulations which requires that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

## **6.0 CONCLUSION**

6.1 The site is within an area identified for regeneration in the DLP 2018 (Castle Gateway). The scheme makes effective use of land and would provide housing and these are benefits to be given substantial weight according to the NPPF. There would not be harm to heritage assets, no undue impact on surrounding occupant's amenity and technical issues can be addressed through conditions. The scheme is unable to be policy compliant in terms of affordable housing provision and this has been independently verified by the Council's district valuer. A review mechanism can be included in a legal agreement to capture any uplift in value of the scheme.

## **7.0 RECOMMENDATION:**

That delegated authority be given to the Head of Planning and Development Services to APPROVE the application subject to:

- i. The completion of a Section 106 Agreement to secure the following planning obligations:
  - Education - 5 additional school places (2 primary, 1 secondary, and 2 early years). £115,089.
  - Open Space – £8,416 towards play space within 720m from the site.
  - Sport – £10,863 - Improvements to facilities at one or more of the following sites / clubs: York RI Queen Street, Rowntree Park Tennis Club, York Canoe Club, or another project within the ward or connecting wards.
  - Affordable housing – off site contribution of £35,632.
  - Viability review mechanism

- ii. The Head of Planning and Development Services be given delegated authority to finalise the terms and details of the Section 106 Agreement.
- iii. The Head of Planning and Development Services be given delegated authority to determine the final detail of the planning conditions

### Conditions

1 TIME2 Development start within three years

2 Approved plans

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

Demolition plan 2018-059 0601 revision B  
Site plan - 2018 - 059 0103 revision J  
Landscape masterplan - 1335 -001 revision E

Floor plans and roof  
2018-059 - 0202 L, 0203 M, 0204 E, 0205 E, 0206 E, 0207 E, 0208 F

Elevations and sections  
2018-059 0210 F, 02011 E, 2018-059 0220 E

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

3 Restricted hours 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.

Reason: To protect the amenities of adjacent residents.

4 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:

-

- Measures to keep the highway clean (such as wheel washing facilities for the cleaning of wheels of vehicles leaving the site, including location and type).
- 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.
- 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.
- Noise - Details on types of machinery to be used, noise mitigation, any monitoring and compliance with relevant standards.
- Vibration - Details on any activities that may result in excessive vibration, e.g. piling, and details of monitoring and mitigation to be implemented.

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

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

## 6 Archaeology

a) Prior to groundworks or any on-site archaeological evaluation, a written scheme of investigation (WSI) for evaluation shall be submitted to and approved by the local planning authority in writing. The WSI shall conform to standards set by LPA and the Chartered Institute for Archaeologists.

b) The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the WSI approved under part a) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

c) A copy of a report on the evaluation and an assessment of the impact of the proposed development on any of the archaeological remains identified in the



evaluation shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 6 weeks of completion or such other period as may be agreed in writing with the Local Planning Authority.

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

No groundworks shall take place until:

- details in part d) have been approved and implemented on site.
- provision has been made for analysis, dissemination of results and archive deposition has been secured.

Reason: 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 ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ. This condition is imposed in accordance with Section 16 of NPPF.

## 7 Land contamination - Site investigation

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

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This shall be conducted in accordance with DEFRA and the Environment Agency's

'Model Procedures for the Management of Land Contamination, CLR 11'.

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

#### 8 Land contamination - remediation scheme

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

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

#### 9 Land contamination - remedial works

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

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

#### 10 Land contamination - unexpected contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme

must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

## 11 Large scale details and materials

Large scale drawings, including full sections to illustrate the building profile and articulation, showing typical details of the building facade shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of construction and the works shall be carried out in accordance with the approved details.

Sample panels 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 construction. The panel(s) 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 good design and visual amenity, in accordance with the NPPF section 12.

## 12 carbon reduction

The dwelling(s) hereby permitted shall achieve a reduction in carbon emissions of at least 31% compared to the target emission rate as required under Part L of the Building Regulations 2013 and a water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations).

Should the dwelling(s) not achieve a reduction in carbon emissions of 75%, compared to the target emission rate as required under Part L of the Building Regulations 2013, prior to construction a statement to demonstrate that such reductions would not be feasible or viable shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To fulfil the environmental objectives of the NPPF and support the

transition to a low carbon future, and in accordance with policy CC2 of the Draft Local Plan 2018.

### 13 Tree Protection

The development shall be carried out in accordance with the tree protection measures within the Arboricultural Report JCA Ref: 14984e/DK.

Reason: To protect existing trees which are covered by a Tree Preservation Order and are considered to make a significant contribution to the amenity of the conservation area and the development.

### 14 Vegetation Removal

No vegetation clearance or tree felling/maintenance works shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful and detailed check of suitable habitats for active nests immediately before the works commence. Written confirmation should be submitted to the local planning authority, detailing where works within suitable habitats have been undertaken within the nesting bird period, the outcome of checking surveys, and identify requirements for protection measures.

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

### 15 Biodiversity

The mitigation and biodiversity gain recommendations; including two bat boxes and two bird boxes, as specified in the Wold Ecology Bat Survey (September 2023), method statement (section 7.2) and recommendations (section 8.5) shall be provided prior to first occupation of the development hereby permitted.

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

### 16 Lighting

Any external lighting installed shall be in accordance with the lighting recommendations in section 7.2.6 of the Wold Ecology Bat Survey (September

2023).

Reason: to minimise impact on protected species and provide net gains for biodiversity in accordance with NPPF section 15.

#### 17 Noise insulation

The building envelope of all residential accommodation shall be constructed to achieve internal noise levels in habitable rooms of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) during the night (23:00-07:00 hours). The LAFMax level shall 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: In the interests of good design and the amenity of future users of the building.

#### 18 Drainage

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

Reason: In the interest of satisfactory and sustainable drainage.

#### 19 Drainage

The development shall be carried out in accordance with the details shown on the submitted Drainage Calculations - Re: CAL01(P04) and the Drainage Strategy and Impermeable Areas Plan - Re:18433-DCE-XX-XX-D-C-100 revision P04 both dated 14th February 2023.

Reason: In the interest of satisfactory and sustainable drainage

#### 20 Making good to public highway

The development shall not come into use until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerbing and footway to match adjacent levels and materials.

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

## 21 Cycle parking

Prior to first occupation of the development hereby permitted the areas shown on the approved plans for parking and manoeuvring of cycles shall be constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

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

## 22 Landscaping

The landscaping measures as shown on the landscape masterplan shall be implemented within a period of six months of the completion of the development. Following installation, should any trees or plants die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: In accordance with NPPF placemaking policies in sections 8 and 12; to address the needs of future residents and to achieve healthy, inclusive and safe places.

## **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 revised plans, negotiation and the use of conditions to make the scheme acceptable.

### 2. INFORMATIVE:

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

### 3. Consent for highway works

You are advised that prior to starting on site, consent will be required from the

Highways Authority for the works being proposed under the Highways Act 1980 (or legislation/ regulations listed below). For further information, please contact the section(s):

- Works in the highway (Section 171) - [streetworks@york.gov.uk](mailto:streetworks@york.gov.uk)
- Temporary highway closure (Road Traffic Regulation Act 1984, Section 14) [highway.regulation@york.gov.uk](mailto:highway.regulation@york.gov.uk)

**Contact details:**

**Case Officer:** Jonathan Kenyon

**Tel No:** 01904 551323