

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

- To:** Councillors Fisher (Chair), Ayre, Barker, D'Agorne, Daubeney, Doughty, Douglas, Fenton, Hollyer, Looker, Lomas, Melly, Pavlovic (Vice-Chair), Warters and Waudby
- Date:** Thursday, 6 January 2022
- Time:** 4.30 pm
- Venue:** Remote Via Zoom

In view of the changing circumstances around the Covid-19 pandemic, this meeting will now be held remotely. Any decisions made will form recommendations to the Chief Operating Officer.

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 - 50)

To approve and sign the minutes of the Planning Committee meetings held on 7 October 2021, 4 November 2021 and 2 December 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 5:00pm on Tuesday 4 January 2022.

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

Webcasting of Public Meetings

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

During coronavirus, we'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 application:

**a) Aubrey House, Foss Islands Road, York YO31 (Pages 51 - 116)
7UP [20/01200/FULM]**

Erection of 5 storey student accommodation building with associated car parking following demolition of existing buildings.
[Guildhall 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 Democratic Services Officer responsible for servicing this meeting:

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

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

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City of York Council

Committee Minutes

Meeting	Planning Committee
Date	7 October 2021
Present	Councillors Fisher (Chair), Ayre, Barker, D'Agorne, Daubeney, Doughty, Douglas, Hollyer, Looker, Melly, Warters, Waudby, Cuthbertson (Substitute) and Crawshaw (Substitute)
Apologies	Councillors Fenton and Lomas

45. 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 discloseable pecuniary interests they may have in respect of business on the agenda.

Cllr Crawshaw acknowledged that he had spoken in objection to item 4b. as a ward councillor when it was first presented to the committee, however it had been agreed that the application presented to the committee in this meeting was fundamentally different and thus Cllr Crawshaw was not predetermined.

Cllr Daubeney declared a personal interest in item 4b., in that he had received treatment for a brain injury and did not feel that he could be impartial. He therefore stated that he would withdraw from the meeting when that item was to be discussed.

Cllr Doughty declared a personal non-prejudicial interest in that his partner had previously been a director at The Retreat. He stated that this did not predetermine him and that he would participate in discussion of the item.

46. Minutes

Resolved: That the minutes of the meeting held on 1 July 2021 and 5 August 2021 be approved and signed by the Chair as a correct record.

47. Public Participation

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme on general matters within the remit of the Planning Committee.

Johnny Hayes spoke on general planning matters, but specifically about the Committee returning to in person site meetings for more contentious and complex applications where he felt an in person site visit would be beneficial. Mr Hayes felt such visits increased public confidence in the deliberations of the Planning Committee and gave members the chance to better understand the site. He also stated that it was a good opportunity for the public to question members and officers on planning applications.

The Chair stated that he would discuss with potentially returning to in person site visits with the Chair of the Area-Planning Sub-Committee, Head of Planning and Development Services and committee members.

48. 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.

**49. Os Field 2800, Eastfield Lane, Dunnington, York
[20/01626/FULM]**

Members considered a major full application from Mr Tate for the erection of 83 dwellings, landscaping, public open space and associated infrastructure at OS Field 2800, Eastfield Lane, Dunnington, York. The Head of Planning and Development Services gave a presentation on the application.

In response to questions from members, officers noted that:

- The acceptable number of dwellings per hectare was determined on case specific basis.
- Allocations within in the Local Plan for number of houses in an area that could be developed were indicative, not definitive.

- The reasons they determined the application was not premature were detailed in the report.
- Proposed road improvements included in the development were to continue the 30mph section of road across the site's frontage while adding access points and pathways.
- The emergency services were consulted during the application process, and did not raise any concerns around emergency access.
- The Council's landscape architect had not raised objection to the removal of hedgerows on the application, but had merely commented on it.
- There had been an identified need for smaller one or two bedroom affordable housing provision through the Strategic Housing Market Assessment, which was why they had been prioritised in this application.
- The first 3 stages of archaeology work on the site were for creating a methodology, carrying out field work and then a report back to the archaeologist. If these findings justify further archaeological work, then there was a possibility for two more stages
- When the report noted a 'high level of local need' for housing, this was referring to the local area of Dunnington as determined by the Strategic Housing Land Availability Assessment.
- It was not considered necessary or reasonable to close Eastfield Lane as part of the development. However, it had been agreed with the applicant to impose a no-right turn from the development down Eastfield Lane. The junction was not considered dangerous by officers.
- Education officers had not raised concerns around that there was no physical additional space to teach more pupils at Dunnington School.
- It was not considered reasonable for the Construction Environment Management Plan for the development to be brought to the ward councillors and local parish council for consultation before approval since the decision was solely to local planning authority's to make, although they could be consulted.

[Cllr Barker joined the meeting at 17:29]

Public Participation

Peter Moorhouse spoke in objection to the application. He stated that he was opposed to building on the green belt, he felt

there were inadequate plans for the drainage of surface water and sewage, and he felt the site was poorly laid-out and constituted overdevelopment. He spoke on housing density, and he felt that the proposed development was too high for the surrounding area and would create precedent. Mr Moorhouse also referred to the National Planning Policy Framework (NPPF), and stated that he believed the application to be premature and not in compliance with policy.

In response to questions from members Mr Moorhouse stated that he felt the net area should be used to calculate housing density, not the total area.

Cllr Rowley, Ward Councillor spoke in objection to the application. He stated the although the Local Plan sought to change the designation of the land the application proposed to develop, it had not yet been approved and was still green belt land, which the NPPF sought to preserve. Cllr Rowley did not believe that there were exceptional circumstances to justify the application and he also felt that there were several brownfield sites in the city which would be better locations for development.

In response to questions from members, Cllr Rowley stated:

- He was not party to discussions of the local plan by the previous administrations.
- He believed that there were adequate greenfield sited within the A64, and that if the green belt had to be built on, he would prefer it was done within that boundary.

Cllr Andrew Dykes, on behalf of Dunnington Parish Council spoke in objection to the application. He stated that he felt the application was premature, and that since the local and neighbourhood plans had not been finalised the land should be regarded as fully part of the green belt. Cllr Dykes also raised concerns around the sustainability of the new development, and highlighted its distance from village transport links to the city centre, which he described as already inadequate. Finally, he expressed the long-standing opposition of the local parish council to building on this site.

Stuart Natkus, agent for the applicant, spoke in support of the application. He stated that housing density was a statistic which was easily manipulated, and suggested the members judge the application by examining the plans. He explained that the land in question was within the general area of the green belt, but

had never been specifically examined until the emerging local plan determined that it ought not to be in the green belt. Furthermore, he stated that the development would not negatively impact any of the five stated purposes of green belt land stated within the NPPF. Finally, he stated that brownfield sites did not exist in numbers large enough to meet York's need for housing.

In response to questions from members, Mr Natkus stated:

- The applicants had been promoting the development of the land in question for at least 5 years.
- The applicants did not wait to submit the application under after the local plan was adopted because he believed it unlikely that it would be fully confirmed for at least two years.
- That he would be willing to discuss the creation of a Construction Environment Management Plan.
- That demand for affordable housing was 30% higher in York than the average, and there was also a high demand for smaller one or two bedroom properties, which necessitated the increased housing density.
- He could not comment on the specific amounts of services charge which might be imposed for public open spaces.
- That the houses were likely to be heated with gas.

[Break between 18:10 and 18:20]

In response to further questions from members, officers noted:

- That they had yet to receive notification from planning inspectors about the timeframe of the local plan, but that issues relating to the principle and boundaries of the green belt were due to be discussed.
- That they considered the housing density of the proposed to development to be acceptable and not vastly out of character with its surroundings.
- They felt that the special circumstances of the proposed application outweighed any potential harm it may cause.

During debate, it was moved by Cllr Waters, and seconded by Cllr Doughty to defer the application until the objections made against it could be resolved in discussion of the local plan. A vote was taken, with two members in favour and eleven against. The motion was defeated.

Following further debate, it was moved by Cllr Pavlovic and seconded by Cllr Melly to approve the application subject to the conditions set out below. A vote was taken, with nine members in favour, three against and one abstention.

After members voted, the Chair commented that he abstained because he would never vote for development on green belt land, which some other members considered to pre-determine him for future applications.

The motion carried and it was therefore:

Resolved:

- i. That the application be approved subject to the conditions in the report with below amendments and completion of a Section 106 Agreement.
- ii. That amendments to conditions 11, 12 and 19 be made as outlined in the additional information, condition 9 be amended to remove referral to two storey extension, that the Traffic Regulation Order be amended to ensure that there is no right turn out of the site and that the landscaping condition be amended to ensure that landscaping in public areas be maintained for the lifetime of the development.
- iii. That the Section 106 Agreement and final wording of the conditions be delegated to the Head of Planning and Development Services and Chair and Vice Chair of the Planning Committee.

[Cllr Daubeney left the meeting at 19:05]

[Break between 19:05 and 19:10]

**50. Land South Of The Residence, Bishopthorpe Road, York
[21/01758/FULM]**

Members considered an application for the erection in Micklegate Ward of a single and two storey residential healthcare building (use class C2), to include 40 bed spaces, associated treatment rooms, car parking, servicing areas and landscaping. The Head of Planning and Development Services gave a presentation on the application.

[Cllr Cuthbertson joined the meeting at 19:10]

In response to questions from members, officers stated that:

- That it was difficult to attempt to exactly match the brick colour of surrounding historical buildings, therefore it was thought safer to choose contrasting colours.
- The roads in the development will be primarily paved with tarmac.
- They did not consider access to the proposed development to be an issue, and that the Highways department had not raised any objections to the application.

Public Participation

Johnny Hayes spoke in objection to the application. He spoke on the historical significance of the site in question and stated that although he had initially supported the proposal, he now felt that the design was not of high quality and did not respect its historical surroundings. He felt that the site was too small for a development of this nature and urged members to discuss deferring the application until physical site visits could be begun again.

Mary Urmston spoke in objection to the application. She stated that although the proposal was lower in height than previous applications for this site had been, she believed its negative impact on the area would be great. Ms Urmston felt that Historic England had not been consulted until very late into the application process and that symmetry in the design should have been insisted upon, as with previous applications. She raised concerns about the amount of open space that the development would build on and stated that the site was too small for proposals. Finally, she felt the design was inappropriate and expressed the need for conditions around lighting.

Celia Smith stated that she was not speaking in objection to the application, but raising concerns about aspects of it. She felt that the application contained a number of flaws, raising concerns about a lack of amenities, its large footprint, and she felt it was not in keeping with the character of the local area. Ms Smith believed that the roadway would not be appropriate for the development and had concerns about drainage, flooding and noise pollution. She asked that if the application were approved that the advice from Historic England around landscaping and green space be adopted.

Keeley Mitchell spoke in support of the application support on behalf of The Disabilities Trust, the proposed occupier. She stated that residential care at The Retreat, which housed 40 vulnerable patients and employed 145 staff was closing, and they had been searching for alternative facilities for years. Ms Mitchell stated that if approval was not granted, the patients would have to be moved out of York and all staff would lose their jobs. She emphasised the need for a female-only ward in York with rising demand, and explained that patients were no threat to the public, but needed extensive support from health professionals.

In response to questions from members, Ms Mitchell stated that:

- There had been 36 patient rooms at The Retreat, while the proposed development had 40.
- While many residents were from York and surrounding areas, there was no formal catchment area they were drawn from. It was explained that patients brought in from other areas were funded by their original local authority.
- There were large communal spaces for residents, as well as specialist rooms for those at high risk, e.g. of suicide.
- The female-only ward was one of only a few in the UK.
- A built for purpose development better served the needs of residents and staff than a historic building such as The Retreat, especially in facilities such as the gym and sensory garden.
- The shift pattern operated was a day and night shift of 12 hours each, with fewer staff on duty at night than in the day. Some staff such as administrators, speech therapists and psychologists worked Monday to Friday, 9-5.
- Staff were encouraged to walk or cycle to work for their own health and wellbeing, and the proposed provision of parking spaces had been made clear to them.
- The frequency of visits to residents varied greatly, but they were organised to not overlap as much as possible. Video conferencing technology was also being encouraged as an alternative to in person visits.

Carys Swanick support spoke in support of the application on behalf of the Residence (York) Management Company Ltd. She stated that the proposed development would bring benefits to all residents, and she supported it in principle, but she raised concerns around the submitted plans, which she stated were inaccurate with regards to the number and position of trees on the site. Ms Swanick requested that members add an

informative note to the applicant requesting a collaborative approach to create a tree screen boundary for the site. She also requested reconsideration of the road surface, as she believed the planned black tarmac was not in keeping with the local surroundings. Ms Swanick also requested a condition on requiring a full noise survey report.

In response to questions from members, Ms Swanick stated that she recognised that cost was a factor in determining the road surface, but felt that preserving the character of the conservation area was more important.

Officers noted that the tree boundary mentioned by Ms Swanick was not related to the application, but was a previous issue related to the developer of The Residence and was not within the boundary of the land in question.

Joanna Gabrilatsou, Agent for the Applicant, spoke in support of the application. She stated that the site was ideal for this development, and this application was different to previously refused applications for the land which had been opposed by local groups, while this application was supported by the community. She further stated that the development was in keeping with the character of the area while incorporating everything it needed to serve residents. Ms Gabrilatsou also spoke on York's history in providing care for those with mental ill-health and stated that this development would continue that legacy. She believed that noise impact of the development would be minimal and stated that spaces for electric cars and bikes would be provided. Finally, she stated that the proposed development met the objectives of the NPPF and would protect jobs in the city.

She was joined by a number of colleagues to answer questions from members regarding the application, during which they stated that:

- The visual impact of the tarmac will be reduced as the car park will be full most of the time.
- Conversations around the boundary as mentioned by previous public speakers were ongoing, and the applicants were committed to resolving the issue.
- The roof was not fully sedum because some parts had to be accessed by maintenance staff.

- The design of the building was created with the needs of residents and staff in mind, but was not solely based on any 'NHS aesthetic'.

In response to further questions from members, officers noted that:

- The Retreat had 48 parking spaces, while the proposed development would have 47. A travel survey of staff showed that 96 travelled by car, which when the shift pattern was accounted for meant the car park was the correct size.
- It would not be reasonable for members to members to attach an informative note regarding the tree boundary since it was not within the bounds of the land for development.
- Historically the land was occupied by warehouses which were described as white industrial buildings typical of the 1970s.
- The Public Protection Officer not raised concerns about lighting around the development and the Ecology Officer had not raised concerns around the effect of lighting on local wildlife.

Following debate, it was moved by Cllr Crawshaw and seconded by Cllr Pavlovic to approve the application subject to the below conditions. A vote was taken with thirteen members in favour. The motion was carried unanimously and it was therefore:

Resolved:

- i. That the application be approved subject to the conditions set out in the report.
- ii. That condition 16 be amended to retain landscaping for the lifetime of the development and an additional condition be attached with regard to external lighting to ensure it is acceptable in terms of protected species and the conservation area.

Cllr T Fisher, Chair

[The meeting started at 4.30 pm and finished at 8.36 pm].

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Meeting	Planning Committee
Date	4 November 2021
Present	Councillors Fisher (Chair), Ayre, Barker, D'Agorne, Daubeney, Doughty, Douglas, Fenton, Hollyer, Looker, Melly, Pavlovic (Vice-Chair), Warters, Waudby and Fitzpatrick (Substitute for Cllr Lomas)
Apologies	Councillors Lomas

51. **Declarations of Interest**

As a point of order the Vice Chair reported that he had received a number of complaints concerning the comments made by the Chair at the meeting held on 9 October 2021. The Vice Chair read out a statement outlining the concerns. The Chair advised that he had taken independent legal advice and noted that he had voted in favour of applications in the Green Belt on four occasions. He clarified what he meant to imply at the previous meeting and noted that he had abstained from the vote on the Dunnington planning application at that meeting. He noted that he had no history of predetermined Green Belt applications and in response to a question from the Vice Chair confirmed that the Monitoring Officer had given advice in which she confirmed that it was for the Chair to decide what his position is.

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 Looked noted that as Lord Mayor she had opened the building site at the Gas Works and was presented with the gift of a trowel at the opening. Cllr Fitzpatrick noted that at residents' request she had called in an earlier application at the Gas Works site. The Chair declared a personal non pecuniary interest in agenda items 4a and 4b as a retired teacher and soon to be volunteer at Huntington School which would be a beneficiary of S106 funding.

52. **Minutes**

In response to a question from a Member, the Democracy Officer confirmed that the minutes of the meeting held on 7 October 2021 would be approved at the meeting on 2 December 2021.

Resolved: That the minutes of the meeting held on 2 September 2021 be approved and signed by the Chair as a correct record.

53. 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.

54. Appeals

**55. Site to the west of the A1237 and south of North Lane
Huntington York [18/00017/OUTM]**

This matter was reported to Planning Committee following the submission of an appeal against non-determination to the Secretary of State by the applicant. Members were requested to consider the report and to endorse the approach to be presented to the Planning Inspectorate as the Council's case at the public inquiry.

The application was for outline consent with full details of means of access. It proposed a residential development of circa 970 dwellings with associated demolition, infrastructure works, open space, primary school, community facilities and convenience store (use class A1) on land west of Monks Cross Link Road and a country park with drainage infrastructure east of Monks Cross Link Road. It was submitted with the intention to align the determination of the Outline application with the adoption of the Local Plan.

The Head of Planning and Development Services noted a correction to paragraph 5.3 of the report. In response to questions from Members, Officers clarified that:

- They did not have the information regarding the potential for the middle part of the development to be used for
- The cycle access link was under the control of the applicant.
- The planning application was submitted in 2018 and there had been issues with the Local Plan and technical issues with highways.
- The applicant would be able to provide the information needed to show that policies HW2, HW3, HW4, HW7 and D3 had been met. It was a complicated application due to the number of complexities.
- The master plan was indicative of whether the overall housing densities were similar to that of estates in the immediate area. The density was considered to be acceptable.
- The applicant was proposing an area of self builds equivalent to 49 homes.
- At present highways were not seeking to provide LTN 1/20 for the link road.
- Presently there were no proposals for vehicular access from North Lane.
- Highways had asked for parking provision for public open spaces on the site.
- The council could secure a contribution for bus services but did not have agreement on this from the developers.
- The offsite contribution for Gypsy and Traveller pitches was consistent with other decisions that had been made. These were looked at on a case by case basis.
- There had not been any additional information regarding area 5 being designated as a play area. The detailed layout would be included as part of the reserved matters application.
- The country park was required to mitigate the impact on Strensall Common.
- The location of the western hedge line on the boundary was explained.
- Regarding questions around the provision of shops, there were highways issues unresolved which would be addressed at the public inquiry.
- A caveat for the provision of sufficient shops and amenities was not unreasonable and would continue to be requested.
- A request for health provision would be subject to discussions with the NHS and this had not been provided as part of the application at that stage.

Public Speakers

Geoff Beacon spoke in objection to the application on the climate aspects of the development in relation to the declaration of a climate emergency. He suggested alternative uses for the land on the site.

David Gregg (Chairman of Shepherd Group Brass Band) spoke on their use of one of Portakabin's buildings adjacent to the south west boundary for Brass Band rehearsals creating noise that may encroach on new residents. He requested that a further noise assessment be carried out on Tuesdays or Fridays when the band was at its loudest. He was asked and confirmed that he would be happy to work with officers on this.

Cllr Orrell, Ward Councillor for Huntington and New Earswick Ward, spoke on behalf of Councillors for the Ward. He noted that the principle for the development was made in 2018 and it was supported by the Huntington Neighbourhood Plan. He noted the objection to the exit on North Lane and asked for stringent conditions on lorry routes and for the protection of biodiversity.

Members were then given the opportunity to ask further questions to officers who were asked and advised that they were trying to resolve whether the changes to shared pedestrian and cycleway between the two new junctions on Monks Cross Link road would be updated in line with LTN 1/20.

It was moved by Cllr Looker and seconded by Cllr Barker that the Committee endorse the conclusions of the report as recommended by officers. Members agreed to include a reference to opposition to North Lane being used as an access point and a condition regarding sustainable travel, and the provision of amenities as detailed at paragraph 5.21 of the committee report. It was clarified by officers that the policy allowed developers to provide offsite provision for Traveller pitches. A vote was taken with 13 Members in support, one against and one abstention.

The motion carried and it was therefore:

Resolved:

- i. That Committee endorse the conclusions of the report, with the addition of a reference to opposition to North Lane being used as an access point and a condition regarding sustainable travel, and the provision of

amenities as detailed at paragraph 5.21 of the committee report and that subject to the satisfactory resolution of the issues identified in 6.2 they will be presented to the Planning Inspectorate as part of the Council's Statement of Case at the forthcoming appeal.

- ii. That delegated authority is given to the Chief Planner, having regard to the heads of terms set out in this report, addendums and/or Planning Committee minutes, to negotiate and complete a document containing obligations pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) in order to meet the requirement of the Planning Inspector.

Reasons:

The proposed development was located within the general extent of the Green Belt; however the emerging Local Plan strategy set out that the land had been allocated for development as a strategic housing site to help meet the overall needs of the city. The 2018 Draft Plan and its evidence base regarding the proposed Green Belt boundaries and housing need were advanced and in the process of examination. York did not have a 5 year housing land supply and therefore the proposed housing was a benefit that carried significant weight in decision making. It was considered the lack of a 5 year housing land supply, along with the delivery of affordable housing and delivery of key infrastructure, would, subject to the satisfactory resolution of transport, highway and access issues, clearly outweigh the totality of identified harm and very special circumstances would exist in this case. Further, it was considered to be no case for refusing the scheme on prematurity grounds.

The impact of the proposed development on the wider highway network was yet to be fully determined, following initially proposed pedestrian and cycle links in and out of the site via Garth Road and Alpha Court, to the west and south being removed from application, the trip rates adjusted to take account of improved bus provision and walking and cycling rates, were not considered to be representative of the likely trip rates for the proposed development site. There was also a reliance on committed highway schemes (A1237 Ring Road/Strensall Junction 1, A1237/North Lane/Monks Cross Link Junction 2) to be delivered by City of York Council, however whilst these schemes were progressing, there remained a risk that the

junction improvements may not be delivered, or they may take longer than anticipated. The transport assessment had not assessed the impact of the proposed development on the existing A1237 junctions. As such, currently the proposed development did not accord with NPPF policy regarding promoting sustainable transport, in particular paragraphs 110, 111 and 112.

[The meeting adjourned from 17:51 to 18:00]

**55a Huntington South Moor, New Lane, Huntington, York
[21/00305/OUTM]**

This matter was reported to Planning Committee following the submission of an appeal against non-determination to the Secretary of State by the applicant. Members were requested to consider the report and to endorse the reasons for refusal that will be presented to the Planning Inspectorate as the Council's case at the public inquiry, the hearing opening on 11th January 2022.

The application was for outline planning permission with all matters reserved except access, for circa 300 residential dwellings, associated landscaping, public open space, and the formation of two new vehicle accesses from New Lane.

The Head of Planning and Development Services gave an update noting that two letters in support of the application had been received. In answer to a question from a Member she noted that there had been an up to date sustainability appraisal. Members asked a number of questions to which officers responded that:

- The site was considered to remain as a Green Belt site.
- There were technical and highways issues within the application that had not been resolved.
- The application decision date passed in July and the Applicant had appealed non determination.

Public Speakers

David Jobling (Vice Chair of Huntington Parish Council) spoke in objection to the application on behalf of the Parish Council. He explained the history and three core principles of the Huntington Neighbourhood Plan and selection of sites within it.

The noted the legal standing of the plan and the rejection of the site within it.

Gwen Swinburn spoke in support of the application with its access to local amenities, and cycling and walking access to the city. She noted the need to provide homes for new arrivals to the city and with reference to S106 expressed concern that there were no 4 or 5 bedroom houses in light of the need for homes for larger families of refugees. In response to Member questions she noted Lib Dem support for the 970 homes and that concerning the golf club being open to everyone, that it was an elite sport.

Cllr Orrell (Ward Councillor) spoke on the application on behalf of the Ward Councillors for Huntington and New Earswick. He noted that the site was in the Green Belt, was not included in the Local Plan for development and was not supported by the Huntington Neighbourhood Plan for development. He noted there had been a number of developments in recent years and that Huntington was a densely built area.

Cllr Hollyer moved the officer recommendation to endorse the reasons to contest the appeal. This was seconded by Cllr Ayre. During debate a number of views were expressed, during which the Chair clarified that the Neighbourhood Plan was part of the development plan for the area. A vote was taken with 8 Members in favour, 5 against and 2 abstentions.

The motion carried and it was therefore:

Resolved:

- i. That Committee endorse the reasons to contest the appeal that may be presented to the Planning Inspectorate as part of the Council's Statement of Case at the forthcoming appeal.
- ii. That delegated authority is given to the Chief Planner, having regard to the heads of terms set out in this report, addendums and/or Planning Committee minutes, to negotiate and complete a document containing obligations pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) in order to meet the requirement of the Planning Inspector.

Reasons:

- i. The proposed development was located within the Green Belt. It would constitute inappropriate development in the Green Belt as set out in Section 13 of the National Planning Policy Framework. Inappropriate development is by definition harmful to the Green Belt. The proposal would result in a permanent detrimental impact on openness of the Green Belt due to its scale and location and would conflict with the Green Belt's purposes, as identified in NPPF paragraphs 137 and 138.
- ii. The site was not one which has been identified for development in the Publication Draft Local Plan 2018 (which is at examination stage). The benefits put forward by the applicant did not, either individually or cumulatively, clearly outweigh the totality of the identified harm and therefore do not amount to very special circumstances necessary to justify the proposal for the purposes of the NPPF.
- iii. The proposal was considered contrary to advice within the National Planning Policy Framework, in particular section 13 'Protecting Green Belt Land', and the following local policies: Huntington Neighbourhood Plan 2021, policy H14 'Green Belt'; the Publication Draft Local Plan 2018 spatial strategy as detailed in policies SS1, and SS2 and Green Belt policy GB1, and the 2005 Draft Local Plan policies SP2, SP3 and GB1.
- iv. The impact of the proposed development on the wider highway network, and highway safety was yet to be determined. The required level of mitigation in this respect was yet to be determined and agreed. As such the proposed development may not accord with NPPF policy regarding promoting sustainable transport, in particular paragraphs 110, 111 and 112.

[The meeting adjourned from 18:43 to 18:50]

56. Plans List

Members considered a schedule of reports of the Head of Planning and Development Services, relating to the following planning applications, outlining the proposals and relevant

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

56a Former Gas Works Heworth Green York [21/00854/REMM]

Members considered a Major Reserved Matters Application from Heworth Green Development for appearance and landscaping - Zone A only for 119 dwellings and a commercial/community use unit. Ltd at Former Gas Works Heworth Green York.

The Head of Planning and Development Services gave a presentation on the application showing the proposed section plans and visualisations. She advised that there had been an updated landscape masterplan and amended conditions to Condition 2 (tree planting), Condition 6 (cycle parking), and deletion of Condition 8 (travel plan) to be replaced with an informative.

Officers were asked and clarified that:

- The community space was established during the outline stage of the application.
- The intention was for dark red/brown bricks as shown in the visualisation.
- The widths of the paths for use by pedestrians and cyclists were explained.

Public Speakers

Tim Ross, Agent for the Applicant, spoke in support for the Applicant. He noted that the application was a key part of bringing together the former gasworks following the 2020 planning consent. He added that if approved, building would commence as soon as possible and he noted the key merits of the application.

Tim Ross was joined by his colleagues Stephen Clewes (Architect), Mike Philips (Project Manager) Mark Shilton (Landscape Architect) to answer questions on the application. In answer to questions from Members, they explained that:

- There was a condition in the report detailing samples of building materials. The types of bricks to be used would be in line with the buildings in the area.
- The only area of tarmac was in the car park serving zone C.

- Regarding drainage there were attenuation tanks in zones A and C.
- The intention was the commercial/community space in zone A would be a pocket park.
- There was one access road that ran around zone B and it was anticipated that cyclists would enter via Heworth Green. There were links to the Sustrans routes.
- The level of detail regarding the sustainability of materials used for car parks had not been reached yet.

At this point in response to questions from Members, Officers advised that it would not be reasonable to put in a condition regarding the use of the commercial/community space in zone A as there were reserved matters yet to be determined.

Concerning the number of disabled car parking spaces, Officers were asked and noted that there was no specified percentage in the council policy for disabled spaces and car parking standards were included in the 2018 draft Local Plan. Referring to the proposed site plan, Officers demonstrated where the disabled parking spaces were located in zone A. It was noted that there had been no objections from highways officers regarding the number of disabled car parking spaces.

Members noted that when the application was approved at outline stage, there was no opportunity to state that the commercial/community space should be for community use. Officers detailed the outlined planning permission and demonstrated the 130m² for commercial/community use on the proposed floor plan. It was clarified that commercial use referred to retail/restaurant/café use.

Cllr Hollyer moved approval of the application. This was seconded by Cllr Daubeney. Following debate vote was taken with unanimous approval of the application. The motion carried and it was therefore:

Resolved: That the application be approved subject to the including an additional condition stating that the disabled car parking had to be policy compliant and the following amended/deleted conditions:

Amended Condition 2 – Tree planting details

Prior to installation of the approved permanent hard and soft landscaping all tree planting details shall be submitted to and approved in writing by the Local Planning Authority.

Amended Condition 6 – Cycle Parking

The cycle stores shall be covered and secure. The cycle maintenance equipment (as specified in the Travel Plan version 1.3 section 4.3) shall be provided in the cycle stores for each building.

Deleted Condition 8 - Travel Plan replaced with the following informative

Informative: The developer is asked to note that the outline permission (condition 30) requires that each reserved matters application for any building includes a site specific Travel Plan, which shall be approved in writing by the Local Planning Authority prior to first occupation of the relevant phase.

Notwithstanding the travel plans issued to date, it is required that an updated travel plan be issued for this phase, for formal approval, which provides for the following -

That in advance of each annual monitoring survey (which are required for a period of 5 years following full occupation of the relevant phase or building), the required response rate, or alternative means of measuring travel habits, is to be approved in writing by the Local Planning Authority. The monitoring shall thereafter take place in accordance with the approved details.

Within two months of the completion of the travel surveys, the Developer Travel Plan Coordinator shall prepare a Monitoring Report containing the following:

- Survey methodology and results
- Qualitative feedback
- An analysis on the effectiveness of the Travel Plan
- Proposals for future measures

The report shall be submitted to the Council for discussion and agreement.

The annual reviews shall also explore and deliver (subject to demand) space for a second car club car on site.

Reasons:

- i. The reserved matters application provided the outstanding details following the outline planning permission. The amount and type of development proposed and the landscaping principles accord with the outline permission. The application detailed the design and appearance of the

buildings and the landscaping. The details accorded with the expectations established at outline stage and national policy within the NPPF and Publication Draft Local Plan 2018 policy regarding design and landscaping.

- ii. Planning conditions related to the scheme are contained in the outline permission. Conditions in the application related to the detailed design and landscaping. A condition was also included to give clarity regarding Travel Plan implementation, ongoing monitoring and, if necessary the additional measures to be engaged should the travel plan targets not be met.

56b Former Gas Works, Heworth Green, York [21/00855/REMM]

Members considered a major reserved matters application from Heworth Green Development Ltd for appearance and landscaping - Zone C only for 96 dwellings from at the Former Gas Works, Heworth Green, York.

The Head of Planning and Development Services gave a presentation on the application showing the proposed site layout and elevation floor plans. She noted corrections to paragraphs 5.15 and 5.16 in the committee report and then detailed the updated landscape masterplan and amended conditions to Condition 2 (tree planting), Condition 6 (cycle parking), and deletion of Condition 8 (travel plan) to be replaced with an informative.

Officers were asked and clarified that:

- Regarding the temporary Sustrans connection, long term cyclists would use the road around the public open space, and as land was needed for the construction of zone B, a temporary connection was needed.
- Trees were protected for 5 years by a condition in the outline planning permission.
- The future maintenance of the dutch style paving would depend on the road adoption process.

Public Speakers

Tim Ross, Agent for the Applicant, spoke in support for the Applicant. He noted that the application was another key part of bringing the contaminated site forward as part of the 2018

planning permission. He noted that the new Sustrans link and phone mast had planning permission and that if approved, construction would commence as soon as possible. He listed the key merits of the application.

Tim Ross was joined by his colleagues Stephen Clewes (Architect), Mike Philips (Project Manager) Mark Shilton (Landscape Architect) to answer questions on the application. They were asked and explained that:

- The brickwork used would be conditioned. Additional elevation drawings had been provided which stated what bricks would be used.
- Additional disabled car parking spaces could be possible at the expense of the loss of trees. Regarding designated existing car parking spaces as disabled spaces, this would be to the detriment of other spaces due to the space needed for the parking spaces to be accessible.

At this point, a Member requested as a matter of urgency the development of a disabled car parking policy. Officers advised that additional spaces could be conditioned. Tim Ross was asked and explained that other Local Authorities often requested that 10% of car parking spaces be for disabled parking. He confirmed that zone A and C provided nine electric vehicle charging spaces with zone C providing passive provision for electric vehicle charging. He added that there would be ducting in place for this.

Officers then answered further questions to officers as follows:

- A further four disabled car parking spaces could be conditioned and this would be at a loss of other car parking spaces. The outline planning permission was noted and Members were informed that additional car parking spaces would be at the expense of soft landscaping. The Committee could ask for a car parking scheme (whilst complying with outline planning permission).

It was clarified that the first sentence paragraph 5.15 of the committee report should state that the outline planning permission stated that the number of car parking spaces for Zone C was at least 60 but allowed for a further 10 spaces across the site overall.

Cllr Warters moved deferral of the application. This was seconded by Cllr Melly. A vote was taken with 5 for and 9 against. The motion fell.

Cllr Ayre moved approval (delegated Chair and Vice Chair in consultation with officers) with amended/deleted conditions detailed in the committee update, and the addition of the maximum number of disabled car parking spaces being reached whilst maintaining at least 60 car parking spaces notwithstanding the details and the requirement to provide a scheme of parking. This was seconded by Cllr Pavlovic. A vote was taken with 14 for and one against.

It was therefore

Resolved: That the approval be delegated to the Chair and Vice Chair in consultation with officers, subject to:

- i. An additional condition on the maximum number of disabled car parking spaces being reached whilst maintaining at least 60 car parking spaces notwithstanding the details and the requirement to provide a scheme of parking.
- ii. The following amended/deleted conditions:

Amended Condition 2 – Tree planting details

Prior to installation of the approved permanent hard and soft landscaping all tree planting details shall be submitted to and approved in writing by the Local Planning Authority.

Amended Condition 6 – Cycle Parking

The cycle stores shall be covered and secure. The cycle maintenance equipment (as specified in the Travel Plan version 1.3 section 4.3) shall be provided in the cycle stores for each building.

Deleted Condition 8 - Travel Plan replaced with the following informative

Informative: The developer is asked to note that the outline permission (condition 30) requires that each reserved matters application for any building includes a site specific Travel Plan, which shall be approved in writing by the Local Planning Authority prior to first occupation of the relevant phase.

Notwithstanding the travel plans issued to date, it is required that an updated travel plan be issued for this phase, for formal approval, which provides for the following -

That in advance of each annual monitoring survey (which are required for a period of 5 years following full occupation of the relevant phase or building), the required response rate, or alternative means of measuring travel habits, is to be approved in writing by the Local Planning Authority. The monitoring shall thereafter take place in accordance with the approved details.

Within two months of the completion of the travel surveys, the Developer Travel Plan Coordinator shall prepare a Monitoring Report containing the following:

- Survey methodology and results
- Qualitative feedback
- An analysis on the effectiveness of the Travel Plan
- Proposals for future measures

The report shall be submitted to the Council for discussion and agreement.

The annual reviews shall also explore and deliver (subject to demand) space for a second car club car on site.

Reasons:

- i. This reserved matters application provided the outstanding details following the outline planning permission. The amount and type of development proposed and the landscaping principles accord with the outline permission. This application detailed the design and appearance of the building and the landscaping. The details accorded with national policy within the NPPF, the National Design Guide and Publication Draft Local Plan 2018 policy regarding design and landscaping.
- ii. Planning conditions related to the scheme are contained in the outline permission. Conditions in this application related to the detailed design and landscaping.

Chair's Remarks

A Member requested a return to onsite site visits. It was confirmed that this was being investigated. A Member

welcomed the remote site visits via Zoom.

Cllr Fisher, Chair

[The meeting started at 4.30 pm and finished at 8.16 pm].

Meeting	Planning Committee
Date	2 December 2021
Present	Councillors Fisher (Chair) [left the meeting at 21:51], Ayre, Barker, Cuthbertson (Substitute for Cllr Waudby) [left the meeting at 20:39] D'Agorne, Daubeney, Douglas, Fenton, Hollyer (Chair from 21:51), Looker, Lomas, Melly, Pavlovic (Vice-Chair) [left the meeting at 20:39] and Warters
Apologies	Councillors Doughty and Waudby

57. **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 Looker noted that she had had two meetings with York Minster in her capacity as Guildhall Ward Councillor and had not made a pre-decision on those applications. Concerning item 4b Cllr D'Agorne noted that he had attended meetings with the residents and developer. He also noted that his partner Cllr Craghill had registered to speak on item 4d. Cllr Barker noted that his wife was employed by York Minster. The Chair noted that Roger Pierce, registered to speak on the item, was a senior officer at a council that the Chair had worked at and as such, the Chair would leave the meeting for that item with Cllr Pavlovic, Vice Chair, taking over as Chair for that item.

58. **Minutes**

Concerning the minutes of the meeting held on 7 October, the Chair tabled the following suggested amendment to the second paragraph on page 8:

The Chair outlined his reasons for abstaining, which was that he found voting on green belt applications challenging. A member questioned whether he had said that he would never vote for an application on green belt land, as this would predetermine him

on future applications. The Chair stated clearly that he had not said this.

This was debated by Members. The Head of Planning and Development Services responded to a question regarding site visits advising that they would continue as virtual site visits and any specific points raised in advance of the visit would be looked at during the site visits.

[The meeting adjourned from 16:55 to 17:00]

Cllr Pavlovic moved deferral of the approval of the minutes to the meeting on 6 January 2022. This was seconded by Cllr Ayre. Eleven Members voted in favour of the motion and two voted against and it was:

Resolved: That;

- i. The approval of the minutes of the meetings held on 7 October 2021 and 4 November 2021 be deferred to the meeting on 6 January 2022.
- ii. The Director of Governance and Monitoring Officer attend the next meeting on 6 January 2022.

59. 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.

60. 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.

60a Land At Cocoa West, Wigginton Road, York [21/01371/FULM]

Members considered a major full application from Latimer Developments Limited for the demolition of gatehouse and erection of up to 302 dwellings (Use Class C3), creche (Use

Class E) and associated access, car parking, public open space, landscaping, associated infrastructure and drainage, and other associated works.

The Head of Planning and Development Services gave a presentation on the application noting the site location plan. Members were then given an update advising them of updates to conditions including the deletion of condition 18 with the Road Safety Audit to be incorporated into amended condition 19 and amendment to condition 31 regarding dedicated visitor car parking spaces.

In response to Member questions, officers clarified that:

- There had not been an update to the traffic assessment as closure of The Groves was temporary. Should this be made permanent, from the traffic generation figures it was thought that this would have a significant impact.
- The main route through the site would be adopted. It was not expected that a bus route would run through the site and although this would be possible to get a bus route both ways through the site with a number of small changes.
- Bus operators had been presented with the plan and had shown no interest in providing a bus route through the site.
- A number of Members expressed concern about traffic congestion and suggested that a through road could be put through the site. Officers confirmed that no through traffic was a policy in the local plan.
- Following a request to view the masterplan, officers clarified how the houses were set out on the south of the site.
- Regarding allocated car parking and designated accessible spaces, the intention was that the council would adopt the highway and there would be a respark type parking scheme on the site. In the courtyard area car parking was allocated with properties and houses typically had parking on their driveways. The apartment blocks did not have any accessible parking.
- Regarding the developers intention to provide 44 affordable homes, there was an affordable housing statement in the application. This would be a mix of housing and the detail of it was included in the information on the Section 106 agreement in the report.

Public Speakers

Adam Wisher (Applicant) spoke in support of the application. He noted that Latimer was the largest housing association in the

UK and that all profits would go back into the wider group. The site had been bought in 2020 and the applicant saw the opportunity to make the site into one cohesive site and balance the mix of housing with family homes. The site was sustainable responded to the housing need, with a number of changes being made to the scheme.

In response to Member questions, he and colleagues in attendance to answer questions confirmed that:

- There were no barriers to delivering 36% affordable housing as a different approach was taken to that of a traditional developer. The 36% affordable housing was a guarantee.
- There would be a mixed tenure of housing.
- Regarding the comments from York Civic Trust, the site was in an accessible location and the cycle routes provided alternative travel. The car club would be market led.
- Clarion was a non-profit organisation.
- All spaces on plot parking were accessible and there was flexibility in the spaces next to the apartment block.
- Regarding consideration of the use of solar tiles or slates, sustainability was key and it was explained how this would be achieved.

Ian Fenn (architect) spoke in support of the application noting that currently the site was inaccessible to the local community and the application would provide 302 homes for different groups with 36% being affordable. He explained the landscaping on the site. He noted that the proposals were underpinned by a neighbourhood concept providing public open space, a crèche and reference library and it utilised the sustrans route. There was also 100% passive provision for electric vehicle charging.

In response to Member questions, he and colleagues in attendance to answer questions confirmed that:

- The only trees to be removed on the site were on the side of the cycle path.
- The landscaping was nature led.
- The vast majority of houses would have electric vehicle charging points and ducting would be put in with the roads. [Officers clarified that there was a condition for 5% passive and 5% active electric vehicle car parking spaces.
- Regarding consideration of water harvesting, including grey water, this would be worked through during the next of development.

During debate Members commended the scheme. Following the suggestion of a through road on the site, officers noted that it was a strategic site on the draft Local Plan. Cllr Pavlovic moved approval of the application with the amendment condition 19. This was seconded by Cllr Warters. Following a vote of eleven in favour and two abstentions, the motion was carried and it was:

Resolved: That the application be approved subject to conditions in the report, amended conditions below and a Section 106 Agreement to secure the following planning obligations -

Affordable housing (policy compliance - 20% and tenure mix)
Off-site sports - £158,046 to be used at either of the following facilities - Heworth Cricket club, Heworth Rugby club, New Earswick sports club, New Earswick & District Indoor Bowls club, York community and gymnastics foundation, York City Knights).

On-site open space (including stray land) – on-going maintenance regime and provision of free public access

Education

Primary & Secondary - £947,142

Early Years - £588,256

Sustainable travel - first occupants offered £200 towards both bus pass and cycle/cycle equipment.

Car Club - first occupants offered £200 towards car club membership.

Traffic Regulation Order up to £30k (to cover Wigginton Road access, internal layout and potential res-parking arrangements on-site).

Section 106 monitoring fee - £31,740.20

Amended conditions

Condition 18

Delete condition. Road Safety Audit to be incorporated into condition 19

Condition 19

Amended as follows -

Prior to such works commencing, a detailed scheme for the highway works on Wigginton Road and the site access shall be

submitted to and approved in writing by the Local Planning Authority.

The detailed scheme shall be subject to a road safety audit (carried out in accordance with guidance set out in the DMRB HD19/03 and guidance issued by the council).

The detailed scheme shall accord with LTN 1/20 standards and shall contain –

- Corner radii, lane widths and other features necessary to reasonably slow vehicles speeds
- Cyclist priority at the junction
- Relocated footpaths and pedestrian crossing islands
- Relocated bus stops with provision of shelters and real time displays

The development hereby permitted shall not come into use or be occupied until the approved scheme (including works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been fully carried out.

Reason: In the interests of the safe and free passage of highway users and to promote sustainable modes of transport.

Condition 31

Amended as follows –

Prior to first occupation of the development, a scheme to accommodate dedicated visitor car parking spaces within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify the provision of at least one dedicated visitor space within the car parking areas for each of the apartment blocks. The parking spaces shall be retained for visitor parking (or car club vehicles) exclusively for the lifetime of the development at all times.

Reason: In the interests of good design and highway safety in accordance with NPPF paragraphs 112 and 130.

Reasons:

In applying the NPPF substantial weight is applied in favour of housing delivery at this site. The land is previously developed,

on the Brownfield Land Register, in a sustainable urban location and has been allocated for housing in the eLP. The dwellings proposed would be in accordance with local need. The scheme includes 60% housing 40% apartments, predominantly family sized (2 and 3 bed) with provision of 1 bed dwellings, that in particular meet local affordable need. The affordable housing proposed would be policy compliant (in amount, size and type). Additionally the developer's intention is to exceed policy requirements, in co-operation with Homes England, providing a further 44 shared-ownership homes (a type of affordable housing as defined in the NPPF). The scheme will provide public open space, improving the existing stray land and provide new connections within the Sustrans route. No harm to the conservation area has been identified and the scheme will comply with sustainable design policy in respect on building efficiency and performance.

The Council cannot currently demonstrate an NPPF compliant five year supply of deliverable housing sites and therefore the Council's policies for the supply of housing are out of date, in accordance with paragraph 11 of the NPPF. There are also no policies in the NPPF that protect assets of particular importance which provide a clear reason for refusing the development in this instance. Therefore paragraph 11(d) of the NPPF tilts the planning balance in favour of granting planning permission, unless any adverse impacts of doing so significantly and demonstrably outweigh the benefits when assessed against the policies set out in the NPPF as a whole.

The benefits of the scheme outweigh some of the issues raised through consultation; the NPPF test is that refusal is only justified if the adverse impacts on the scheme, when assessed against the NPPF, would significantly and demonstrably outweigh the benefits. This is evidentially not the case.

[The meeting adjourned from 17:59 to 18:11]

**60b Mecca Bingo, 68 Fishergate, York YO10 4AR
[21/01605/FULM]**

Members considered a major full application from Petrina Ltd and Grantside (North Star West) Ltd for the demolition of existing buildings and redevelopment of the site to form 276no. room purpose built student accommodation with associated car

parking, landscaping and facilities at Mecca Bingo 68 Fishergate York YO10 4AR.

The Head of Planning and Development services gave a presentation on the application using site photos and the proposed elevations. An update was given advising Members of further representations from York Cycle Campaign, further objection comments and the receipt of a letter in support of the application. There were also additional conditions 27 and 28. It was clarified that William Court was to the West of the site.

Officers then responded to Member questions as follows:

- Regarding the dismissal of the appeal on the application for the former Plumbase site, it was felt that there was more amenity space in this development and with the courtyard it was felt that there was a reasonable amount of community space.
- Four parking spaces were DDA compliant and this such a condition could be written into tenancy agreements.
- Regarding whether the imposition of what tenants did off site regarding electric vehicle was lawful, the wording of that condition was taken from the Frederick House determination and could be deleted or amended.
- The information on the amount of purpose built student accommodation (PBSA), in paragraph 5.9 of the report was provided by the applicant. A Member requested that information not provided by the council in reports should be stated in reports.
- The student accommodation would be classed as housing land supply.
- The electric substation adjacent to a resident's property in William Court would be sound proofed and was a sufficient distance away from the house.
- Regarding concern about parking near the pedestrian crossing, it was intended that the loading bay would be used for loading/unloading vehicles. There would also be traffic regulation orders (TROs) for Fishergate. It was not feasible to have a loading bay on Fishergate
- Access and egress for students would be at the back of the building.
- The application sought to have a building set back and planting would complement the existing planting on the opposite side of the road. The ecology condition was noted.
- Clarification was given on the location of the access doors and cycle parking. Cycle parking in the courtyard could be

requested but there would not be level access. There was a ramp for disabled access.

- Regarding students accessing their accommodation, the site was secure and the gates were locked.
- The number of access points was limited. Referring to the site plan, officers showed where the entrances to the building were located.
- The southern point was a point of access not meant as the main point of access. It was understood that that entrance would be gated.
- The council archaeologist was content that the archaeology condition was sufficient.

Public Speakers

Ann Clayton (local resident) spoke in objection to the application. She explained that the application design was inappropriate and impacted her amenity by the electric substation being 3m away from her property. She suggested that the substation and its machinery would present a new noise issue which would adversely affect residents. She noted that the public protection report raised concerns about the noise survey data and she noted residents' concerns about the adverse impact of noise.

John Toy (local resident) spoke in objection to the application. He expressed concerns about the environmental impact of the demolition of the mecca bingo building. He noted that the proposed number of residential students would increase footfall, increasing congestion and impact on air quality. He was also concerned about road safety, suggesting that the turning point in William Court was not suitable. He added that Fishergate was a residential area and student accommodation would impact this

Chris Copland spoke in objection to the application on behalf of York Cycle Campaign. He noted that the location of the block was close to New Walk however, the exit point was directly onto Fishergate which was a pinch point on the gyratory system. He proposed there should be cycle exit onto the western side of the site and regarding car parking on blue bridge lane, that this should be moved to the southern side of the road. Regarding cycle parking, he referred to LTN1/20 which stated that there should be one secure cycle parking space per unit. He was asked and noted that he did not have any statistical evidence on whether Blue Bridge Lane was regularly used by cyclists.

Cllr Kilbane spoke in objection to the application. Referring to policy D3 in the Local Plan he noted that the bingo hall was a cultural facility that needed protecting. He added that the application should not be approved until alternative provision had been identified. He then suggested that after the beginning of the meeting the Chair consider his position and resign. When asked what he thought should be located on the site, he noted that spaces were needed for cultural provision.

Cllr Dave Taylor (Ward Cllr) spoke on the application. He had spoken to the developers regarding his traffic concerns, which included concerns about dropping off and deliveries. He suggested that there needed to be 24 hour management presence on the site. In answer to questions from Members, Cllr Taylor noted that access onto Blue Bridge Lane would be problematic from vehicle movements. He was asked and noted that as a delivery driver, when making deliveries he would park where he could.

Michelle Davies (Agent for the Applicant) spoke in support of the application. She noted that there had been lots of productive meetings about the application and as a result the number of units had reduced from 316 to 276. She noted that the scheme would be managed by an experienced operator and there would be 24 hour management on site. She added car parking at the rear was for disabled users and they would have key fob access. She noted that there would be marshals on site for student drop off. She noted that the site would contribute to housing land supply and would bring houses of multiple occupation back into residential use.

Michelle Davies was joined by a number of colleagues who were in attendance to answer questions and in response to Member questions explained that:

- The Blue Bridge Lane access was primarily for deliveries and students would walk through the front of the building on Fishergate to get into the building.
- Regarding the suggestion that students with a key fob would get into the building through the bin store, this was not the case as students with a key fob would get in through reception and there was also a door near the cycle parking that could be used to access the building. Further provision for access for people with key fobs could be looked into.

- Regarding the noise levels from the substation, there was a planning condition that specified decibel levels and the mitigation for noise levels was distance and soundproofing.
- The view from the summerhouse in the garden adjacent to the substation was primarily of the garden and the substation height was slightly above this.
- The scheme was different to other student accommodation because of the amenity space through the courtyards.
- Concerning whether the amount of cycle storage was sufficient, the space for the cycle racks had been developed with highways officers.
- It was designed that all cyclists would leave via Fishergate and there was internal and external cycle provision in the courtyard. In terms of exiting the site, cyclists would navigate the existing cycle network.
- [The highways officer then noted that in terms of future highways infrastructure need, consideration needed to be given as to it would meet the NPPF paragraph 57 test. Currently there was a scheme being worked up looking at Fishergate and Fulford Road. He outlined the cycle lanes near the site noting that students would travel at different times of the day. He clarified where short term parking was located, adding that the developer was prepared to make a contribution towards the TROs. He was asked and noted the requirements to upgrade the pedestrian crossing]
- Pizza would be delivered at the north end of the site by going through the courtyard into the southern block to the end entrance on Blue Bridge Lane. There would be a Section 106 agreement.
- [Following a question about condition 19, officers clarified that LA90 referred to what the noise would be 90% of the time.]
- The noise assessment did not address noise from the substation at the present time and there would be a condition regarding noise levels and sound proofing.
- Regarding deliveries, it was not known if there would be a single postcode for the site.
- The arrangements for taking deliveries was explained and the receipt of parcel deliveries would be written into the lease. Standard practice for city centre student accommodation was for students to be present in the building for deliveries.

- Regarding consideration of housing on the site for York residents, the Committee was there to consider the application before it.
- Regarding the feasibility of 15 arrivals per hour, the system being used was used by Olympian at student accommodation in Leeds in September. There was short term parking on Blue Bridge Lane and an explanation was given on how students unloads would be managed.

[The meeting adjourned from 19:51 to 20:00]

Members asked officers further questions to which they responded that:

- The condition regarding the delivery of parcels could be changed.
- Officers were not aware that the bingo hall had been marketed for use as a bingo hall. They didn't have evidence that the bingo hall was viable as a community facility.
- If the building was not used for community use it would be used for commercial use.
- Regarding recreational and cultural facilities and the suggestion that the difference in how provision was categorised as to whether it was useful to men and women, it was the officer judgement that the building was not suitable as a community facility. The Senior Solicitor then referred to NPPF paragraph 93(a) in what the local plan should take account of. She noted that part C of that paragraph was relevant to the Committee's decision making.
- Concerning what community facilities were in the area, officers took into account reasonable walking distances to community facilities such as the Barbican. The building was in close proximity to buildings for commercial and community use.

During debate Members expressed concern regarding access, highways access and loss of community space, including the viability of the building for community use. Cllr D'Agorne moved and Cllr Melly seconded deferral of the application on that basis. The Senior Solicitor advised on paragraph 93 of the NPPF noted that officers did not consider that the building met the need for day to day community use. The Head of Planning and Development Services advised that officers did not consider the building as a community facility and this had been fully assessed.

Following debate a vote was taken with nine in favour and four against the deferral of the application. It was therefore:

Resolved: That;

- i. The application be deferred.
- ii. Further information be obtained on disabled access, the access route through the site, the number of disabled accessible rooms, the conflict between deliveries and public safety, location of the substation, cycle parking provision and location.
- iii. A request be made for information on the loss of the bingo hall as a community facility and whether the bingo hall was considered a community facility.

Reason:

In order to address concerns on disabled access, the access route through the site, the number of disabled accessible rooms, the conflict between deliveries and public safety, location of the substation, cycle parking provision and location, and loss of the bingo hall as a community facility.

[Cllrs Pavlovic and Cuthbertson left the meeting at 20:39]

[The meeting adjourned from 20:39 to 20:46]

Appointment of Vice Chair

The Chair proposed Cllr Hollyer as Vice Chair for the remainder of the meeting. This was seconded by Cllr Barker. Following a vote Cllr Hollyer was unanimously elected as Vice Chair.

Resolved: That Cllr Hollyer be appointed as Vice Chair for the remainder of the meeting.

Reason: In order that there be a Vice Chair.

60c The Minster School, Deangate, York YO1 7JA [21/01535/FUL]

[This application was considered with the following application on the agenda: Minster School, Deangate, York YO1 7JA
[21/01536/LBC]

Members considered a full application from Alexander McCallion for the Change of use of former school to York Minster refectory (use class E) to include new restaurant, kitchen and plant, creation of level access, installation of platform lift, new service doors, re-roofing, integration of solar PV panels and external repairs; and creation of a new Public Open Space, including external landscape improvements, gazebo, parasol bases, ice cream hut, railing relocation, cycle parking and cycle service hub at The Minster School, Deangate, York.

The Head of Planning and Development Services gave a presentation on the applications outlining the site location plan, elevations, locations of lifts and toilets, examples of photo voltaic (pv) slates to be used on the roof (it was clarified that the blue slates on the plan denoted the location of the pv slates).

In response to Member questions, the Head of Planning and Development Services and officers were then asked and explained that:

- The existing slate roof was Westmoreland slate and the proposed slate was based on welsh slate which was more blue in colour. By virtue of the change, there was harm, but this was outweighed by public benefit.
- The applicant was aware of the highways concerns and would need to address this.
- There was an underprovision of cycle parking and there were other cycle parking facilities nearby.
- Any increase in cyclists was not considered to be the effect that more cycle parking was needed.
- The council Conservation Architect had objected to all elements of the scheme.

The Conservation Architect was in attendance to answer questions. He was asked and confirmed that:

- With regard to the replacement roof, with listed buildings, replacements needed to be like for like.
- The roof lights were a later addition and were a part of the listing. Should the application be approved, the changes to the building within it would become part of the listing.
- The windows were original to the building.

Officers were then asked and clarified that:

- Locating cycle parking elsewhere could be conditioned.

- The gazebo was part of the landscaping and the proposed seating and gazebo would be located where the existing climbing frame was.
- The site was within the scheduled monument which entailed limited permitted development.
- The play equipment was exclusively for use when the building was a school.
- Officers could ask Sport England if the cricket nets were classed as sports use and would need Secretary of State approval.
- Condition 19 (landscaping and planting) could be for the lifetime of the development.

Public Speakers

Mike Fisher spoke in objection to the application. He explained that the Minster Neighbourhood Plan was undergoing inspection. He asked about the environmental cost of the plans for the museum in Deans Park. He added that there was over 60 food outlets nearby and suggested that locating the museum in the school would negate the need for the museum to be located in Deans Park.

Alexander McCallion (Director of Works & Precinct at York Minster – Applicant) and Maria Boyce (Agent for Applicant) spoke in support of the application. Alexander McCallion explained that the neighbourhood plan had been in development since June 2018 and sustainability was the thread running through the plan. He felt there was a moral need to address the climate emergency and he wanted the pv tiles to be used as an exemplar. He noted the Minster was an incredibly fragile building and they wanted to be a good neighbour.

Maria Boyce explained that there was a conservation led approach to the application and there had been consultation with stakeholders. She noted that the harm was outweighed by public benefit and she then listed the public benefits, noting that the benefits were integral to the future of the Minster's viability.

Alexander McCallion and Maria Boyce were asked and noted:

- The timeline for the plans for the change of use of the building.
- They would work with officers on cycle parking to address the loss of 40 cycle parking spaces.

- There would be 30 cycle parking spaces and a cycle hub.
- Regarding accessibility and disabled cycle parking, this application was the first in a series of projects and they would be happy to look at disabled cycle parking.

Christina Funnell spoke in support of the application. She noted that York Minster was the only cathedral in the country with no catering facilities. She had been a volunteer at the Minster for a number of years and added that the Minster Community Committee supported the application. She noted widespread support for a public park and planting for biodiversity. She added that it was important that the Minster took a lead on this, with Historic England using it as an exemplar.

Cllr Craghill (Ward Cllr) spoke on the application. She welcomed the recommendation for approval but noted concern regarding the proviso of specific solar slates which would be less efficient in terms of energy creation. She asked the committee to consider if this was right to approve and she requested the removal of condition 22 to meet carbon reduction targets. She added that there was a need for all businesses in York to step up on carbon reduction and noted this was a good way forward for the building.

Officers were then asked and responded to further Member questions as follows:

- The condition referring to the disposal of glass could be changed to 9pm.
- The Conservation Architect was asked and explained that there would be a greater level of harm if solar roof panels were used instead of PV tiles. The Head of Planning and Development Services clarified that the use of pv slates would cause less than substantial harm.
- Regarding the use of solar panels if they could not be seen from the public realm, they would be seen from a Grade 1 listed building.

Following debate Cllr Warters moved approval of the application. This was seconded by Cllr Fenton. Following a unanimous vote it was:

Resolved: That the application be approved subject to the conditions listed in the report and following amended and additional conditions:

Amended Condition 13

Landscaping and planting to be in perpetuity

Amended Condition 19

The disposal of glass to be 9am to 9pm daily

Additional Condition

To ensure that there was full allocation of cycle parking in the surrounding area.

Reason:

- i. Regard is had to the advice in Paragraph 199 of the NPPF that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be) and to the legislative requirements to give considerable importance and weight to harm to a listed building and conservation area. The public benefits of the proposal are summarised at paragraphs 5.119 to 5.125 above. Whilst it is acknowledged that elements of the proposed development will give rise to varying degrees of harm to the listed building, Minster Precinct and Conservation Area. It is on balance considered that these less than substantial harms would be outweighed by the public benefits the proposals would bring about even when giving great weight to the conservation of these assets. The proposals would deliver a very clear objective of the draft Minster Neighbourhood Plan whilst also bringing a currently dormant building back into meaningful use. The proposals would also facilitate the provision of what could become an important publicly accessible space within the precinct. There are elements which need to be managed to ensure that the proposals do not adversely harm the residential amenity of the area. However it is considered that these can be suitably dealt with via the range of conditions recommended within this report and as set out below.

- ii. Overall the proposals are considered to accord with the relevant policies contained within the 2018 DLP, the Draft Minster Neighbourhood Plan and National Planning Policy Framework (NPPF).

At this point in the meeting, Cllr Barker was asked and confirmed that his declaration of interest [of his wife's employment at the Minster] was non prejudicial.

60d The Minster School Deangate York YO1 7JA [21/01536/LBC]

[This application was considered with the previous application at The Minster School, Deangate, York YO1 7JA [21/01535/FUL]

Members considered an application for Listed Building Consent from Mr Alexander McCallion for Change of use of former school, to the York Minster Refectory (use class E), to include new restaurant, kitchen and plant, creation of level access, installation of platform lift, internal alterations, new service doors, re-roofing, integration of solar PV panels and external repairs; and creation of a new Public Open Space, including external landscape improvements, gazebo, parasol bases, ice cream hut, railing relocation, cycle parking and cycle service hub at The Minster School, Deangate, York YO1 7JA.

Cllr Douglas moved approval of the application. This was seconded by Cllr Barker. Following a unanimous vote it was:

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

Reason:

- i. Regard is had to advice in paragraph 199 of the NPPF that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be) and to the legislative requirements to give considerable importance and weight to the harm to a listed building and conservation area. The public benefits are summarised at paragraphs 5.46. to 5.51. above. Whilst it is acknowledged the elements of the

proposed development will give rise to varying degrees of harm to the Listed Building and therefore the Conservation Area. It is on balance, considered that these less than substantial harms would be outweighed by the public benefits the proposals would bring about even when giving great weight to the conservation of these assets. The proposals would deliver a very clear objective of the draft Minster Neighbourhood Plan whilst also bringing a currently dormant building back into meaningful use. The proposals would also facilitate the provision of what could become an important publicly accessible space within the precinct.

- ii. It is therefore recommended that Listed Building Consent be granted; subject to any conditions outlined below. However it should be noted that a number of matters relating to eventual operation of the scheme are covered by conditions attached to the associated application for planning permission therefore they do not require repeating in the granting of Listed Building Consent.

[The Chair left the meeting at 21.51 at which point Cllr Hollyer took the Chair].

60e College Green, Minster Yard, York [21/01980/FUL]

Members considered a full application from Alexander McCallion for Landscaping works including provision of seating and stepping stones at College Green, Minster Yard, York.

The Head of Planning and Development Services gave a presentation outlining the proposed landscaping and pathways. Members were updated on the application and it was reported that there had been additional representations, comments and consultation responses from York Civic Trust and the council Tree and Landscape Officer, who had suggested an additional condition. It was clarified that conditions included within the published report would achieve the same objectives as those which have been recommended in the consultation comments from the Tree and Landscape Officer and as such it was not considered necessary to amend the conditions set out in the published report. Members were then given clarification on paragraph 5.33 of the report.

In response to Member questions, officers confirmed that:

- Condition 5 (landscaping) could be amended for the lifetime of the development.
- The four trees that were to be retained.
- The benches proposed along the existing boundary wall would be conditioned through the approved plans.
- The view of College Green from the north west was demonstrated.

Public Speakers

Roger Pierce spoke in support of the objection to the application. He noted that it was a small unspoilt area providing a foreground to the key stones of the Minster. He highlighted the issue of trees and comments of the Tree and Landscape Officer. He noted that the use of the stone seats was rigid and distracted from the scene and he suggested the reuse of stones from the Minster. He requested that the Committee defer the application and that they visit the site to see which trees were proposed for removal. This was supported by a Member who suggested a site visit with the attendance of the Tree and Landscape Officer. The Head of Planning and Development Services advised that there had been a virtual site visit two days before the meeting and the features were pointed out on the visit.

Alexander McCallion (Director of Works & Precinct at York Minster – Applicant) and Andrew Lowson (Executive Director York BID) spoke in support of the application. Alexander McCallion stated that there was a focus on wellbeing and access to open spaces and providing a family friendly space. He noted that College Green would become a high quality space for people to use and engage in. Andrew Lowson noted that York BID had a business plan to work with partners to create more green spaces. He added that they had received positive feedback from businesses and residents on the pop up green spaces across the city centre over the last two years. They were then asked and answered Members questions as follows:

- Regarding the seating along the path they had consulted with York Disability Rights Forum. The seating was a mixture of stone and benches with arm rests with spaces for wheelchairs along the seating.
- Regarding whether the shape of the seating would cause difficulty for the use of the space for pop up events, the shape of the seating had been taken from the apex of the

east window. There was still a considerable amount of space for pop up events. There was also a cost for pop up events.

- With regard to consideration of moving the seating, this had been looked at extensively during the pre-application process. There was the space to move through the seating.
- Concerning the management of the stepping stones, there was four full time gardeners and more would be employed.
- Inspiration was taken from the Museum Gardens for the green space and there would still be access for the Mystery Plays.
- Regarding the loss of trees, they had listened to the comments of the Tree and Landscape Officer and were acting on the advice of their arboriculturalist in removing trees that were at the end of their lives and were at risk of failure.

During debate Cllr Looker moved approved approval of the application. This was seconded by Cllr Fenton.

The Head of Planning and Development Services noted that they could ask for an informative on the seating scheme to be approved by officers in consultation with the Chair and Vice Chair. A Member expressed concern that the comments of the Tree and Landscape Officer had not been considered and the Head of Planning and Development Services clarified that the landscape condition in the report and the one suggested by the Tree and Landscape Officer were technically the same. She noted that condition 5 could be amended for the lifetime of the development and the informative on the seating scheme and she clarified that the conditions would not cover saving the trees that would be lost.

Cllr Looker withdrew her motion to approve. Cllr Fenton moved approval with the substitution of condition 5 for condition 2 and an additional condition regarding seating through an approved scheme. This was seconded by Cllr Ayre. Seven Members voted in favour and two voted against. It was therefore:

Resolved: That the application be approved subject to the conditions listed in the report and the substitution of condition 5 for condition 2 and an additional condition regarding seating through an approved scheme.

Reason:

- i. As outlined the proposals will result in the re-ordering and renewal of an existing outdoor space which has become a popular and well used space within the city centre in recent times. The proposals would introduce a greater degree of visual interest into the space through the introduction of the new stone seating and stepping stone features. The result would be an enhanced space which provides more public seating. The proposals would result in the removal of some of the existing trees from the site. However the proposals would not give rise to an overall net loss of trees on the site and those trees which are to be removed are showing signs of damage and/or poor health which means they will likely need to be removed in the future. Having regard to the statutory duties under sections 66 and 72 of the LBCA Act, the proposals are also not considered to give rise to issues of being harmful to the character, setting, visual amenity and historic fabric of the Conservation Area or nearby Listed Buildings. The proposals actually present a degree of opportunity to introduce a more permanent solution within the space replacing the temporary 'pop-up' installations which have been seen more recently.
- ii. The proposals are therefore considered to accord with policies D1, 2, 4, and 6 of the Draft Local Plan 2018 and the provisions of the NPPF. The proposals would also accord with policies A2, A4, B1, C1, D1, E1 and PA1 of the Draft Minster Neighbourhood Plan. It is therefore recommended that planning permission be granted subject to the conditions set below; including an approved plans condition for the avoidance of doubt as to what has been granted.

Cllr Fisher, Chair

[The meeting started at 4.30 pm and finished at 10.36 pm].

COMMITTEE REPORT

Date: 6 January 2022 **Ward:** Guildhall
Team: East Area **Parish:** Guildhall Planning Panel
Reference: 20/01200/FULM
Application at: Aubrey House Foss Islands Road York YO31 7UP
For: Erection of 5 storey student accommodation building with associated car parking following demolition of existing buildings.
By: Urbanite, S & J D Robertson Group Ltd And Portman Land Ltd
Application Type: Major Full Application
Target Date: 14 January 2022
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 Planning permission is sought for a 5 storey student accommodation block, the building would have 11 cluster flats providing 62 bed spaces and 19 studio flats, a communal room (42.6sqm) and roof terrace. Each cluster flat has a communal kitchen/dining/living space. The ground floor includes a bin store, a cycle store, and two disability parking spaces. The access would be from Foss Islands Road, access to the vehicle parking and cycle parking would be from Mansfield Street. The bedrooms in the cluster flats are 12sqm, the communal areas in the cluster flats range between 20.1 – 30.6sqm. The studio flats range between 16 and 24.2 sqm .

1.2 There are two buildings on site including a 19th century building fronting onto Foss Islands Road, which at the time of the site visit appeared to be in residential use. There is a modern building to the rear /north east of the site that has been used for community use.

1.3 The site is adjacent to the River Foss Site of Importance of Nature Conservation and within the River Foss and City Walls Green Infrastructure Corridor. The site is adjacent to the Area of Archaeological Importance. The site is within Flood Zone 3. The site is within the wider setting of the Grade II listed chimney adjacent to Morrisons built in a similar period to the existing brick building on the application site

1.4 To the north of the site is the building that was previously used by Carpetright, planning permission (20/00940/FULM) has been granted on this site for a 4 storey hotel. In addition also to the north of the application site is a 4 storey building currently under construction to contain 6 apartments (17/02991/FULM and 21/01079/FUL). Also to the north is a 3 storey gym. To the northeast is an electricity substation. To the west is the 3 storey Foss Place containing 24 flats. Directly to the

south is a two storey office building. To the west is Foss Islands Road and the River Foss and the 5 storey DEFRA buildings.

1.5 During the application process revised plans, information, and reports have been submitted. In addition the height of the building has been reduced. Three rounds of consultation have taken place.

1.6 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.

1.7 Relevant Planning History:

04/02435/FUL - Change of use of ground floor from mixed residential and retail use to self-contained flat – Approved

14/02194/FUL - Change of use of building and associated yard from storage (use class B8) to youth and children's day centre (use class D1) – Approved

2.0 POLICY CONTEXT

2.1 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005:

SP3 Safeguarding the Historic Character and Setting of York

GP1 Design

GP3 Planning Against Crime

GP4a Sustainability

GP6 Contaminated Land

GP9 Landscaping

GP11 Accessibility

GP13 Planning Obligations

GP15a Development and Flood Risk

GP17 Security Shutters

NE7 Habitat Protection and Creation

NE8 Green Corridors

HE2 Development in Historic Locations

HE10 Archaeology

T4 Cycle Parking Standards

T13a Travel Plans and Contributions

ED10 Student Housing
L1c Provision of New Open Space in Development
C3 Change of Use of Community Facilities
MW7 Temporary Storage for Recyclable Material

2.2 The Publication Draft York Local Plan (2018):

SS3 York City Centre
H7 Student Housing
HW1 Protecting Existing Facilities
HW7 Healthy Places
D1 Placemaking
D2 Landscape and Setting
D4 Conservation Area
D5 Listed Buildings
D6 Archaeology
D10 York City Walls and St Marys Abbey Walls (York Walls)
D14 Security Shutters
GI1 Green Infrastructure
GI2 Biodiversity and Access to Nature
GI3 Green Infrastructure Network
GI6 New Open Space Provision
CC1 Renewable and Low Carbon Energy Generation and Storage
CC2 Sustainable design and Construction of New development
ENV2 Managing Environmental Quality
ENV3 Land Contamination
ENV4 Flood Risk
ENV5 Sustainable Drainage
WM1 Sustainable Waste Management
T1 Sustainable Access
DM1 Infrastructure and Developer Contributions

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT

3.1 No objections, Disabled parking bays are included within the footprint of the development and will double up as drop off spaces at term start (with space to house 1 more car at drop off times).

3.2 Would be undesirable to allow drop offs on the Foss Island Road elevation particularly at peak times. It is HNM view that most drivers would choose to exit Foss Islands Road on to Mansfield Street so as not to cause obstruction on Foss Islands Road. It is HNM opinion that should drop offs become an issue; mitigation in

the form of a loading ban could be applied to the Foss Islands Road carriageway in the vicinity of the site. This could be reviewed in conjunction with the review of parking restrictions already secured as part of this application for Mansfield Street.

3.3 The spacing in the proposed cycle parking store are too narrow and 2 tier racks are not acceptable. The Highways team have calculated that the required spaces (giving 81 in total line in with CYC parking standards and National guidance of 1 per bedroom) can be accommodated in the store to CYC standard.

3.4 Request following conditions: HW18 for minimum of 81 parking spaces; No occupation until cycle parking and vehicle parking is provided; removal of redundant crossings; method of works relating to highway; Student Arrivals Traffic Management Plan; and Travel Plan; a method of works condition (could be incorporates into CEMP), Travel Plan, and Student Arrival plan. S106 agreement contribution for travel plan assistance and alterations to the existing parking restrictions on Mansfield Street. Contributions for Travel Plan support calculated at £2,000 per year for the first 5 years: totalling £10,000 - Index linked. A review of parking/ loading restrictions on Mansfield street and Foss Islands Road in the vicinity of the site and associated Traffic Regulation Order totalling £6,000

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (CONSERVATION ARCHITECT)

3.5 Object. Disagree with the conclusions in the heritage statement. The C19th buildings at the front of the site contribute positively to the setting of the conservation area, and the setting of the City Walls, their loss will cause harm to the affected assets. Though separated from the assets by modern road infrastructure, their frontage is clearly visible from the conservation area and views from the City Walls. No views analysis has been submitted to allow the full impact of the proposals on the setting of nearby heritage assets. The C19th buildings contribute to the significance of the walls as a boundary, marking the edge of the earliest parts of the city, and evidence how the city expanded historically as a suburb. The historic character immediately beyond the historic walls in this part of the City has largely been lost, but this means the remaining buildings are now key illustrations of the historic development of this part of the City, and their demolition and will harm that ability to understand.

3.6 Accepting the site is removed from both the edge of the conservation area and immediate setting of the walls by a busy road, categories this harm at the lower end of less than substantial, and object to this application on that basis. Any harm will caused will require to be outweighed by sufficient public benefit.

3.7 The height of the proposed building has been reduced, with the tallest parts of the building now pushed to the back of the site, which is an improvement though it is still a large step change in scale from a 2 storey eaves height of the existing

adjacent building, to an equivalent 4 storey eaves, with the glazed top storey only set back notionally, which will result in an awkward relationship.

3.8 The daylighting study confirms there are rooms that will not achieve daylighting standards, and rooms along the southern elevation rely on daylighting from the adjacent site which is beyond the applicant's control (ie another development could be built in very close proximity to the boundary to the south, leaving many more rooms with insufficient daylight or amenity).

3.9 The rooms lacks any generosity in plan form/space, and though residents are now offered an external terrace on the roof, this is a very small space given the capacity of the building. Consider the proposals to be an over development of such a narrow and constrained site, and do not believe it offers a high standard of living for future occupiers.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (LANDSCAPE ARCHITECT)

3.10 The quality of the environment and streetscape along Foss Islands Road is variable. The northeast length of Foss Islands Road is of little merit to the quality of the street, with the exception of the domestic scale and detailing of Aubrey House and its forecourt, which is an isolated remnant of a former street which now sits incongruously amongst larger, somewhat bland commercial buildings.

3.11 Aubrey House, and the offices next door, and The Office Outlet are all set back from the pavement edge but the open, foreground strip is not put to good aesthetic use. More recent development at Foss Islands Retail Park has seen the introduction of significant semi-mature trees which complement the softer treed west bank of the River Foss; the two work in tandem to provide a more appealing environment along that stretch of Foss Islands Road.

3.12 As part of the A1036 inner ring road, Foss Islands Road is a busy street with high volumes of vehicles. The street is experienced by a high number of visual receptors, and is important in giving an impression of the character and quality of York. The quality of the environment also impacts on the comfort and experience of the user. Due to its walkable distance to the walled city, offices, and shops, Foss Islands Road is also well used by pedestrians. Similarly cyclists are accommodated on lanes either side of the road. The River Foss and its immediate environment is identified as the 'Foss corridor' (ref: 03) green infrastructure corridor of regional significance in the local plan evidence base. The York inner ring road – of which Foss Islands Road is a part – hugs the ramparts of the city walls, Kings Pool and the River Foss; the city wall is picked up again at Monkgate adjacent to the Layerthorpe junction, all of which were historically part of the city's defence, and now form part of 'City Walls' (ref: 11) district green infrastructure corridor.

3.13 The application site has the potential to contribute to the quality and function and character of two significant GI corridors. The opportunity for additional trees within the street scene should be grasped. The external area in front of the Foss Islands Road elevation would allow just enough space for some tree and shrub planting. The overhang poses a restriction/conflict on the sideways growth of the proposed tree. Another option may be to have a shorter broader tree spreading into the lower void as a contrast. The other tree could just about be accommodated within the pavement with the correct detailing.

3.14 The proposed green roof is welcome for its potential bio-diversity value and its capacity to contribute to slowing the flow of surface rain water.

3.15 Request conditions for landscaping scheme and details of tree planting

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ECOLOGY OFFICER)

3.16 The proposed tree planting along the south west elevation of the building, and the 'green' roof demonstrate biodiversity net gain, in accordance with NPPF: *to encourage the incorporation of biodiversity improvements in and around developments, especially where this can secure measurable net gains for biodiversity.*

3.17 If a viable 'green' roof cannot be provided, further biodiversity enhancement measures should be considered. The site is not considered to pose any additional ecological constraints. Provided and agree that the sedum planting will be appropriate where there is 300mm clearance between the PV panel and planting.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ARCHAEOLOGY)

3.18 The Aubrey House site sites just outside the Central Area of Archaeological Importance on the edge of the River Foss on the assumed edge of the medieval King's Fishpool.

3.19 Based on the information from the geo-archaeological evaluation at Aubrey House and data from the Carpetright site it is unlikely that the construction of the student block using piled foundation will negatively impact upon significant archaeological or geo-archaeological deposits. However, the proposed foundation solution for any new building on this plot should ensure it does not create a full impenetrable barrier to water moving between the site and the River Foss. No further archaeological investigation or conditions are requested/required.

LEAD LOCAL FLOOD AUTHORITY

3.20 No objections subject to following conditions: that the development fully complies with the FRA; the details of flood compensation measures; separate systems of drainage for foul and surface water; details of foul and surface water drainage; no piped discharge

EMERGENCY PLANNING UNIT

3.21 No objections with the proposed development. Understand that the names of the flood wardens cannot currently be specified. Would like reassurances that the flood wardens will be trained and that the Flood Evacuation Plan will be maintained and how students will be advised of the evacuation procedures. The flood evacuation point is not acceptable for a prolonged flooding event. Suggest the Management Company ensure they have Business Continuity plans and travel arrangements to relocate the residents to temporary student accommodation as they have a duty of care for their students.

PUBLIC PROTECTION

3.22 The applicant has submitted an ENS Noise Impact Assessment reference NIA/9119/20/9107/V2/Foss Island dated 24/6/20. This assessment is accepted and the proposed noise mitigation measures and plant noise criteria should be implemented. Request this is sought via condition

3.23 As there are commercial and residential properties close to the proposed site it is recommended that controls are put in place to minimise noise, vibration and dust during construction, request following conditions: Construction Environmental Management Plan; Control of hours of demolition and construction.

3.24 The applicant has submitted a Preliminary geo-environmental assessment. This assessment is accepted and the recommendations for a Phase 2 assessment are agreed. The applicant should consider vapour and gas monitoring or provide details of suitable vapour and gas protection measures. Request following conditions: Submission of investigation and risk assessment; remediation scheme and verification report; reporting of unexpected contamination

3.25 City of York Council's draft Low Emissions Supplementary Planning Guidance requires 2% of all car parking spaces to be provided with electric vehicle charge points. Spaces should be for the exclusive use of low emission vehicles. Given that the application includes parking and in view of the above and the Council's adopted Low Emission Strategy, which aims to facilitate the uptake of low emission vehicles in York request 1 electric vehicle recharging point sought via condition

3.26 Public Protection undertake monitoring of nitrogen dioxide on Foss Islands Road not far from the junction of Lawrence Street. Also monitor at the Foss Islands Road end of Navigation Road and on Jewbury. Results from these air quality

monitors have demonstrated that long term pollution levels have been within health based standards in this general area for > 5 years. The development is set back to some extent from Foss Islands and there are no habitable rooms (i.e. areas of relevant exposure) on the lower / upper ground floor levels facing Foss Islands.

PUBLIC REALM

3.27 Request contribution of £151 per bedroom. Would be spent at St Nicholas Fields

FORWARD PLANNING (comments on original scheme)

3.28 Given the advanced stage of the emerging Plan's preparation, the lack of significant objection to the emerging policies relevant to this application and the stated consistency with the Framework, in the context of NPPF para 48 advise that the policy requirements of the following emerging Plan policies can be afforded moderate weight in determining this planning application: HW1, H7, HW7, D1, D4, D6, D10, GI6, CC1, CC2, CC3, ENV1, ENV2, ENV4, ENV5, T1, C1, DM1.

3.29 The submitted Planning Report states that the former warehouse is to be vacated by its current user (St Michael le Belfrey Youth and Children's group) by September 2020, and that it is used only at limited times in any case. Further, it states that the building (a former warehouse) is unsuitable for reuse as a community facility and does not function to provide a service to its local community. The relevant application for change of use of the former warehouse states that the Youth Group was a successful and expanding provision, and request details from the Youth Group of their proposed relocation or, alternatively, that they no longer run this provision.

3.30 It is against the NPPF that this proposal should principally be assessed. Have no objection in principle to the provision of student housing in this location, subject to clarifying end user requirements re HW1. Advise that further detail is requested to meet the policy requirements of: HW1 Protecting existing facilities; D6 Archaeology; D1 Placemaking and D4 Conservation Areas, given the site's historic context; GI6 New Open Space Provision; and further specialist advice taken on issues of design, amenity, flood risk and transport/highways impacts.

3.31 Contributions for Affordable Housing are not normally negotiated on applications for student housing under the provisions of NPPF and policy H10 Affordable Housing. Were the application to be approved, and to manage any future change of use, request that a condition is added which restricts the site to student accommodation only.

ECONOMIC GROWTH TEAM

3.32 No comments received

NEIGHBOURHOOD ENFORCEMENT OFFICER

3.33 No comments received

WASTE SERVICES

3.34 Bin requirements for the site are: The bin store should be large enough to hold all the required bins, with enough space to manoeuvre them in and out freely. The bin store should be located as near to the road as possible with a flat even surface between the bin store and the vehicle collection point (not gravel, cobbles etc.). There should not be any kerbs between the bin store and the vehicle collection point. Vehicles undertaking collections should be able to stop for loading in a safe and legal position where they will not obstruct other traffic, pedestrians or access.

AFFORDABLE HOUSING

3.35 Request that a restriction is applied to this application so that it cannot be used for residential accommodation (or at least, not without an appropriate affordable housing contribution being provided)

EXTERNAL CONSULTATIONS

GUILDHALL PLANNING PANEL

3.36 Although the reduction in height is considered an improvement still consider the site is overdeveloped and has a lack of green space. The two trees proposed at the front is considered an improvement.

POLICE ARCHITECTURAL LIAISON OFFICER

3.37 It is noted that access to the undercroft car park space is to have a remote controlled roller shutter door, which is to be commended. Concerns regarding the lack of separation in the cycle storage area. Overly large communal cycle stores can lack capable guardianship. Anonymity due to a large number of persons using a store leads to unauthorised access not being challenged, the theft of cycles and fly tipping

3.38 It is noted that there is a comprehensive 'Student Management Plan' that takes into consideration the safety and security of the building and students. Consideration should be given to fitting any communal entrance doors with an electronic door release mechanism. An access control strategy based upon a single-key principle where a student will have a single access key to the main entrance, the entrance to a cluster and an individual bedroom is recommended. It is

recommended that external ground floor windows be at a height from the ground, and have opening restrictors, to prevent an offender from either climbing through an open window or reaching in to steal property from within. A comprehensive CCTV system is to be installed across the site.

ENVIRONMENT AGENCY

3.39 The proposed development will only meet the NPPF's requirements in relation to flood risk if the following planning condition is included: Carried out in compliance with the Flood Risk Assessment.

3.40 The planning practice guidance to the NPPF states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. Key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. Recommend LPA refers to 'Flood risk emergency plans for new development' and undertake appropriate consultation with emergency planners and the emergency services to determine whether the proposals are safe in accordance the NPPF and the PPG.

YORKSHIRE WATER

3.41 Request condition that the development is constructed in accordance with the Flood Risk Assessment (dated September 2021)

NATIONAL GRID

3.42 No comments received

NORTHERN POWERGRID

3.43 NP have submitted plans indicating the electricity infrastructure in the area. NP advise they should be treated as a guide only. Advise that the caution should be exercised when using mechanical plant. Advise of the HSE "Avoidance of Danger from Overhead Electricity Lines. Ground cover should not be altered either above cables or below overhead lines. No trees should be planted within 3 metres of existing underground cables and 10 meters of overhead lines

RIVER FOSS SOCIETY

3.44 No comments received

YORK CIVIC TRUST (Comments on previous revision not the current scheme)

3.45 Object, the principle of student housing is acceptable but consider that a better, more-sustainably designed scheme could be achieved, one that is centred on good design and placemaking by working with existing heritage and enhancing the built and natural environment.

3.46 Aubrey House is not listed, and not within conservation area. The site and vicinity holds heritage value, including as an Area of Archaeological Importance. No attempt to acknowledge such heritage in the proposed design or to work with the current heritage. The architecture of Aubrey House remains one of the last links to the C19 and early C20 uses of the site. Aubrey House was likely built as a forge with work yard accessed via Mansfield Street, and later used for storage and sale of poultry and pigeons. The Trust agrees with the CYC Conservation Architect that these late C19/early C20 terrace buildings, 'contribute positively to the setting of the conservation area and the setting of the City Walls'. The loss of these structures would be detrimental to the historic and aesthetic value of the area, for which there are scant remnants left.

3.47 Development along Layerthorpe and Foss Islands Road needs to be considered in terms of good placemaking and how it contributes to the public realm of the community. This area is at risk of becoming predominately budget hotels and densely-spaced student accommodation, with little landscaping, surrounded by busy roads and poor air quality. The area is dominated by retail outlets with large amounts of parking and has poor public transport access.

3.48 The Character Area statement for Layerthorpe describes the key building types as 'One to two-storey buildings made up of a mixture of retail units, supermarkets, office blocks, car showrooms and warehouses on linear streets and within industrial estates'. While there are portions of Layerthorpe containing 'multi-storey 21st-century residential development', this stretch of Foss Islands Road is primarily of the former, two-storey height - as is the case with the current Aubrey House. The applicant makes numerous associations of the height and profile of this building to be barely taller than the recently approved hotel development on the adjacent Carpetright site to the north; planning permission is not always implemented. Acknowledge the removal of one storey from the initial proposed design, however consider the proposal is still too tall for the locality.

3.49 The proposed building has no evident "Yorkness "or willingness to be inspired by local vernacular. The Trust is concerned by recent development of the Foss Islands' vicinity and would look to work with City of York Council to create a proactive, development brief to ensure good placemaking.

3.50 The proposed student development block is overdevelopment, providing

nothing to enhance the public realm on Foss Islands Road. The occupants experience would be one primarily devoid of a connection with nature and poor air quality and sound pollution.

3.51 The existing set back of Aubrey House should be retained to enable a positive contribute to the public realm and provide for its tenants. Aubrey House is the last tangible existence of the area's historic, suburban community - retention of this building with a more modest development to the rear, with pockets of trees and landscaping provision, and using design that responds to the vernacular of Aubrey House would be a recommended

NORTH YORKSHIRE FIRE AND RESCUE SERVICE

3.52 No objection/observation to the proposed development. Will make further comment in relation to the suitability of proposed fire safety measures at the time when the building control body submit a statutory Building Regulations consultation to the Fire Authority.

4.0 REPRESENTATIONS

4.1 Six representations of objection (to original and previous revised scheme)

- Overdevelopment of the site, the footprint is too large and the building is too tall and does not respond to the existing and emerging character of the area.
- Fails to accord with the discussions that developers and CYC had on the adjacent Carpetright/Hotel application.
- The development should be no higher than the parapet level of the adjoining hotel development and ideally it would be lower to achieve an appropriate (stepped) transition from Foss Island House (at 2 storeys) to the corner of Foss Islands Road and Layerthorpe where the proposed hotel reaches its maximum height. Any upper floor/s to the building, which are set back from the edge of the parapet should not exceed the AOD height of the equivalent floors in the adjoining hotel and should achieve the same setback from Foss Island Road i.e. they should be pulled back from the frontage. The building line should follow that of the proposed hotel scheme or at the very least, adopt the line that has been established by Aubrey House and Foss Island House
- The ground floor of the proposed student housing block being slightly recessed, the building would sit forward of this established line. At the height proposed, it is considered to have an overbearing impact at street level and has the potential to affect the amount of natural light entering the neighbouring office building to the south
- Context drawings should be submitted including the proposed hotel building and Foss Island House
- Mansfield Street elevation - does not drop below 6 storeys in height and is lacking any open space or visual break with the only car parking provided in an undercroft with flats above. The development is considered to achieve a poor ratio

of street width to building height of which there are few, if any, comparable examples elsewhere in the city. It will lead to a canyoning effect on what will become an increasingly well used street.

- Request following conditions: construction Environmental Management Plan; restrict use to student accommodation; a management company to be appointed
- Reduction in storey from 6 to 5. On the Foss Island Road elevation (south west), the parapet level appears to be higher than the proposed hotel despite being on lower ground. The setback of the 5th floor is also less substantial. It therefore fails to meet the design objective expressed by officers to step building heights down from the prominent corner of Foss Island Road and Layerthorpe and to achieve an appropriate transition to lower two storey buildings further to the south.
- Applicant advises that further setback from the proposed 1.7m would result in the loss of more bed spaces and this would risk the development becoming unviable. However, we are not aware that any viability appraisal has been carried out or offered in order to support this comment. impact on viability is not considered sufficient justification to allow development that would otherwise be unacceptable
- Object to the student accommodation use
- Proposal would obstruct views from Foss Place apartments resulting in loss of value
- Existing noise issues arising from the student accommodation – The Coal Shed on Mansfield Street. Concerned that proposal will exacerbate the noise pollution/disturbance. Consideration should be given to how the outside communal areas would be managed

5.0 APPRAISAL

- Flood Risk
- Loss of community facilities
- Impact to heritage assets
- Visual amenity and character
- Residential amenity
- Impact to neighbouring uses
- Highways
- Ecology
- Drainage

5.1 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The site is not considered to be within the general extent of the greenbelt.

PUBLICATION DRAFT YORK LOCAL PLAN (2018)

5.2 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') 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 as revised in February 2019, the relevant 2018 Draft Plan policies can be afforded weight according to:

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

DEVELOPMENT CONTROL LOCAL PLAN (2005)

5.3 The Development Control Local Plan Incorporating the Fourth Set of Changes was approved for development management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications. Where policies relevant to the application are consistent with those in the NPPF, the weight that can be afforded to them is very limited.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.4 The revised National Planning Policy Framework was published 2021 (NPPF) and its planning policies are a material consideration in the determination of planning applications. The presumption in favour of sustainable development set out at paragraph 11 of the NPPF does not apply when the application of policies relating to impacts on the heritage assets and flood risk indicates that permission should be refused.

FLOOD RISK

5.5 The site lies within Flood Zone 3 and has flooded on previous occasions.

5.6 Policy ENV4 of the 2018 Draft Plan is in accordance with Paragraph 166 of the NPPF which states that when determining applications the LPA should only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location;

- and development is appropriately flood resilient and resistant;
- it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- any residual risk can be safely managed;
- and safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

SEQUENTIAL TEST

5.7 The LPA needs to be satisfied in all cases that the proposed development would be safe and not lead to increased flood risk elsewhere. The aim of the sequential test is to steer new development to areas at the lowest probability of flooding (Zone 1). The NPPG states that when applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken: *"the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases it may be identified from other Local Plan policies, such as the need for affordable housing within a town centre, or a specific area identified for regeneration. For example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives"*.

5.8 The supporting information sets out that no other sites have been considered. The applicants argue there would be a functional link to the student accommodation at the end of Mansfield Street (The Coal Yard). There does not appear to be any shared facilities between the two, and the two buildings could be run as separate independent student accommodation. As such the 'functional link' between the two is not considered to be demonstrated or have any weight. However the application site is already developed and within a developed area that is undergoing regeneration. The proposal would not result in an increase in the vulnerability classification (as result of the existing residential part of the site already falls within 'More Vulnerable'). The site has historically been developed; the existing buildings cover the majority of the site. The proposal would provide additional student accommodation. The site is in a prominent city centre location, being viewed in its riverside setting, and along a main route through the city centre. The proposal is considered to pass the sequential test.

- EXCEPTION TEST

5.9 For the Exception Test to be passed: it must be demonstrated that a) the development provides wider sustainability benefits to the community that outweigh flood risk; and b) a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its

users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall (para 163 of the NPPF).

5.10 The development would make effective use of previously developed land in a central location, there is a need for student housing and there are benefits in terms of wider housing land supply. The proposed development is not considered to increase flood risk elsewhere. The proposed development has compensatory flood storage within a void and floodable storage areas on the ground floor. Flood risk is from the River Foss to the west. There would be no sleeping accommodation on the (lower) ground floor of the building. The Flood Risk Management Team and the Environment Agency are satisfied that the proposed floor levels are appropriate in this location.

5.11 Safe access and egress cannot be provided during a design flood however the site benefits from the presence of the Foss Barrier, this regulates flood levels adjacent to the site, and although the Barrier was overwhelmed in December 2015 the storms experienced on this occasion were significantly in excess of the standard of protection of the barrier and record flows were experienced on the River Foss. The likelihood of this occurring again is low given the recent works by the Environment Agency to improve the resilience of the Foss Barrier, recently completed barrier is able to manage the scenarios experienced in 2015 has built in further resilience to include the impact of climate change.

5.12 An effective evacuation plan is appropriate in this location due to the low residual flood risks, the presence of formal flood defence infrastructure and a mature flood warning service.

5.13 Whilst the site is clearly in Flood Zone 3 the residual risk is relatively low - the NPPF guidance recognises that an understanding of residual risk is important behind flood defence infrastructure and it is considered that the applicant has addressed this in their approach.

5.14 The Environment Agency does not have an objection to the application, subject to the mitigation set out in the FRA taking place, part of this mitigation includes a Flood Evacuation Plan being in place. The Emergency Planning Team consider the submitted Flood Evacuation plan is broadly acceptable, but further information/revisions are required. A revised Flood Evacuation Plan has been requested from the applicant and committee will be updated at the meeting. In view of the above and the receipt of an acceptable Flood Evacuation Plan it is considered that the proposed development passes the exception test. There is adequate evidence that the sequential and exception tests can be passed. The measures within the FRA and the Flood Evacuation Plan would be secured through a planning condition.

LOSS OF COMMUNITY FACILITY

5.15 Paragraph 93(c) of the NPPF sets out, among other things, that planning decisions should guard against the unnecessary loss of valued facilities, particularly where this would reduce the community's ability to meet its day to day needs. This stance is echoed by policy HW1 (Protecting Existing Facilities) of the emerging local plan. It states that development proposals that involve the loss of a community facility will not be supported unless: equivalent or greater facilities are provided on or off site; the facilities no longer serve a community function; or are no longer financially viable.

5.16 The building to the north east part of the site has been used by Storehouse Youth and Children's Work Centre (SYCWS). Officers have been advised that the SYCWS was part of the Saint Michael le Belfrey PCC. Officers understand that the SYCWS chose to vacate the building in September 2020. The youth centre that became SYCWS previously operated from the Central Methodist Church on St. Saviourgate. However, safeguarding issues resulted in a need for the youth centre to find new premises thus the move to the Mansfield Street location. The building was formally used as a builder's yard before SYCWS occupied the site. The property was on a short term lease. Saint Michael le Belfrey PCC advise that they attempted to develop the outreach from the Mansfield Street location however numbers only grew slightly and they consider this was due being set away from residential and city centre. The agent advises there was limited demand for a community facility of this nature, and this was reflected in its part-time opening hours (three nights per week - Monday, Tuesday and Friday 5:30pm – 7pm and one morning - Tuesday 11:30am – 1pm). The agent and the Saint Michael le Belfrey PCC advise that the building has no windows, a single sheet asbestos roof, uninsulated walls and damp. These problems were prohibitively expensive for the church to solve and the expense of remedying these deficiencies in the accommodation were not considered justified by the limited demand for the services available. The agent considers that the potential for future community use of the building is severely limited by these factors. The Saint Michael le Belfrey PCC advise that the decision was taken to leave the building when plans emerged to redevelop its main church building and incorporate its youth and children departments back into the city centre. They have now relocated to 52 Stonegate in the city centre, which is considered higher quality of accommodation for users of the services on offer and being back in the city centre enables the youth centre to better reach the local community. The proposal is considered to comply with part (ii) of Policy HW1: facilities of equivalent or greater capacity and quality are provided off-site, in a location that equivalently or better serves the local community's needs.

STUDENT ACCOMMODATION

5.17 Policy ED10 of the DCLP (2005) and Policy H7 (Student Housing) of the emerging 2018 Draft Plan sets out that proposal for new student accommodation should demonstrate: there is a proven need for student housing; and. It is in an

appropriate location for education institutions and accessible by sustainable transport modes; and 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. Policy is in general supportive of Purpose Built Student Accommodation (PBSA) as a means of freeing up housing suitable for wider general housing needs. Policy H7 requires the University of York and York St John University to address the need for any additional student housing which arises as a result of their future expansion, taking into account the capacity of independent providers; this is an acknowledgement that privately built PBSA is an important part of the student housing market.

5.18 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. The Applicant has submitted a report on the need for student accommodation.

5.19 The SHMA also analyses the needs of specific groups within the population, such as older people and students. The student population in York (22,269 at the time of the 2011 Census of which 19,002 were full time students) grew by around 7,400 between 2001 and 2011, and is projected to continue to grow, albeit at a slower rate. Higher Education Student Statistics (HESA) data referenced in the SHMA shows 23,095 student in the City by 2014, with most significant growth in numbers of full-time students. The SHMA acknowledges that the student rental market remains strong and that demand for purpose built student accommodation is high, particularly from international students. Latest HESA data (2018/19) shows 26,090 students enrolled at York St John University and the University of York.

5.20 The Local Plans team advise that there has been ongoing consultation with the Universities during the preparation of the Plan in order to understand their growth needs, in terms of anticipated numbers of students and land take; these have fluctuated through various stages of plan preparation, which reflects the complex nature of quantifying the needs of Universities over the course of the plan period and beyond. Given the uncertainties in quantifying growth, the Council has sought, through the policies in the plan, to provide flexibility in delivering higher education and other related uses over the lifetime of the Plan. Policy H7, alongside policies ED1 – ED5, provides the conditions within which flexible growth can be accommodated by the City.

5.21 The applicants provide a summary of approved PBSA since 2015. Officers consider the record of recently approved and completed schemes is reasonably consistent with that provided by the applicant, albeit that we note the omission of St Joseph's Convent, Lawrence Street (+526 units, completed 2016/17). The Planning Statement does not provide analysis of current levels of provision/vacancy. Officers are not aware of concerns around Purpose Built Student Housing vacancies, and

would suggest that applicants operating in a competitive market are well placed to determine capacity in that market.

5.22 Evidence submitted in the Planning Statement updates CYC's 2015 Housing Requirements Update to show that, by developing this scheme, 47% of students in York would be housed in either University or privately managed PBSA. The Local Plans team advise that this analysis omits the approved schemes at Frederick Street and St Josephs Convent, and including these would take the proportion in PBSH to 51.5% of the overall student housing market. Other schemes which are either under consideration by the LPA or approved subject to legal agreements could, subject to permission being granted add about 500 more bed spaces.

IMPACT TO HERTIAGE ASSETS

5.23 The site is adjacent to the Area of Archaeological Importance, and whilst just outside of the Central Historic Conservation Area (Character areas 7 – Monkgate and 8 - Aldwark) it is considered to fall within the setting of the Conservation Area. The closest listed buildings are located over 130 metres to the west (the Grade 1 St Cuthbert's Church and Grade 1 St Anthony's Hall). The application site which is located approximately 90 metres to the south east of the city walls (a Scheduled Ancient Monument).

5.24 In accordance with section 72 of the Planning (Listed Building and Conservation Area) Act 1990 ("the 1990 Act"), 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 of the 1990 Act 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. Where there is found to be harm to the character or appearance of the Conservation Area, or the setting of a listed building, the statutory duty means that the avoidance of such harm should be afforded considerable importance and weight.

5.25 The legislative requirements of Sections 66 and 72 of the 1990 Act are in addition to government policy contained in Section 16 of the NPPF. The NPPF classes listed buildings, conservation areas and scheduled monuments as 'designated heritage assets'. Section 16 of the NPPF 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. Paragraph 197, in particular, states that 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.

5.26 The 2018 Draft Plan policies D4, D6, D7 and Development Control Local Plan (2005) policies HE2, HE3, and HE10 reflect legislation and national planning guidance that development proposals should preserve or enhance the special character and appearance and contribution to the significance and setting of the heritage assets and respect important views.

5.27 Although close to the city wall, the application site is separated from it by a large and busy road junction. The legibility of historic boundaries of the Conservation Area are also obscured by a complex arrangement of traffic signals and a large expanse of hard standing. There are views from the city wall to the application site, but these are largely views into a commercial and shopping complex and the views from the application site towards the Conservation Area are dominated by the same large, busy road junction. The key views have been provided as photomontages and Officers are satisfied that the proposed development would not dominate the city walls or the views into York and as such it is considered there would be no harm caused to the significance of heritage assets namely the city walls, Conservation Area and nearby listed buildings by the construction of the proposed building.

5.28 Audbury House is not considered to be a non-designated heritage asset however it is considered to contribute to the setting of the nearby central historic core conservation area and its connection to the historic industrial use of the Foss Islands area. The Conservation Architect states that the historic character immediately beyond the historic walls in this part of the City has largely been lost, but this means the remaining buildings are now key illustrations of the historic development of this part of the City, and their demolition and will harm that ability to understand. For these reasons the CYC Conservation Architect considers that the loss of Audbury House would result in harm to the setting of the conservation area. The harm is considered to be less than substantial.

5.29 Paragraph 202 of the NPPF states that 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. The resulting harm from the loss of Audbury House is considered to be less than substantial, and is outweighed in this case by the provision for student accommodation within the city and benefits in terms of the wider housing supply together with economic and social benefits from the regeneration of the site. It should be noted that the applicant could apply for prior notification to demolish the building and the LPA would be unable to refuse the application as it is neither listed or within a conservation area and does not fall within the criteria of Part 11 of the General Permitted Development Order (2015).

5.30 The Archaeology Officer has confirmed that the evaluation undertaken on the site indicates that there will be no impact to any significant archaeological features or deposits across the site.

VISUAL AMENITY AND CHARACTER

5.31 Chapter 12 of the NPPF gives advice on design, placing great importance to that design of the built environment. In particular, paragraph 130 of the NPPF states that planning decisions should ensure that development, inter alia, will add to the overall quality of the area, be visually attractive, sympathetic to local character and history and have a high standard of amenity for existing and future users. This advice is reflected in Draft Local Plan policies GP1 and GP9 of the 2005 Draft Local Plan and D1 and D2 of the 2018 Draft Plan and, therefore, these policies can be given weight.

5.32 The application site is within the defined city centre. The existing building fronting onto Foss Islands Road is an attractive building. Is it one of the last remnants of the Victorian/Edwardian residential/commercial development in the area. The existing building appears small, swamped and at odds with the surrounding recent large grain development. The wider area of Layerthorpe is characterised by some low building height (typically two storey) out of town style large commercial premises dating from the last four decades (warehouses, retail, and office), in a flat landscape, with little green space. The area is undergoing change with the redevelopment of plots into higher density student or private apartments of between three and five floors.

5.33 The proposed building would be of a similar height to the recently approved 4 storey hotel on the neighbouring Carpetright site. At the time of writing the report the Carpetright building had been demolished, officers understand this relates to the implementation of the hotel planning permission. The proposed development is five storeys in height with a minor setback (0.5 metres) of the top storey, the height of the front/Foss Islands elevation is 13.4 metres. The height of the adjacent proposed hotel elevation is 12 metres with an additional storey set back (4.7 metres) given the elevation a height of 15.15 metres. The proposed front elevation would have an upper storey overhang, this would be set back from pavement. The proposed materials would be predominantly red brick with copper mesh feature cladding (to corner and on Mansfield Street elevation) there would be feature brick work panels in the front elevation. The height and massing of the proposal would be in keeping with the recent development in the area.

5.34 There are weaknesses in the scheme, notably the side and rear elevations which will appear particularly monotonous and bland due to the scale of the building and there being shear walls with no meaningful relief. In acknowledging the weaknesses of the side and rear elevations, Officers accept that whilst there will be some views from public streets, they would be viewed in context and partially screened by the neighbouring existing and proposed buildings. These secondary elevations will not be widely visible and it is considered that the primary/front elevation have been developed to a satisfactory design standard in accordance with the NPPF and 2018 Draft Plan policy D1.

5.35 Policy D2 (Landscape and Setting) of the 2018 Draft Plan states that proposals will be encouraged and supported where they include sustainable, practical and high quality soft and hard landscape details and planting proposals that are clearly evidence based and make a positive contribution to the character of streets, spaces and other landscapes. Some minor landscaping and two trees are proposed to the front/Foss Islands Road elevation. A utilities report has been submitted which demonstrate there is sufficient space. The details of the landscaping are sought via condition. A green roof is proposed, further details of the planting can be sought via condition to ensure the planting is compatible with the solar panels also on the roof.

RESIDENTIAL AMENITY

5.36 The NPPF seeks a good standard of amenity for all existing and future occupants, and that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are sympathetic to local character and history, including the surrounding built environment and landscape setting. Policy GP1 of the 2005 Development Control Draft Local Plan and policies D1 and ENV2 of the 2018 Draft Plan seek to ensure that development proposals do not unduly affect the amenity of nearby residents in terms of noise disturbance, overlooking, overshadowing or from overbearing structures.

5.37 The proposal represents an intensification of use of the site combined with the acknowledged impacts from noise and disturbance, and accumulation of rubbish that can be associated with student accommodation. Officers consider that the amenity concerns about the development can be split into three main areas; the first being the impact of the structures themselves; second being the concern about the intensity of the development, the behaviour patterns of students and the impact of this behaviour on the residential amenity of existing residents; and thirdly the amenity of the occupants of the proposed building.

5.38 The proposed development is set in a predominately commercial area, however recently residential development has been constructed in the area. The distance between the Foss Place apartments and the proposed building would be 17 metres at its closest point. The proposed development is not considered to result in undue overlooking or loss of privacy. Foss Place is to the south east of the proposed development together with the distance between the buildings it is not considered there would be an undue loss of light.

5.39 To the north east of the application site there is a 4 storey block of flats currently under construction. The development would have a roof terrace. The distance between the flats and the application building would be 9.5 metres (at closest point). The primary rooms of the proposed flats are dual aspect, the 3 no. proposed flats fronting onto Mansfield Street also have windows facing south west.

The proposal would result in some overshadowing to the flats however it is not considered to result in undue harm and would be typical of a built up urban area, any overshadowing is considered to be mitigated by the dual aspect of the flats. The distance between the closest windows on the proposed student accommodation (which are bedrooms) and the proposed flats (living room window) would be circa 11 metre. This distance is considered to be reasonable given the urban location and would not result in undue loss of privacy to the occupants of either building. The approved plans of the hotel on the Carpetright site indicate hotel rooms with windows facing onto Mansfield Street. The distance between these hotel windows and the windows of the student rooms would be a minimum of 10 metres. On balance there is considered to be a reasonable distance between buildings in a city centre location, and there are similar existing relationships between residential buildings in the surroundings.

5.40 The proposal student accommodation includes a roof terrace. The terrace is set away from the residential properties at Foss Place and the dwellings currently under construction subject of planning permissions 17/02991/FUL and 21/01079/FUL. The terrace would be screened from these residential properties by the lift tower and the fifth storey on the north eastern part of the building with is stepped up in height. The terrace area is set back from the building parapet by minimum 1.5 metres. It is not considered that the proposed outside terrace could result in disturbance to the neighbouring uses however details of how the area would be managed could be set out in the conditioned management plan.

5.41 The NPPF states that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. The proximity of the proposed building is not considered to unduly impact on the use of the nearby commercial and residential sites. The agent has confirmed that the proposed development would be managed, and a condition could be imposed that requires a management plan to be submitted to and approved by the Local Planning Authority. The plan could address issues such as: refuse collection; change over days, security measures, maintenance, student liaison and community involvement etc.

5.42 It is considered necessary to condition the occupancy of the building to only students engaged in full-time or part-time further or higher education in the city as the application does not propose affordable housing.

5.43 There are differences between student accommodation and general housing in that students live in student accommodation only for a short fixed period of time, common space is provided. It is also the case that student occupants will use internal spaces differently and, in some instances, more intensely for a wider range of purposes (i.e. bedrooms acting as multi-purpose spaces for study and relaxation), than would be expected in general housing and this needs to be taken into account when considering the overall standard of amenity provided. Each bedroom/studio is

single aspect. The rooms are considered to be of an adequate size. The cluster flats all have reasonably sized shared kitchen amenity space. A general communal area for all occupants has been provided on the fifth storey. In addition a roof terrace has been provided.

5.44 A sunlight and daylight assessment has been submitted in support of the application. The development and impact have been assessed using the criteria set out in the Building Research Establishment's (BRE) 'Site layout planning for daylight and sunlight – a guide to good practice'. The BRE guidance itself states that its guidelines are not mandatory, and should not be seen as an instrument of planning policy. The majority of rooms are passing the average daylight factor criteria. However nine studio apartments and the top floor general communal area failed when considered under the average daylighting factor for kitchens. However when considered against the average daylighting factor for Living Room, dining room, study 3 studio flats failed. When considered against the average daylighting factor for bedrooms they all passed. Full height windows are proposed to each bedroom/studio/communal area. The BRE guidance states that in a historic city centre, or in an area of modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the heights and proportions of existing buildings.

5.45 Public Protection have confirmed they do not have concerns regarding air quality. A noise assessment has been submitted which sets out the noise environment is dominated by road traffic. The Public Protection Officer has confirmed that they are content with the findings of the report and the requirement for a scheme of noise insulation works of enhanced glazing and ventilation. This can be sought via condition.

HIGHWAYS

5.46 The NPPF encourages development that is sustainably located and accessible. Paragraph 110 requires that all development achieves safe and suitable access for all users. It advises at paragraph 111 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. Further, paragraph 112 requires development to 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. Policy T1 of the 2018 emerging Local Plan supports the approach of the NPPF in that it seeks the safe and appropriate access to the adjacent adopted highway, giving priority to pedestrians and cyclists.

5.47 The site is considered to be within a sustainable location close to York St Johns and close to public transport for other educational establishments the site is

close to local amenities. The surrounding streets are controlled by parking restrictions.

5.48 The site is considered to be in a sustainable location. Two vehicle disability parking spaces have been proposed. The surrounding streets have parking restrictions. Covered and secure cycle parking for 81 cycles can be provided within the cycle store. Access to the cycle store would be from Mansfield Street. The agent has confirmed that the access to vehicle /cycle access would be controlled and there would be no public access to this area.

5.49 The Highway Network Management team advise that whilst there may be a temptation to load/unload on Foss Islands Road when servicing this site; it is likely to be of less impact and frequency to safety/network; due to the location and the number of student units involved. The Highway Network Management team advise that most drivers would choose to exit Foss Islands Road on to Mansfield Street so as not to cause obstruction on Foss Islands Road. Should drop offs become an issue; mitigation in the form of a loading ban could be applied to the Foss Islands Road carriageway in the vicinity of the site. This could be reviewed in conjunction with the review of parking restrictions.

5.50 The proposals are considered to be acceptable in terms of principle of development and their impact on the surrounding highway network. It is considered necessary to condition the submission of a travel plan. The Highway Network Management team have requested that contribution of £10,000 towards the City of York Travel Plan support, together with a review of parking restrictions on Mansfield Street and Foss Islands Road and associated Traffic Regulation Order totalling £6,000. These obligations are consider to comply with Regulation 112 of the Community Infrastructure Levy Regulations 2010 (CIL).

BIODIVERSITY

5.51 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities to have regard, in the exercise of the functions, to the purpose of conserving biodiversity. Paragraph 174 of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by, inter alia, minimising impacts on and providing net gains for biodiversity. Draft Local Plan policies reflect this advice in relation to trees, protected species and habitats. The NPPF advises that if significant harm to biodiversity from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

5.52 the tree planting proposed along the south west elevation of the building together with the 'green' roof demonstrate biodiversity net gain, in accordance with Paragraph 180 of the NPPF: while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where

this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate. The trees, planting and green roof can be sought/retained by condition

SUSTAINABILITY

5.53 Policy CC1 'Renewable and Low Carbon Energy Generation and Storage' states that new buildings must achieve a reasonable reduction in carbon emissions of at least 28% unless it can be demonstrated that this is not viable. The submitted sustainability report sets out that a 28% saving in Co2 emissions can be achieved. With regards to Policy CC2 'Sustainable Design and Construction of New Development' the agent has agreed to the implementation of condition requiring the submission of these details relating Part L1A and water consumption prior to the start of construction. The submitted plans indicate PV panels on the roof of the building.

DRAINAGE

5.54 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. Local Plan Policy GP15a (Development and Flood Risk) and Policy ENV5 Sustainable Drainage) of the 2018 Draft Plan advise discharge from new developments should not exceed the capacity of receptors and water run-off should, in relation to existing runoff rates, be reduced. There would be no increase in impermeable areas, it is considered that the details of the means of the surface water drainage can be sought via condition.

SAFE ENVIRONMENTS

5.55 Section 17 of the Crime and Disorder Act 1998 requires all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and do all they reasonably can to prevent crime and disorder". Paragraphs 92 and 130 of the NPPF require developments should create safe places and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. The requirements for secure external doors and opening restrictors on first floor and CCTV can be achieved by condition.

OPEN SPACE CONTRIBUTION

5.56 Public Realm has confirmed that an open space contribution is required in this case. This can be secured through a Section 106 agreement. The contribution of £12,231 would be used to improve the amenity open space within the nearby St Nicholas Fields. This obligation is considered to comply with CIL Regulation 122

6.0 CONCLUSION

6.1 The application site is in a sustainable location. The site is within Flood Zone 3 would not increase flood risk elsewhere. The proposal meets the requirements of the NPPF sequential and exception tests (as set out above) and is acceptable when considered against national planning policy on flood risk, the sequential and exceptions tests are passed. The proposed development is not considered to result in harm to residential amenity or highway safety, nor would the proposal have an unacceptable impact on ecology on or adjacent to the site.

6.2 The loss of the Audbury house is considered to result in harm to the setting of the Central Historic Core Conservation Area. The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the 1990 Act. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted. Where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal. The proposal would provide student accommodation where there is need for university accommodation within the city, and would benefit the wider housing supply. On balance it is considered that the public benefits of the scheme outweighs the aforementioned specified harm.

7.0 RECOMMENDATION:

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

- a. The completion of a Section 106 Agreement to secure the following planning obligations:

Open Space

£12,231 improve the amenity open space within the nearby St Nicholas Fields.

Travel Plan

£10,000 towards the City of York Travel Plan support

Traffic Regulation Order

£6,000 towards a review of parking/ loading restrictions on Mansfield street and Foss Islands Road in the vicinity of the site and associated Traffic Regulation Order

- b. The conditions set out below

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

1 TIME2 Development start within three years

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

Drawing Number 19093-S100 Revision A 'Site Plan' received 07 July 2020;

Drawing Number 19093-P300 Revision E 'Site Plan Proposed' received 06 December 2021;

Drawing Number 19093-P301 Revision F 'Block Plan Proposed' received 06 December 2021;

Drawing Number 19093-P310 Revision K 'Lower Ground & Ground Floor Proposed' received 02 December 2021;

Drawing Number 19093-P311 Revision B 'First & Second Floor Proposed' received 03 December 2021;

Drawing Number 19093-312 Revision E 'Third & Fourth Floor Proposed' received 25 October 2021;

Drawing Number 19093-P420 Revision A 'North & East Elevations' received 02 December 2021;

Drawing Number 19093-P421 Revision B 'West & South Elevations' received 02 December 2021;

Drawing Number 19093-P422 'Street Scene Elevations Proposed' received 25 October 2021;

Drawing Number 19093-P370 'Proposed Green Roof Detail' received 07 June 2021;

Drawing Number 19093-P435 'Hit & Miss Brickwork' received 02 December 2021;

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

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

A 1 metre by 1 metre sample panel of the brickwork to be used on this building shall be erected on the site and shall illustrate the colour, coursing, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

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

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

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

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

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.

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

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

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

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

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

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

8 The hours of demolition, 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.

9 Prior to the occupation of the development 1 Electric Vehicle Recharging Point(s) shall be provided in a position and to a specification to be submitted to and approved in writing by the Local Planning Authority. The charging point(s) shall be located within the vehicle parking area. The electric vehicle recharging point shall be retained for the lifetime of the development. Within 3 months of the first occupation of the development, the owner will submit to the Council for approval in writing an Electric Vehicle Recharging Point Management Plan that will detail the maintenance, servicing and access arrangements for each Electric Vehicle

Recharging Point for a period of 10 years.

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

Notes

- o Electric Vehicle Charging Points should incorporate a suitably rated 32A 'IEC 62196' electrical socket to allow 'Mode 3' charging of an electric vehicle.
- o Each Electric Vehicle Charge Points should include sufficient cabling and groundwork to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point of the same specification, should demand require this in this future.
- o Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles. Parking bay marking and signage should reflect this.
- o All electrical circuits/installations shall comply with the electrical requirements in force at the time of installation

10 The sound attenuation measures detailed in the noise assessment [ENS Noise Impact Assessment reference NIA/9119/20/9107/V2/Foss Island dated 24/6/20] shall be fully implemented prior to the first occupation of the development and these measures shall be retained thereafter

Reason: To protect the amenity of people living in the new property from externally generated noise and in accordance with the National Planning Policy Framework.

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

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

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

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

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

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

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

For lighting details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as

restrictions in hours of operation, location and angling of lighting.

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

Reason: To protect the amenity of the locality

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

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

Informative: Please contact development.adoption@york.gov.uk to arrange joint dilapidation survey. Please contact highway.regulation@york.gov.uk to discuss Temporary Traffic Regulation Orders.

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

14 The development hereby approved shall accord with a Student Arrivals Traffic Management Plan commencing upon occupation of any part of the Development in line with measures outlined in Project no: 20746-003 CAR PARK MANAGEMENT PLAN Final issue dated October 2020. Prior to the occupation of the site, details shall be agreed in writing with the Local Planning Authority of arrangements to

manage student arrivals and departures on the adjacent public highway at term change-over times. The agreed Student Arrivals Traffic Management Plan shall be implemented upon occupation of any part of the development and shall be thereafter maintained to the satisfaction of the Local Planning authority for the life time of the development unless alternative arrangements are first agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and to ensure the free flow of traffic.

15 No part of the development shall be occupied until a Full Travel Plan has been submitted and approved in writing by the LPA. The Travel Plan should be developed and implemented in line with local and national guidelines and the Interim Travel Plan Final Issue Project no: 20746-002 Dated October 2021. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of annual travel surveys carried out over period of 5 years from the first survey shall then be submitted annually to the authority's travel plan officer for approval.

INFORMATIVE: The travel plan shall contain; information on how private car ownership will be prevented, measures to prevent occupants parking on the adjacent streets

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

16 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 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) 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.

17 The amenities for the occupants of the development (communal living areas, roof terrace, laundry) shall be provided in accordance with the approved floor plans

prior to first occupation of the development and shall be retained for the lifetime of the development.

Reason: In the interests of good design and the living conditions of the occupants of the development.

18 Prior to first occupation of the development hereby permitted a management and occupation plan for the site shall be submitted to the Local Planning Authority for approval. The development shall operate in accordance with the approved management and occupation plan at all times. The plan shall detail the following -

- Single occupancy only for bedrooms in the cluster flats and studio rooms
- Management of the outside amenity space in the interests of avoiding noise disturbance.
- Waste management including arrangements for placing bins for collection.
- Arrangements for management of student arrivals and departures at the beginning and end of term. To ensure that private car travel does not have an adverse effect on the highway network.
- Information and advice to occupants about noise and consideration to neighbours. student liaison and community involvement.
- Property maintenance
- Security measures,
- Dealing with anti-social behaviour,

Reason: In the interests of amenity and highway safety.

19 Waste and recycling bins shall be stored in the refuse store at all times except for collection days.

Reason: In the interests of good design and visual amenity, in accordance with section 12 of the NPPF.

20 Prior to occupation the following security measures shall be employed at the site:

- fitting the communal entrance door with an electronic door release mechanism. The door should also have a self-closing mechanism with a lock which engages automatically.
- An access control strategy based upon a single-key principle where a student will have a single access key to the main entrance, the entrance to a cluster and an individual bedroom
- External windows on the ground floor should be fitted with opening restrictors
- CCTV system is to be installed across the site

Reason: In accordance with sections 8, 9 and 12 of the NPPF; to promote

sustainable travel and to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

21 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

22 No door shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

23 Within three months of commencement of development a detailed landscape scheme shall be submitted and approved in writing by the Local Planning Authority. This shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants including planting proposals for the green roof(s). This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of 10 years from the substantial completion of the planting and development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

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

24 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority tree planting details, including tree pit system, volumes of accessible soil, means of support, means of watering. Where trees are to be located within paved areas, the planting details shall accommodate suitable soil volumes underneath porous surfacing so that the trees have the capacity to survive and thrive.

Reason: To ensure that the trees are able to perform as intended within the approved landscape scheme.

25 The cycle parking storage and refuse bin storage shall be provided in accordance with the approved plans (Drawing Number 19093-P310 Revision - Lower Ground & Ground Floor Proposed) 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 sections 9 and 12 of the NPPF. To ensure there is suitable cycle storage and refuse storage areas of the life of the development. So as to achieve a visually cohesive appearance.

26 The development shall be carried out in accordance with the submitted flood risk assessment (by Fortem dated 7th September 2021 Rev V7) and the following mitigation measures;

- i) Finished floor levels for habitable rooms shall be set no lower than 12.75 metres above Ordnance Datum (AOD), communal areas (excluding reception) are to be no lower than 11.48m AOD. Note, the plant room shall be set no lower than 11.02m AOD.
- ii) The ground floor of the building is to be designed and built so as to allow the free ingress and egress of flood flows, such that they are not displaced onto others.
- iii) the flood resilience measures detailed in the FRA in section 2.4 are to be incorporated into the development.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development

Reasons: To reduce the risk of flooding to the proposed development and future occupants. To prevent flooding elsewhere by ensuring that flood water is not displaced onto others. To reduce the impact of flooding to the proposed development and future occupants

27 Following demolition but prior to construction of the building details of the means of flood compensation measures shall be submitted to and approved by the Local Planning Authority. The development shall be constructed in accordance with these approved details.

The information shall include site specific details of:

- i) The proposed hit and miss brickwork and galvanised steel removable screens shown on drawing 1095-008A - Proposed Lower Ground Floor (Flood Water GA), and

- ii) A detailed management and maintenance plan for the compensatory storage area.

Reason: to ensure the free access and egress of flood water and that the full volume remains available and it does not become blocked by silt at all times.

- 28 The site shall be developed with separate systems of drainage for foul and surface water onsite and combined offsite.

Reason: In the interest of satisfactory and sustainable drainage.

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

- i) the flow control device manhole, means by which the surface water discharge rate shall be restricted to a maximum rate of 4.3 (four point three) litres per second,
- ii) 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,
- iii) a detailed foul and surface water drainage plan showing the existing and proposed foul and surface water drainage invert and cover levels,
- iv) full drainage calculations to include the level information requested in item iii), and
- v) the future management and maintenance of the proposed drainage scheme.

The development shall be constructed in accordance with these approved details.

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

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

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

31 The building hereby approved shall not be occupied until the areas as shown on the approved plan 19093-P310 Rev K (Lower Ground & Ground Floor Proposed), for parking and manoeuvring of vehicles have been constructed and laid out in accordance with these approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety

32 Prior to the first use of the student accommodation details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall detail the locations, heights, angle, design and lux of all external lighting. The development shall be carried out in accordance with the approved lighting scheme.

Any subsequent revisions or alterations to the lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved lighting scheme.

The external illumination to the roof top terrace shall be switched off when it is not in use.

Reason: So as to achieve a visually cohesive appearance. To ensure that the proposed development is not unduly prominent.

33 Prior to development (excluding demolition) the details of the openings/apertures to the compensatory flood storage area shall be submitted to and agreed in writing by the Local Planning Authority. The works shall then be completed in accordance with these approved details.

Reason: In the interest of visual amenity. To ensure that the apertures to the compensatory flood storage area are well integrated into the design. The information is sought prior to commencement of construction work to ensure that it is initiated at an appropriate point in the development procedure.

34 Prior to the first use of the building details of the roller shutter doors shall be submitted to and approved in writing by the Local Planning Authority. The roller shutter door shall be constructed in accordance with these approved details.

Reason: To achieve a visually cohesive appearance. To ensure that the door allows views into and through the site

35 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 the development and the works shall be carried out in accordance with the approved

details.

- (i) Balustrades / glazed screens to roof top terrace
- (ii) Details/section of raised planter/planting areas, to front/South west/Foss Islands Road elevation

The development shall be constructed in accordance with these approved details

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of clarity and the external appearance of the development, and in the interests of the character and appearance of the area. The information is sought prior to commencement to ensure that details are approved at an appropriate point in the development process.

36 The green roof shall be constructed prior to the first use of the student accommodation building.

Reason to ensure that the green roof is undertaken and to ensure a biodiversity net gain

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:

- Requested revised plans and information
- Use of conditions

2. INFORMATIVE:

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

3. Consent for highway works

The developer/owner 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 officer(s) named:

Application Reference Number: 20/01200/FULM

Item No 4a

- Works in the highway (Section 171) - streetworks@york.gov.uk
- Vehicle crossing (Section 184) - streetworks@york.gov.uk
- Temporary highway closure (Road Traffic Regulation Act 1984, Section 14)
highway.regulation@york.gov.uk

4. LEGAL AGREEMENT

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development

Contact details:

Case Officer: Victoria Bell

Tel No: 01904 551347

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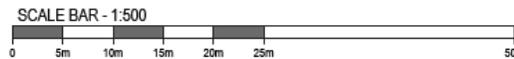
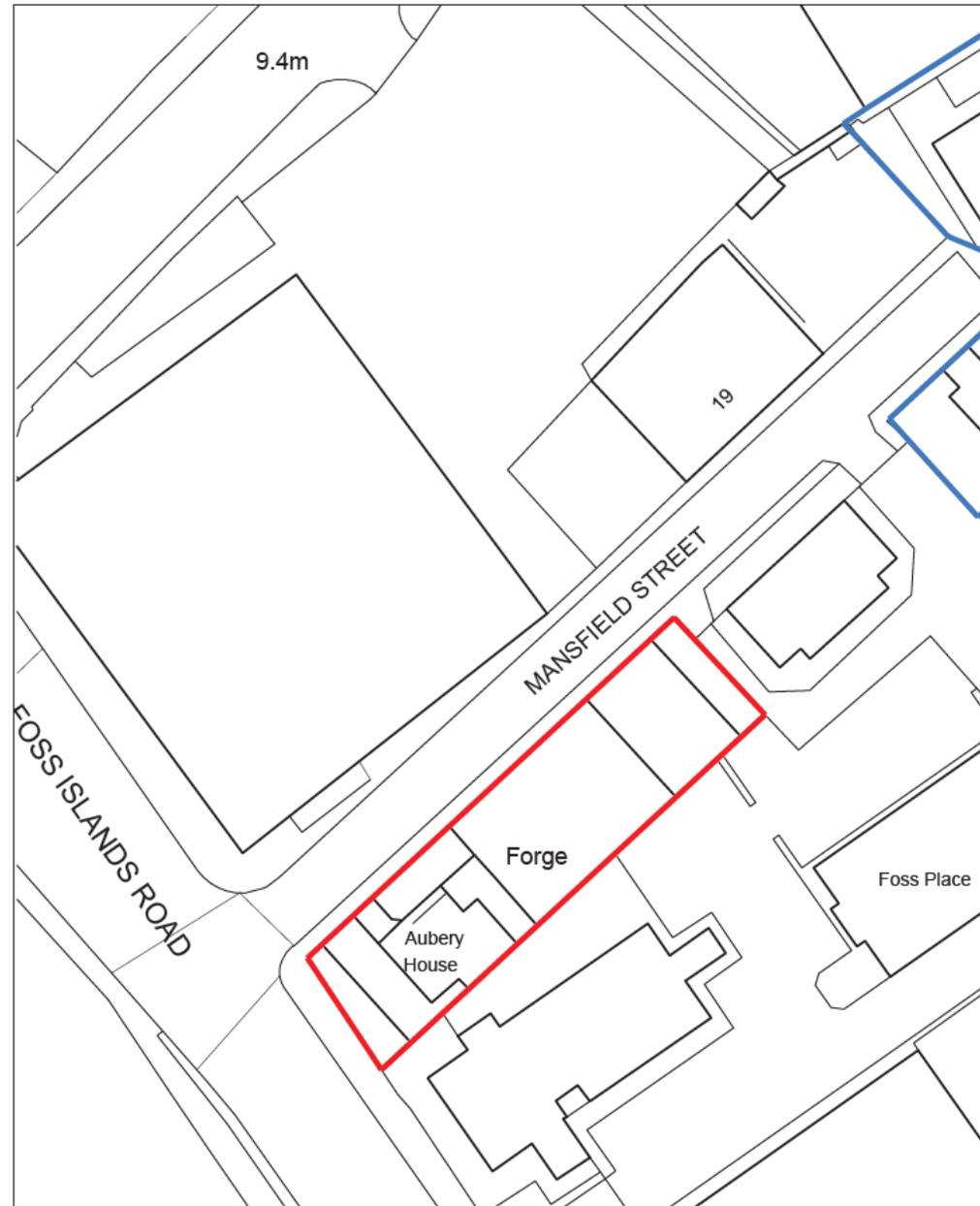
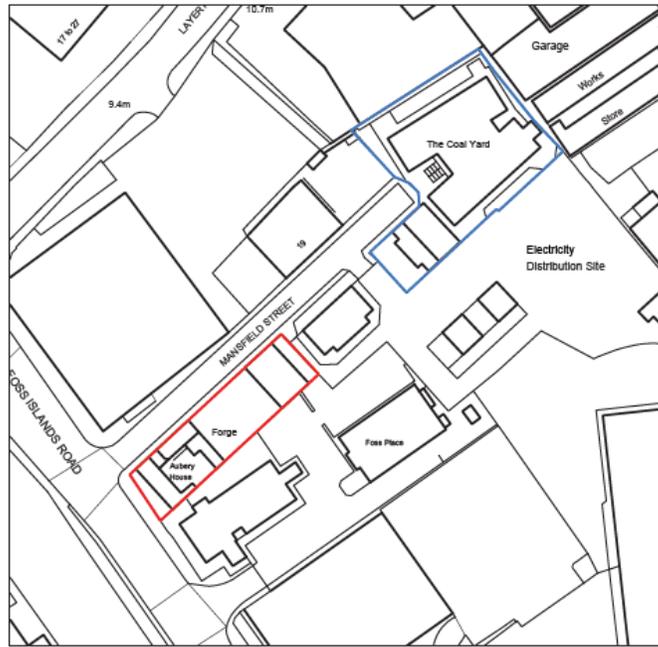
Planning Committee

To be held on Thursday 6th January 2022

2001200/FULM – Aubrey House, Foss Islands Road, York.

Erection of 5 storey student accommodation building with associated car parking following demolition of existing buildings.

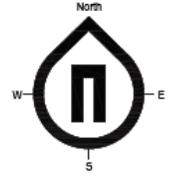
Site Location Plan



NOTES
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DRAWING STATUTORY KEY
 P Planning IM Sketch L Landscape C Construction
 F Planning M Main Building S Survey AB As Built
 T Tender TMT Treated OS Ordnance Survey

SURVEY NOTE
 The original building survey was undertaken by a third party NW Architects accepts no
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REV	DESCRIPTION	DATE	DRAWN	DATE	CHECKED	DATE
1	BLUE LINE 4/2020					



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CLIENT
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PROJECT
 Mansfield Street
 York

Scale	Drawn by	Check Date
1:1250, 1:500@A3	RAP	19-12-19
	Checked by	19-12-19
Drawn by:	Revision	
19093-S100	A	



Front Elevation
Aubrey House



Foss Islands Road - Streetscene



Foss Islands Road –
Streetscene and Set
back



Page 100

Foss Islands Road
Elevation



View of site from
City Walls
including
demolished
Carpetright
Building



Page 102

Mansfield Street
towards Foss Islands
Road – including
application site



Mansfield Street
facing West



Page 104

Application site from
Foss Place



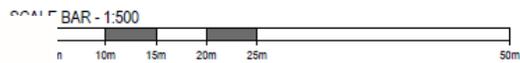
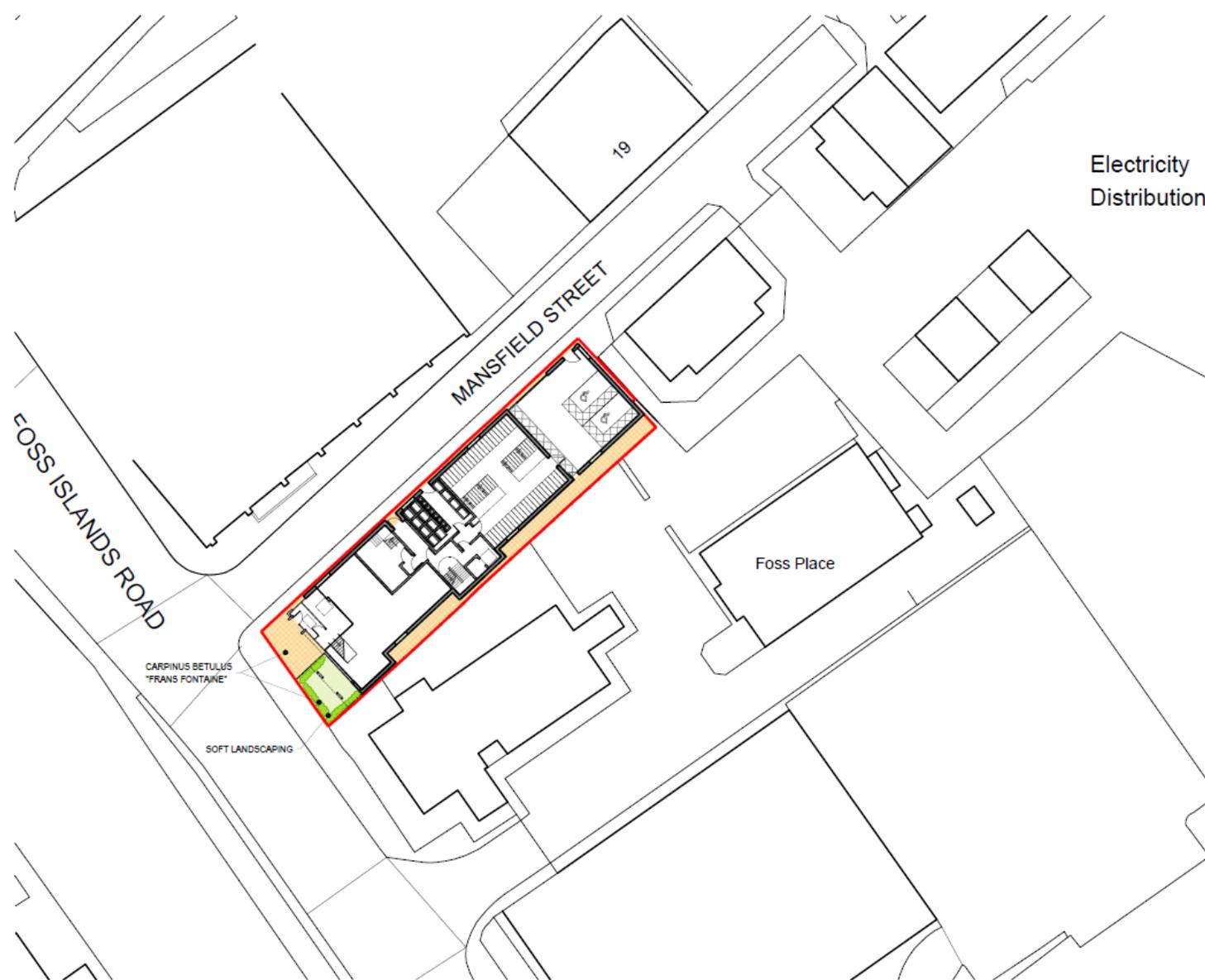
Page 105

Foss Islands House
Office elevation
facing application
site



Page 106

Proposed Site Plan

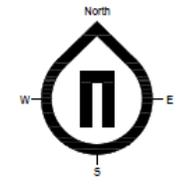


City of York Council Planning Committee Meeting - 6th January 2022

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DRAWING STATUS/TYPE KEY
F Feasibility SK Sketch L Landscape C Construction
P Planning M Meeting S Survey AB As Built
T Tender TNT Tenders OS Ordnance Survey

SURVEY NOTE
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Page 107

REV	DESCRIPTION	ISSUED	DATE	CHECKED	DATE
6	LAN PARKING AMENDED	MM	08/10/21	MM	08/10/21
5	LANDING & MANTENANCE DOOR AMENDED	AP	13/01/21	MM	13/01/21
4	BASE STONE AMENDED	AP	17/01/21	MM	17/01/21
3	BASE FOR PLANNING	AP	13/01/21	MM	13/01/21
2	GENERAL AMENDMENTS	AP	08/01/21	MM	08/01/21

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Mansfield Street
York

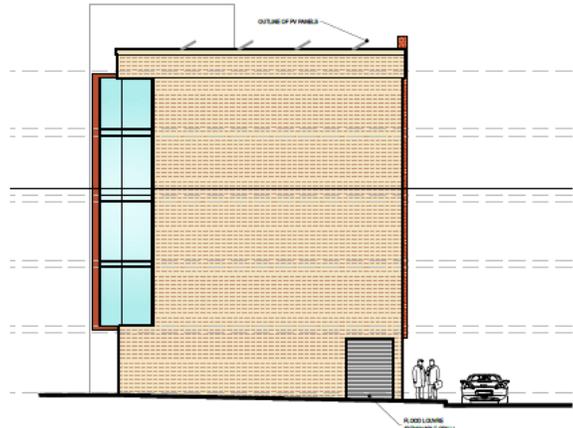
DRAWING TITLE
Site Plan
Proposed

Scale	1:500@A3	Drawn By	MM	Check Date	18/02/21
Sheet No.	13	Drawn By	MM	Check Date	18/02/21
Drawing No.	19093-P300	Revision	E		

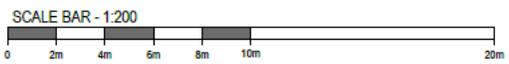
Proposed North West and North East Elevations



NORTH WEST ELEVATION PROPOSED



NORTH EAST ELEVATION PROPOSED



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DRAWING STATUTYPE KEY
P Planning SAC Street L Landscape C Construction
M Marketing S Survey AB As Built
T Tender TNT Tender OS Ordnance Survey

SURVEY NOTE
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REV	DESCRIPTION	DRAWN	DATE	CHECKED	DATE
A	ISSUED TO ALIATIONS	NW	28/11/21	NP	28/11/21

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URBANITE

PROJECT
Mansfield Street York

DRAWING TITLE
North & East Elevations

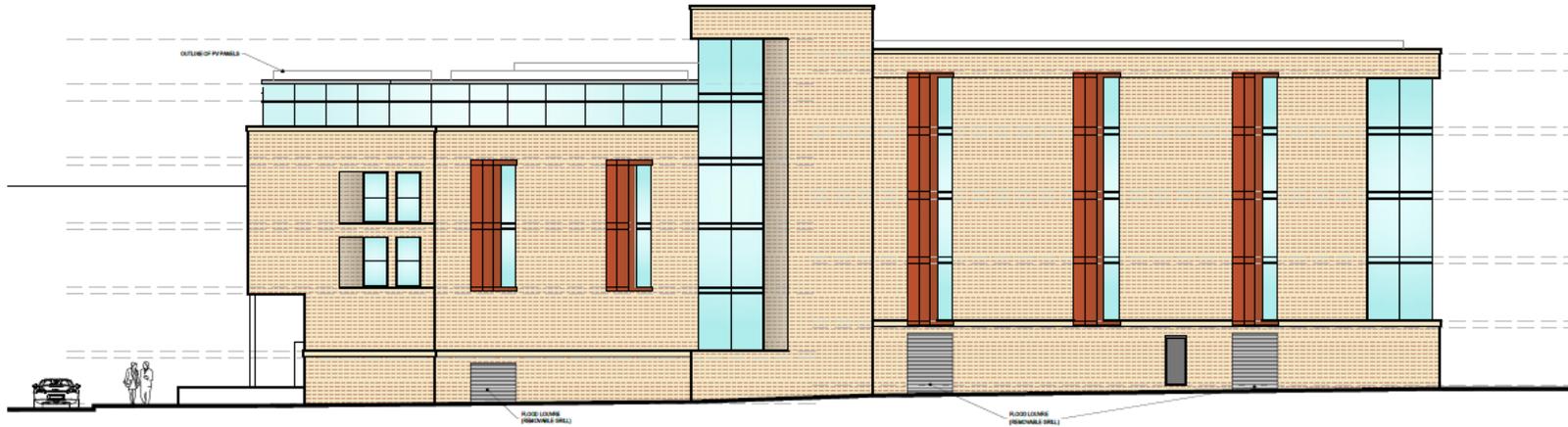
Scale	Drawn by	Date Issued
1:200@A3	AP	14-10-21
	Checked by	Date Checked
	NW	14-10-21
	Drawing No.	Revision
19093-P420	A	

Proposed South East and South West Elevations

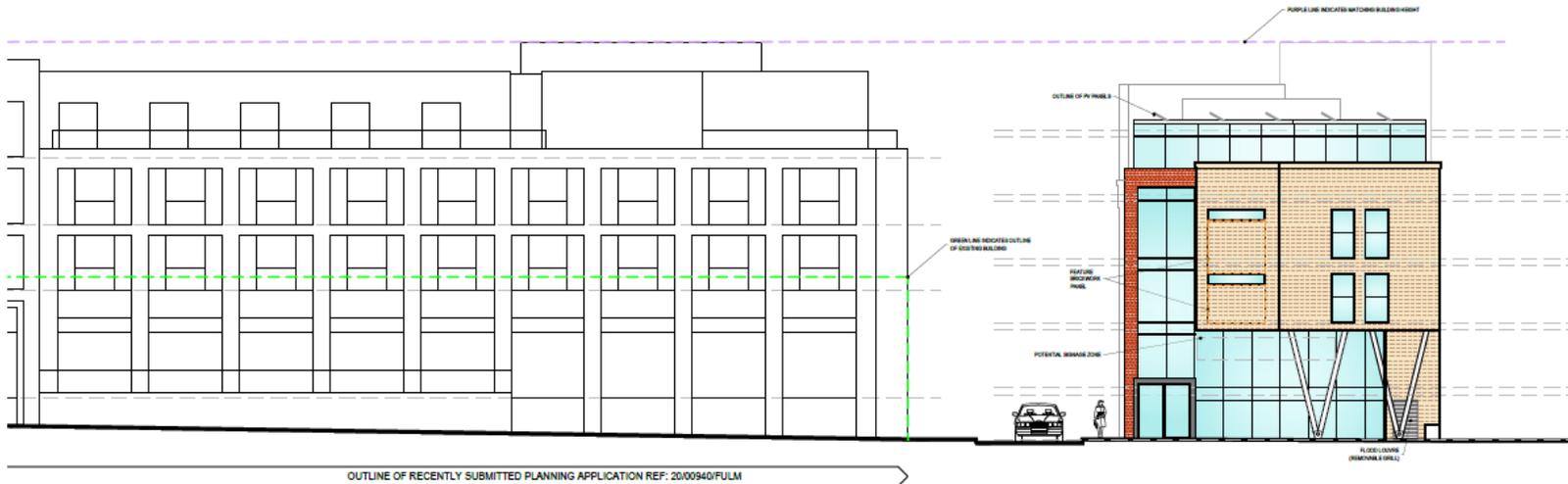
NOTES
 Do not scale from this drawing. Only typical dimensions are to be taken from the drawing.
 Contractor must verify all dimensions on site before commencing any work or major drainage.
 Report any discrepancies to the architect before commencing work. If the drawing exceeds the
 quantities listed in any way the architect will be held responsible for the work in excess. Work within
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DRAWING STATUSTYPE KEY
 P Planning SK Sketch L Landscape C Construction
 AP Planning M Marketing S Survey AB As Built
 T Tender TMT Tender OS Ordnance Survey

SURVEY NOTE
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SOUTH EAST ELEVATION PROPOSED



SOUTH WEST ELEVATION PROPOSED

SCALE BAR - 1:200



#	PLANNED TO SUBMIT	NO	DATE	APP	DATE
A	BREACHING FEATURES INDICATED	AP	20/11/21	NO	20/11/21
RD	DESCRIPTION	DRAWN	DATE	CHECKED	DATE

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PROJECT
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DRAWING TITLE
 West & South Elevations

Scale	Drawn by	Check by
1:200@A3	AP	16-10-21
	Checked by	16-10-21

Drawing No. 19093_P421
 Revision B

Proposed Streetscene Elevations

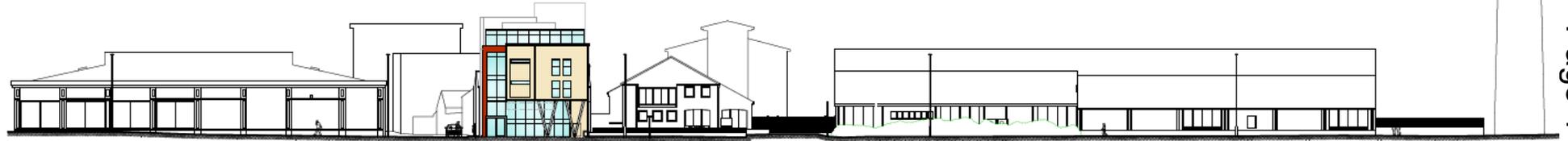
NOTES
 Do not scale from this drawing. Only figured dimensions are to be taken from this drawing.
 Contractors must verify all dimensions on the building concerning any work or site drainage.
 Report any discrepancies to the architect before commencing work. If this drawing exceeds the
 quantities stated in any contract or bill of materials for the work to be done, then within
 the Construction (Design & Management) Regulations 2015 it is not to start work and a Health and Safety
 Plan has been produced. This drawing is copyright and must not be reproduced without consent of
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DRAWING STATUS/TYPE KEY
 P Feasibility SK Sketch L Landscape C Construction
 PF Planning BH Building S Survey AB Artwork
 T Tender TMT Turret OS Ordnance Survey

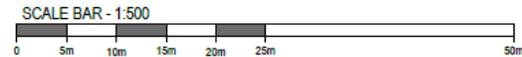
SURVEY NOTE
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FOSS ISLANDS ROAD - STREET SCENE PROPOSED SHOWING PROPOSED HOTEL DEVELOPMENT



FOSS ISLANDS ROAD - STREET SCENE PROPOSED



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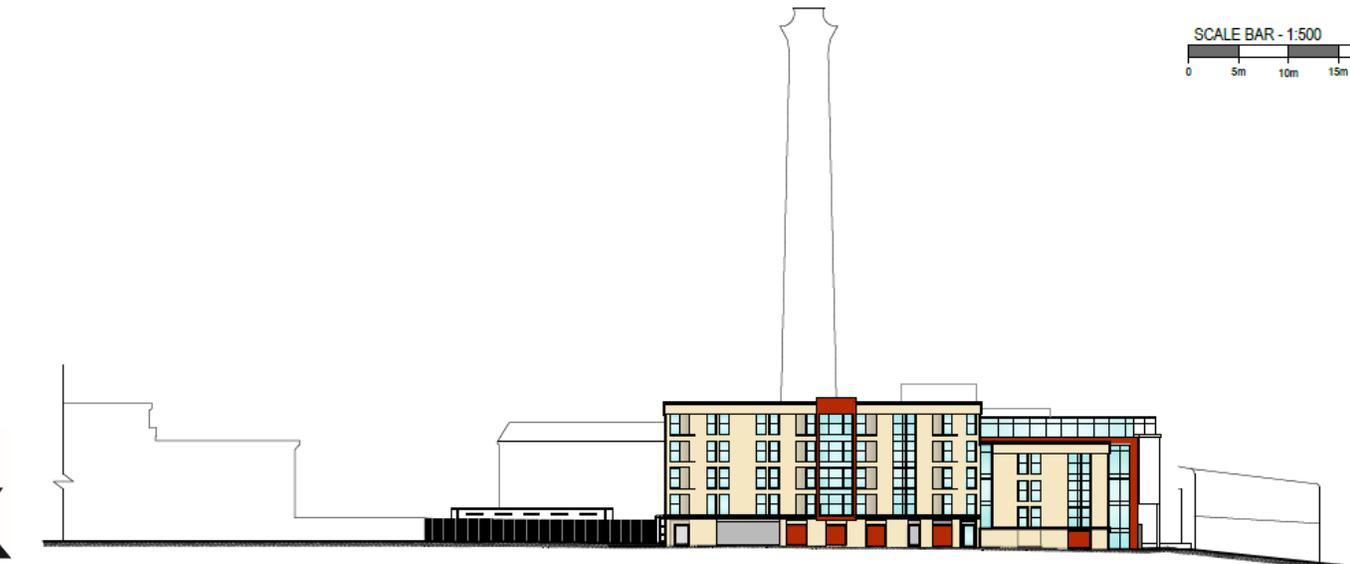
DRAWING TITLE
 Street Scene Elevations
 Proposed

Scale
 1:500@A3

Drawn By AP
Checked By NW

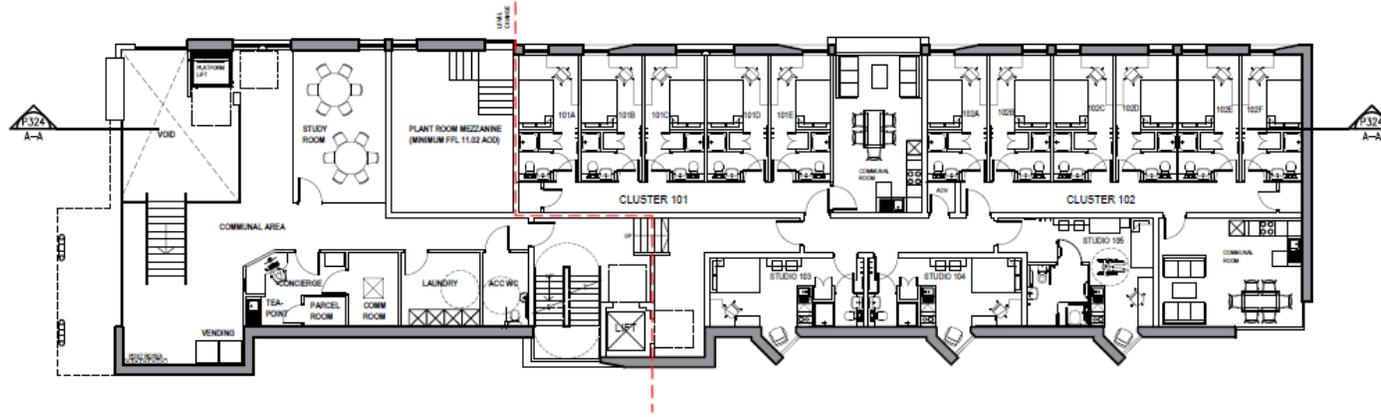
Date Drawn 14-10-21
Date Checked 14-10-21

Drawing No. 19093-P422

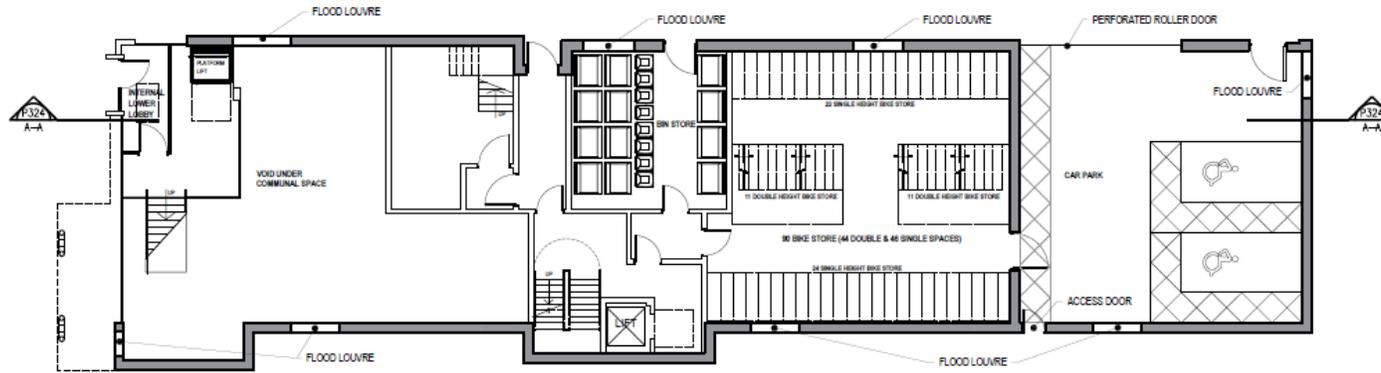


ANSFIELD STREET - STREET SCENE ELEVATION PROPOSED City of York Council Planning Committee Meeting - 6th January 2022

Proposed Floor Plans – Ground Floor and Lower Ground Floor



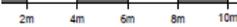
GROUND FLOOR



LOWER GROUND FLOOR



SCALE BAR - 1:200



City of York Council Planning Committee Meeting - 6th January 2022

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DRAWING STATUS/TYPE KEY
F Feasibility SK Sketch L Landscape C Construction
P Planning M Marketing S Survey AB Air Data
T Title TWT Tweak GB Ordnance Survey

SURVEY NOTE
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REV	DESCRIPTION	DRAWN	DATE	CHECKED	DATE
K	GROUND FLOOR STUDY ROOM INCREASED	AP	20/11		21/11/21
J	PARKING MARKED	MM	18/10		19/10/21
I	PARKING MARKS AMENDED	AP	19/10		19/10/21
H	FLOOD LOUVER MARKED	MM	23/08		24/08/21
G	LOCKING & MAINTENANCE DOOR ADDED	AP	12/07/21		21/07/21
F	ACCOR MARKS AMENDED	MM	12/07/21	MM	12/07/21
E	CLANNERS NOTED	AP	08/04/21	MM	08/04/21
D	BIKE STORE MARKED	AP	17/03/21	MM	17/03/21
C	GRASS FOR PLAY MARKED	AP	12/03/21	MM	12/03/21
B	OFFICE LOUVER ADDED	AP	08/02/21	MM	08/02/21

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PROJECT
Mansfield Street
York
DRAWING TITLE
Lower Ground & Ground Floor
Proposed

DATE	BY	FOR
1:200@A3	AP	18-02-21
1:7	MM	18-02-21

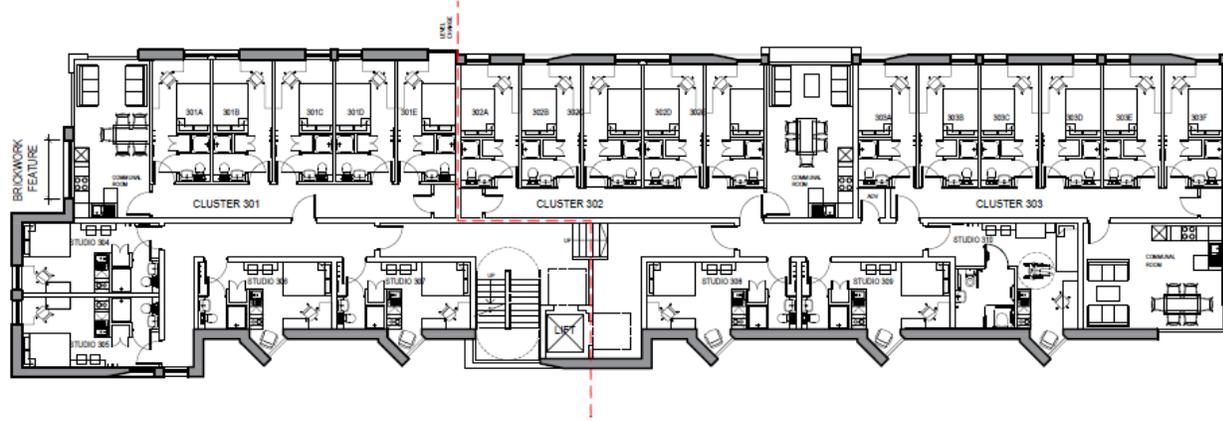
Drawing No. 19093-P310

Proposed Floor Plans – First Floor and Second Floor

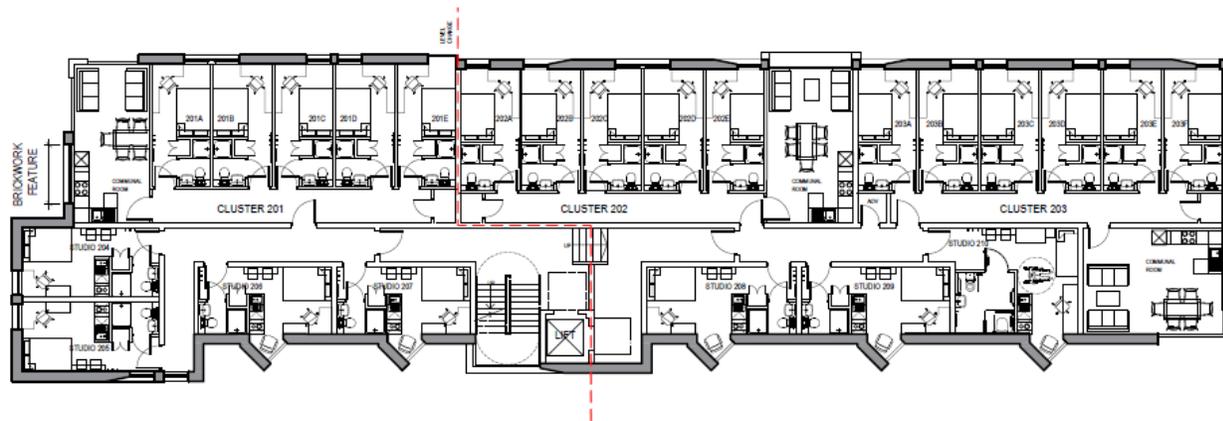
NOTES
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DRAWING STATUS/TYPE KEY
 F: Feasibility SK: Sketch L: Landscape C: Construction
 P: Planning M: Marketing S: Survey AB: At Risk
 T: Tender TNT: Tender OS: Ordnance Survey

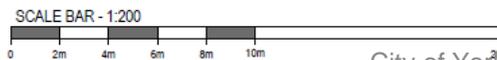
SURVEY NOTE
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SECOND FLOOR



FIRST FLOOR



City of York Council Planning Committee Meeting - 6th January 2022



NO.	DESCRIPTION	DATE	BY	CHECKED	DATE
1	ISSUE FOR PLANNING	10/01/22	AP	MM	10/01/22
2	DESCRIPTION	10/01/22	AP	MM	10/01/22

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PROJECT
Mansfield Street York

DRAWING TITLE
First & Second Floor Proposed

DATE	SCALE	REVISION
1:200@A3	AP	18-02-21
	MM	18-02-21
	NW	18-02-21

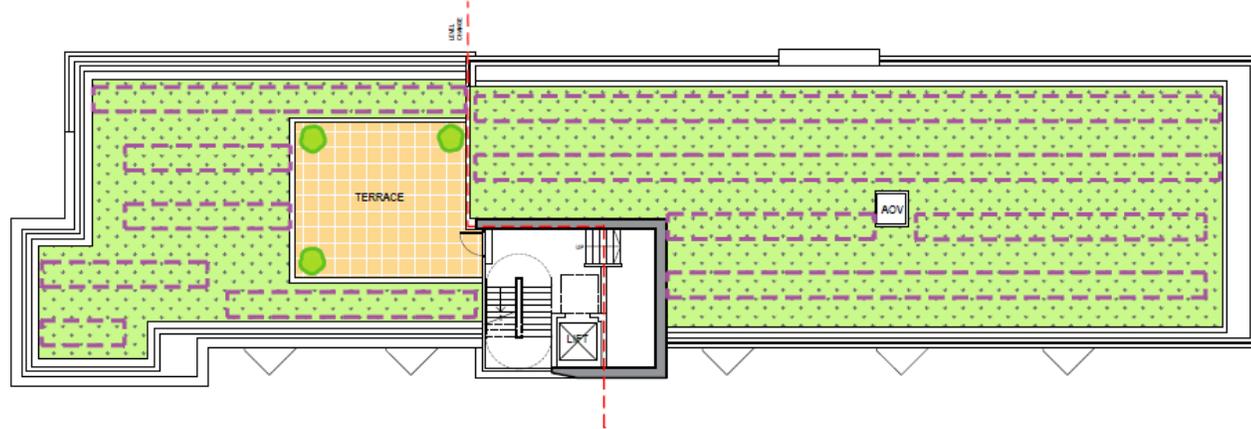
Drawing No. **19093-P311** Revision **B**

Proposed Floor Plans – Third Floor and Fourth Floor

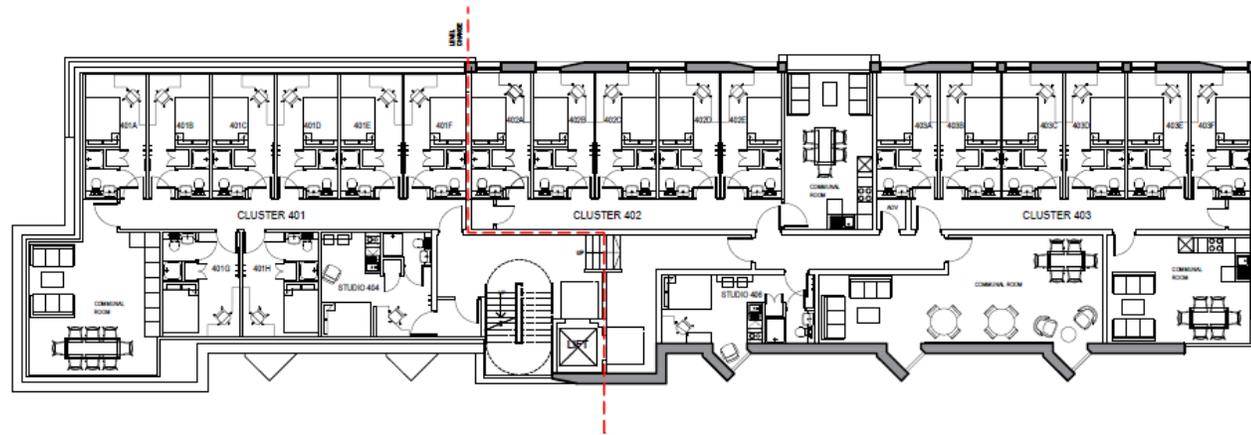
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DRAWING STATUSTYPE KEY
 F: Feasibility SK: Sketch L: Landscape C: Construction
 P: Planning M: Marketing S: Survey AB: Artistic
 T: Tender TMT: Titled OS: Ordnance Survey

SURVEY NOTE
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FOURTH FLOOR



THIRD FLOOR



REV	DESCRIPTION	DRAWN	DATE	CHECKED	DATE
E	LAYOUT AMENDED; COMMUNAL AREA ADDED	AP	14/10/21	SW	14/10/21
D	TOP FLOOR WORKING DRAWING AMENDED	SA	12/10/21	SW	12/10/21
C	PLANNING	SA	12/04/21	SW	12/04/21
B	AREA FOR PV ADDED	AP	09/04/21	SW	09/04/21
A	BASELINE FOR PLANNING	AP	10/03/21	SW	10/03/21



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PROJECT
 Mansfield Street
 York

DRAWING TITLE
 Third & Fourth Floor
 Proposed

Scale	Drawn By	Task Status
1:200@A3	AP	18-03-21
	Checked By	Date Checked
	SW	18-03-21
Drawing No.	Revision	
19093-P312	E	



Visualisation 1



Page 114

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PROJECT
 Mansfield Street York

DRAWN BY
 RS

DATE DRAWN
 19-10-21

DRAWING TITLE
 Photorealistic Visual

DRAWING NUMBER
 19093-P430

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Visualisation 2



Page 115



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PROJECT Mansfield Street York	DRAWN BY RS	DATE DRAWN 14-10-21
DRAWING TITLE Photorealistic Visual - Street Scene 1		DRAWING NUMBER 19093-P432

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Visualisation 3



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PROJECT
Mansfield Street York

DRAWN BY
RS

DATE DRAWN
18-10-21

DRAWING TITLE
Photorealistic Visual - Street Scene 2

DRAWING NUMBER
19093-P433

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