



Notice of meeting of

Planning Committee

To: Councillors R Watson (Chair), Simpson-Laing (Vice-Chair), Bennett, Cregan, Crisp, D'Agorne, Firth, Sue Galloway, Galvin, Horton, Hudson, Jamieson-Ball, King, Moore, Reid and B Watson

Date: Tuesday, 26 June 2007

Time: 4.30 pm

Venue: The Guildhall, York

AGENDA

Site visits for this meeting will commence at 12:30pm on Monday 25 June 2007 at Memorial Gardens

1. Declarations of Interest

At this point, members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

2. Minutes (Pages 5 - 28)

To approve and sign the minutes of the meetings of the Planning Committees held on 26 April and 31 May 2007.

3. Public Participation

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

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

4. Plans List

This item invites Members to determine the following planning applications:

a) Factory Bishopthorpe Road York YO23 1NA (07/00540/FUL)
(Pages 29 - 44)

Change of use to B1 offices and external alterations to the former time office building, including extension to existing car park

b) Factory Bishopthorpe Road York YO23 1NA (07/00541/LBC)
(Pages 45 - 54)

Change of use to B1 offices and external alterations to the former time office building, including extension to existing car park

c) Factory Bishopthorpe Road York YO23 1NA (07/00976/FUL)
(Pages 55 - 68)

Erection of 2-storey temporary office accommodation (460 m²) to former Time Office Building

d) Factory Bishopthorpe Road York YO23 1NA (07/00977/LBC)
(Pages 69 - 76)

Erection of 2-storey temporary office accommodation (460 m²) to former Time Office Building

e) Factory Bishopthorpe Road York YO23 1NA (07/00538/FUL)
(Pages 77 - 88)

Change of use to B1 offices and external alterations to the former time office building, including extension to existing car park and glazed extension to roof

f) Factory Bishopthorpe Road York YO23 1NA (07/00539/LBC)
(Pages 89 - 96)

Change of use to B1 offices and external alterations to the former time office building, including extension to existing car park and glazed extension to roof

- g) Royal Masonic Benevolent Institute Homes Connaught Court St Oswalds Road York YO10 4QA (05/00022/OUTM) (Pages 99 - 146)**

Outline application for erection of extra care sheltered accommodation, extension to Elderly Mentally Frail unit, residential development, relocation of existing bowling green and provision of new access road and car parking (revised scheme)

- h) York College Of Further And Higher Education Tadcaster Road Dringhouses York YO24 1UA (07/00752/REMM) (Pages 147 - 182)**

Reserved matters application for residential development comprising 360 dwellings after demolition of existing college (Resubmission)

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

Democracy Officer:

Name: Sarah Kingston

Contact Details:

- Telephone – (01904) 552030
- E-mail – sarah.kingston@york.gov.uk

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

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

Contact details are set out above.

This page is intentionally left blank

PLANNING COMMITTEE – Tuesday 26 June 2007**SITE VISITS****Monday 25 June 2007**

**Members of Committee should meet at Memorial Gardens at
12:30 pm**

TIME (Approx)	SITE	ITEM
12:30pm	Meet at Memorial Gardens	
12:40pm	Time Office Building Terry's (07/00538/FUL, 07/00539/LBC, 07/00540/FUL, 07/00541/LBC, 07/00976/FUL,07/00977/LBC)	4a – 4f
1:20 pm	RMB Connaught Court (05/0022/OUTM)	4g
2:15 pm	York College (07/00752/REMM)	4h

This page is intentionally left blank

About City of York Council Meetings

Would you like to speak at this meeting?

If you would, you will need to:

- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

A leaflet on public participation is available on the Council's website or from Democratic Services by telephoning York (01904) 551088

Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

Access Arrangements

We will make every effort to make the meeting accessible to you. The meeting will usually be held in a wheelchair accessible venue with an induction hearing loop. We can provide the agenda or reports in large print, electronically (computer disk or by email), in Braille or on audio tape. Some formats will take longer than others so please give as much notice as possible (at least 48 hours for Braille or audio tape).

If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

Every effort will also be made to make information available in another language, either by providing translated information or an interpreter providing sufficient advance notice is given. Telephone York (01904) 551550 for this service.

যদি যথেষ্ট আগে থেকে জানানো হয় তাহলে অন্য কোন ভাষাতে তথ্য জানানোর জন্য সব ধরনের চেষ্টা করা হবে, এর জন্য দরকার হলে তথ্য অনুবাদ করে দেয়া হবে অথবা একজন দোভাষী সরবরাহ করা হবে। টেলিফোন নম্বর (01904) 613161.

Yeteri kadar önceden haber verilmesi koşuluyla, bilgilerin tercümesini hazırlamak ya da bir tercüman bulmak için mümkün olan herşey yapılacaktır. Tel. (01904) 613161.

我們竭力使提供的資訊備有不同語言版本，在有充足時間提前通知的情況下會安排筆譯或口譯服務。電話(01904) 613161。

کسی بھی دوسری زبان میں معلومات کی دستیابی ترجمہ شدہ معلومات، ترجمان کی شکل میں یقینی بنانے کے لئے ہر ممکن کوشش کی جائے گی، بشرطیکہ اس کے لئے پہلے سے سنا سب اطلاع کی جائے۔ ٹیلی فون (01904) 613161

Holding the Executive to Account

The majority of councillors are not appointed to the Executive (38 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Advisory Panel (EMAP)) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

Scrutiny Committees

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

Who Gets Agenda and Reports for our Meetings?

- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to;
- Public libraries get copies of **all** public agenda/reports.

City of York Council

Minutes

MEETING	PLANNING COMMITTEE
DATE	26 APRIL 2007
PRESENT	COUNCILLORS R WATSON (CHAIR), BARTLETT, CUTHBERTSON, HILL, HYMAN, JAMIESON-BALL, MOORE, REID, SIMPSON-LAING, WILDE, MORLEY (SUBSTITUTE) AND B WATSON (SUBSTITUTE)
APOLOGIES	COUNCILLORS BLANCHARD, HORTON, MACDONALD, SMALLWOOD AND I WAUDBY

59. SITE VISITS

The following site was inspected before the meeting:

Site	Reason for Visit	Members Attended
The Fishergate Centre 4 Fishergate York YO10 4FB	Due to objections received and for Members to familiarise themselves with the site.	Cllrs Hyman, Reid, B Watson & R Watson

60. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda. No interests were declared.

61. MINUTES

RESOLVED : That the minutes of the meetings held on 22 February 2007, 5 March 2007 & 29 March 2007 be approved and signed by the Chair as a correct record.

62. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak, under the Council's Public Participation Scheme, in general issues within the remit of this committee.

63. PLANS LIST

Members considered reports of the Assistant Director, Planning & Sustainable Development, relating to the following planning applications, outlining the proposals and relevant considerations and setting out the views and advice of consultees and officers.

63a The Fishergate Centre 4 Fishergate York YO10 4FB (06/02838/CAC)

Members considered a Conservation Area Consent application, submitted by City of York Council, for the demolition of a non listed building in a conservation area.

Officers updated that two further letters of objection had been received, raising a number of concerns, one of which was the effect of demolition due to the presence of bats.

Members discussed the re-use of materials if the demolition were to be approved, environmental and sustainability issues, and the requirement for a construction management scheme.

RESOLVED : That the application be approved, subject to the approval of the Secretary of State, and subject to the conditions outlined in the report.

REASON: The proposal, subject to the conditions outlined in the report , would not cause undue harm to interests of acknowledged importance, with particular reference to the character and appearance of the conservation area. As such the proposal complies with Planning Policy Guidance Note 15: Planning and Historic Environment, Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies HE3 and HE5 of the City of York Draft Local Plan (incorporating 4th set of changes).

63b The Fishergate Centre 4 Fishergate York YO10 4FB (06/02837/GRG3)

Members considered a General Regulations Reg 3 application, submitted by City of York Council, for the erection of part two/part three storey building to accommodate homeless persons' hostel (22 beds) with staff living accommodation, training and reception areas, following demolition of existing buildings.

Officers updated that two further letters had been received from residents regarding personal safety issues and the increase in crime if the proposal were to be approved. Yorkshire Water had requested three conditions relating to foul and surface water drainage and an informative on surface water discharge if the application were to be approved. The Environment Agency had no further comments on the revised plans which had been submitted. The Council's Landscape architect stated that they would accept that if the application were approved the sycamore tree to the rear of 2 Fishergate would be felled. Officers further updated that if Members were minded to approve the application that an additional condition be included regarding obscured glazing and non-opening windows. They also updated that if Members were minded to approve the application they would recommend that condition 9 be amended to cover the eventuality that bats may be present, that condition 17 be amended to refer to floor levels for the rear part of the building fronting onto the River Foss Basin, that condition 20 be amended to include infill railings on the eastern

boundary wall with the Masons Arms between the two single storey extensions of the public house, and that condition 21 be revised to request a BREEAM rating of “very good”.

Representations were received in objection to the application from a resident of Fishergate on behalf of himself and other residents. He stated that a number of key issues had been ignored in relation to the objections from local residents and businesses, the recommendations of experts regarding the design, and the advice of the CYC Conservation Officer had been ignored.

Representations were received from a nearby resident regarding personal safety issues. She stated that she was concerned regarding the type of users of the centre and was concerned about the increase in crime and disorder if approval were granted. She also stated that she felt that a decision had already been made on the application. The Chair of the committee clarified that this was not the case and that the decision as to whether the application was approved or refused lay with this committee.

The Assistant Director of Housing Services, City of York Council, the applicant, spoke in support of the application. He stated that the kind of support which is given to the homeless had changed over the last five years, and the approach was now to empower individuals and for them to learn to re-establish their skills. He stated that there was a planned approach for users of the centre, with each resident signing up to a resettlement programme. He stated that there were certain myths about the project but it was a settled project and that there would be no impact on the local area. He stated that over the past three and a half years there had been no complaints regarding the current Peasholme Resettlement Centre, and that there are and would continue to be robust procedures in place and the centre would be manned 24 hours a day.

Representations were received from a representative of Fishergate Planning Panel. He raised issues regarding public safety, design and loss of employment land. With regard to safety he stated that the premises were on a busy road and there were issues regarding the safety of existing residents. With regard to design, issues were raised regarding the fact that the application is in a conservation area, and the materials which were proposed to be used. Regarding loss of employment land, he stated that the proposals breached PPG4 and that the city centre is a better location for small businesses, rather than an out of town centre, for example Clifton Moor which is not accessible.

Cllr D’Agorne spoke as a Ward Councillor. He raised issues regarding design and residents concerns. He stated that the CYC Conservation Officer was not happy with the proposals and that he had concerns regarding the design and elevation issues, and scale and massing. With regard to residents concerns he raised issues regarding personal safety, loss of views, highway safety issues and parking problems.

Members discussed road safety issues, issues surrounding the requirement for a community liaison group, the consultation process, and design. The difference between the proposed new centre and the existing Peasholme Centre was discussed, in terms of facilities and services

available. The opening hours of the centre were discussed, and the lockdown hours and hours of use of the outside area. Design was discussed in terms of height and massing, frontage, and materials. Highway safety was discussed in terms of pedestrian safety and the possibility of extending the current railings were discussed.

RESOLVED : That the application be approved subject to the conditions outlined in the report and subject to the following additional and amended conditions and additional informative:

Additional conditions:

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

Reason: In the interest of satisfactory and sustainable drainage.

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

Reason: To ensure that the development can be properly drained.

- 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: To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

- The first and second floor windows on the eastern elevation of the rear part of the building hereby approved facing towards the Mason's Arms Public House, that serve the corridors, bathroom (room FF23), staircase, laundry (room FF21) and stores, shall be fitted with obscure glazing and be non-opening at all times.

Reason: In the interests of residential amenity.

- Before occupation of the building hereby approved, a community liaison group shall be established in accordance with details to be submitted to and approved in writing by the Local Planning Authority. This group shall include representatives for the resettlement centre, from the Fishergate Ward Committee and other bodies representing local people. The terms of reference for the group shall be to seek to resolve issues or conflicts of interest arising during the operation of the use hereby approved and to promote and develop integration of the development and its residents into the local community. The details shall include those representative on the group and the arrangements for meeting. The group shall meet in accordance with the submitted details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To promote and develop integration of the development into the local community.

- Prior to the commencement of any works, a detailed construction management scheme shall be submitted to and agreed in writing by the Local Planning Authority. This shall include information on the order of development of the site, including demolition, and a method of works statement covering precautions to be taken to ensure the safety of the general public using the surrounding highway network. The development shall be implemented in accordance with the approved scheme.

Reason: To ensure that the works are carried out in a safe manner and with minimum disruption to users of the adjacent public highway.

Additional Informative:

- To prevent overloading the public sewer network, surface water discharges to the network should be restricted to the level of run-off (i.e. same points and rates of discharge) from previous use of the site. The developer will have to demonstrate positive drainage to the public sewer to the satisfaction of Yorkshire Water and the Local Planning Authority by means of investigation and calculation. The developer is also advised to contact the relevant drainage authorities with a view to establishing a suitable watercourse for the disposal of surface water.

Amended conditions:

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

Drawing no. 9099(2)10J 'Proposed Ground Floor Plan' dated 30.5.07 and received 31 May 2007;

Drawing no. 9099(2)11G 'Proposed First Floor Plan' dated 30.5.07 and received 31 May 2007;

Drawing no. 9099(2) 12F 'Proposed Second Floor Plan' dated 30.5.07 and received 31 May 2007;

Drawing no 9099(2)13C 'Roof Plan' dated 21.12.06 and received 21 Dec 2006;

Drawing no. 9099(2)15H 'Elevations - Proposed' dated 14.4.07 and received 15 May 2007;

Drawing no. 9099(2)16D 'Courtyard Elevations - Proposed' dated 21.3.07 and received 24 March 2007;

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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

7. 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 development. The windows on the front elevation of the building facing Fishergate shall be timber painted. The colour finish of all the windows shall be agreed in writing by the Local Planning Authority beforehand.

Reason: So as to achieve a visually cohesive appearance.

9 No development shall take place until full details of what measures for bat mitigation and conservation are proposed and have been submitted to and approved by the Council.

The measures should include details of:

- i. Further emergence survey at the appropriate time of year and no more than 1 month prior to demolition, if the demolition is to be carried out between April and September. The results of the survey should be submitted to and approved in writing by the Local Planning Authority before any work commences.
- ii. A plan of how demolition work is to be carried out to accommodate bats. This will include the removal by hand of roof tiles to expose the loft and to examine the loft for evidence of a roost.
- iii. Details of what provision is to be made within the new building to replace the features lost through the demolition of the original structure. Features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards, bat boxes and bat lofts and should at least replace or substitute for what is existing.
- iv. The timing of all operations.

The works shall be implemented in accordance with the approved details and timing unless otherwise approved in writing by the Council.

If bats are discovered during the course of the survey or subsequently during work in progress, then all work should cease and Natural England consulted before continuing. It may be necessary to apply for a licence from Defra before proceeding.

Reason: To take account of and enhance habitat for a protected species. It should be noted that under PPS9 the replacement/mitigation proposed should provide a net gain in wildlife value.

17 Floor levels for the rear part of the building fronting onto the River Foss Basin shall be set at least 600mm above the 1982 flood level of 9.96 metres above Ordnance Datum.

Reason: To protect the development from flooding.

19. An appropriate Evacuation Plan (in consultation with the City of York Council Emergency Planning Officers) must be in place prior to any occupation of the development.

Reason: To ensure staff and residents vacate the premises before flooding affects the designated egress route.

20 Before development commences, details of measures to reduce the opportunity for crime and anti-social behaviour shall be submitted to and approved in writing by the Local Planning Authority. These shall include the installation of Closed Circuit Television at the site and infill railings on the eastern boundary wall with the Mason's Arms between the two single storey extensions of the public house. The development shall be carried out in accordance with the approved details.

Reason: In order to reduce the opportunity of crime and anti-social behaviour in the interests of amenity.

21 The developer shall aim to achieve a BREEAM "very good" assessment standard for the development. Prior to the commencement of any works on the site, the developer shall submit in writing for the approval of the Local Planning Authority a BREEAM design assessment demonstrating the progress of the BREEAM assessment, the percentage score expected to be achieved and the standard to which this relates.

Reason: In order to ensure that the proposal complies with the principles of sustainable development.

- And that the details of the West elevation be delegated to the Chief Officer, Chair, Vice Chair and Opposition Spokesperson for approval.

REASON : The proposal, subject to the conditions listed in the report and above, would not cause undue harm to interests of acknowledged importance, with particular reference to: principle of redevelopment of site; loss of existing employment land/office use; suitability of site for proposed use; design considerations including design, crime, sustainability and accessibility; historic environment; natural environment; amenity of local residents and occupants; environmental considerations, including contamination, noise and air quality; flood risk; and access, parking and highway safety. As such the proposal complies with national planning policy set out in PPS1 (Delivering Sustainable Development), PPS3 (Housing), PPG4 (Industrial, Commercial and Small Firms), PPS9 (Biodiversity and Geological Conservation), PPG13 (Transport), PPG15 (Planning and the Historic Environment), PPG16 (Archaeology and Planning),

PPS23 (Planning and Pollution Control), PPG24 (Planning and Noise) and PPS25 (Development and Flood Risk), the 1956 York Town Map and Regional Spatial Strategy for Yorkshire and the Humber (2004) and Policies H9 and E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies E3B, H12, H17, SP1, SP3, SP6, SP7B, GP1, GP3, GP4A, GP4B, GP6, GP11, GP15A, HE2, HE3, HE10, T4 of the City of York Draft Local Plan (incorporating fourth set of changes).

64. COMMUTED SUM PAYMENTS FOR OPEN SPACE IN NEW DEVELOPMENTS

Members considered a report which sought Members approval for York based commuted sum payments towards open space provision in new developments. The report asked Members to approve a more structured commuted sum payments process than presently used for planning applications relating to residential, employment, retail and leisure uses where appropriate. The proposed commuted sum payments will form an interim basis for decision making in development control, until the Local Development Framework (LDF) is sufficiently advanced to be used for deciding planning applications.

Members of the LDF Working Group considered this issue at their meeting on 4 December 2006 and agreed that the commuted sum figures be recommended to Planning Committee for approval with amendments. The commuted sums have now been updated and account taken of inflation as at 1 April 2007.

Members discussed the provision of open space as being of paramount importance, and suggested that the approach to commuted sum payments be amended to reflect this. It was highlighted that although commuted sum payments would be required for developments of under 10 dwellings (in accordance with policy L1c of the City of York Local Plan - 4th Set of Changes, April 2005), for developments of 10 or more dwellings, on-site provision would be the preferred option before commuted sum payments for off-site provision would be considered. They also discussed the issue of commuted sum payments for open space being carried forward through the LDF process when this supersedes the Local Plan.

RESOLVED :

- (i) That the approach to Commuted Sum payments and the attached note as set out in Annex D to support the application of L1c of the Fourth Set of Changes to the City of York Local Plan be approved;

(ii) That the approach to commuted sum payments document be amended to reflect that the council expects in the first instance, on residential developments of 10 or more, that open space should be provided on site, and that the second option is commuted sum payments towards off-site provision;

(iii) That the issue of Commuted Sums continue be dealt with via the LDF process.

REASON:

To give certainty, clarity and accountability towards the council's approach towards requiring commuted sum payments towards open space, and to reinforce the council's view that open space provision should be provided on site at the first instance.

COUNCILLOR R WATSON
CHAIR

The meeting started at 4.30 pm and finished at 8.20 pm.

This page is intentionally left blank

City of York Council

Minutes

MEETING	PLANNING COMMITTEE
DATE	31 MAY 2007
PRESENT	COUNCILLORS R WATSON (CHAIR), HORTON, JAMIESON-BALL, MOORE, REID, SIMPSON-LAING (VICE-CHAIR), SUE GALLOWAY, B WATSON, CREGAN, CRISP, TAYLOR (SUBSTITUTE), BENNETT, GALVIN AND HUDSON
APOLOGIES	COUNCILLORS HYMAN, D'AGORNE, FIRTH AND KING

1. SITE VISITS

The following sites were inspected before the meeting:

Site	Reason for Visit	Members Attended
Language Centre University Road to Central Hall York	Due to comments received and for Members to familiarise themselves with the site	Cllrs R Watson, Jamieson-Ball, Reid, S Galloway, B Watson, Crisp, Bennett, Galvin & Hudson
Oaklands School Cornlands Road York YO24 3WZ	For Members to familiarise themselves with the site	Cllrs R Watson, Jamieson-Ball, Reid, S Galloway, B Watson, Crisp, Bennett, Galvin & Hudson

2. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda.

Cllr Moore declared a personal and prejudicial item in Agenda Item 3e, Oaklands School Cornlands Road York YO24 3WZ, as his wife was an employee of a nearby business, and left the room and took no part in the discussion or the decision thereon.

Cllr S Galloway declared a personal and prejudicial interest in agenda item 4, Nestle South – Revised draft development brief, as she is a retired employee of Nestle, and left the room and took no part in the discussion or the decision thereon. Cllr Cregan declared a personal and prejudicial interest in the same agenda item as a retired employee of Nestle, and took no part in the discussion or the decision thereon.

Cllr Taylor declared an interest under the provisions of the Planning Code of Good Practice in Agenda Item 3c Barbican Centre Paragon Street York YO10 4AG, as he had previously made his views known on the item, and left the room and took no part in the discussion or the decision thereon. Cllr Horton declared an interest under the provisions of the Planning Code of

Good Practice in the same agenda item, as he had previously considered the Barbican licensing application, and left the room and took no part in the discussion or the decision thereon.

3. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak, under the Council's Public Participation Scheme, in general issues within the remit of this committee.

4. PLANS LIST

Members considered reports of the Assistant Director, Planning & Sustainable Development, relating to the following planning applications, outlining the proposals and relevant considerations and setting out the views and advice of consultees and officers.

4a Home Farm Corban Lane Wigginton York YO32 2RD (07/00653/FULM)

Members considered a major full application, submitted by Mr K & Mrs AD Roberts, for a car boot sale on part of field 8330 on 20 Sundays a year, with entrance from Wigginton Road and exit to Corban Lane (resubmission).

Representations were received from Martin Crabtree, a traffic consultant representing the applicant. He stated that the requested increase in the number of car boot sales from 14 to 20 was to increase the applicants income and to diversify their business. He stated that the car boots led to an increase in business for the local shops and helped promote recycling. He stated that there had been no reported accidents on Sundays over the past 5 years. He also stated that traffic does not sit on the bridleway and that the applicant would be happy to accept a condition regarding the bridleway being maintained. He stated that there was a system in place to prevent vehicles queueing, and that the location of the site would remain unchanged.

Members discussed car boot sales on nearby fields, and were informed by Officers that this could not be considered as part of this application. Accident statistics, the speed limit on Wigginton Road, access and egress, the status of the bridleway, general highway safety issues, and the number of vehicles using the site were discussed.

RESOLVED: That the application be refused.

REASONS:

1. Traffic generation information supplied within the Transport Assessment submitted in support of the application indicates that the proposal will result in the junction of Corban Lane/Wigginton Road operating above capacity. It is indicated that the traffic generated by the proposal will lead to significant queuing on Corban Lane as departing vehicles attempt to exit onto Wigginton Road.

Wigginton Road is subject to national speed limit and due to the nature of the road traffic speeds are high. The intensification of use of the site will increase the occasions upon which queuing will occur. Such queuing is considered likely to result in driver frustration leading to motorists taking greater risks increasing the potential for accidents.

2. Access to the site is along a farm track which has the status of bridleway. The bridleway is known as Wigginton no.7 and is currently surfaced to a level commensurate with its use and status. The proposal will increase the frequency of use of this route by high levels of vehicular traffic which includes HGV's. Such an increase in use will raise the potential for conflict between motorised and non-motorised traffic to the detriment of safety of bridleway users contrary to Local Plan Policy T2(a). Furthermore the increased frequency of usage of the route will also result in further deterioration of the surface which will be detrimental to both highway safety and amenity of users of the bridleway.

**4b Language Centre University Road to Central Hall York
(06/02705/FULM)**

Members considered a major full application, submitted by the University of York, for the erection of humanities education and research centre with associated cycle parking and landscaping (following demolition of language centre).

Officers updated that if Members were minded to approve the application they were recommending four additional conditions, regarding tree protection, a method statement to protect trees during construction, a height condition, and a condition regarding protection of bats.

Representations were received from the agent for the applicant. She stated that the development would accommodate researchers, was a contemporary design, and there would be 160 staff and students based there. The trees lost during construction would be replaced and the application would reach a "very good" BREEAM rating.

Members discussed sustainability, air quality and contamination issues, the replacement of trees and the significance of the Buddha statue, and the design of the proposals.

RESOLVED: That the application be approved, subject to the conditions outlined in the report, and subject to the following additional conditions and informative:

- (i) Trees shown to be retained and/or subject to a tree preservation order (TPO) shall be protected during the development of the site by the following measures: -

Prior to commencement on site, of clearance, site preparation, building or other development operations, including the importing of materials and any excavations, protective fencing to BS5837: 2005 shall be erected around

all existing trees shown to be retained. Before commencement on site the protective fencing line shall be shown on a plan and agreed with the local authority and subsequently adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, parking or manoeuvring of vehicles. There shall be no site huts, no marketing offices, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, pipe runs for services or drains, and no mechanical cultivation. The fencing shall remain secured in position throughout the construction process including the implementation of landscaping works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

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

(ii) Prior to commencement on site, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall also be submitted to and approved in writing by the Local Planning Authority. This statement shall include a construction detail of protective fencing, phasing of works, location of site cabin, parking arrangements for site vehicles, arrangements for loading/off-loading, locations for stored materials; construction details where a change in surface material is proposed within the canopy spread and likely root zone of a tree.

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

(iii) Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 12.5 metres at the northern end of the building and 13.5 metres at the southern end (to the ridge excluding roof plant and machinery), as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

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

(iv) No development shall take place until details have been submitted to and approved in writing by the Council of what measures are to be provided within the design of the new building or on in adjacent trees to accommodate bats.

Reason. To take account of and enhance the habitat for bats.

Note. Features suitable for incorporation for this group include the use of special tiles, bricks, soffit boards and bat boxes.

2. Demolition and Construction - Informative

The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval:

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

2 All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

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

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

5 Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.

REASON: The proposal, subject to the conditions listed above and in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the Green Belt, development within the Heslington Campus, good design, Sustainability and the protection of protected species. As such the proposal complies with Policies ED6, GB1, GP1, GP4A, CYNE1 and CYNE6 of the City of York Draft Local Plan incorporating the 4th set of changes, approved April 2005.

4c Barbican Centre Paragon Street York YO10 4AG

Members considered a full application, submitted by Absolute Leisure, for revisions of design of approved refurbishment of auditorium including redesign of glazed curtain wall on frontage, revised enclosure of box office and enclosure of roof garden.

Officers updated that if Members were minded to approve the application they would recommend an additional condition regarding new brick work

for external surfaces, an amended condition regarding use of roof garden, amendment to a previously agreed condition regarding the details to be approved, amendment to condition 5 to add reference to a canopy, an amendment to condition 6, and the reference to phasing be deleted from conditions 5, 6 & 10.

Officers also updated that one further letter of objection had been received regarding increased capacity and raising issues regarding noise and disturbance, and raising comments regarding the glazed frontage towards the city walls.

Representations were received from Ernest Dickinson, representing "Save our Barbican" (SOB). He referred to an artists impression of what the centre would look like, and distributed this and a plan to Members at the meeting. He stated that the glasswork would have a garish effect, and would be an obscenity being so close to the City Walls. He stated that the development should be in-keeping with the environment and raised issues regarding light pollution. He also raised issues regarding the capacity of the building and fire evacuation issues.

Representations were received from Mr Tony Knox for the applicant. He stated that the application was for minor alterations, and the proposals would not increase the square footage of the proposals.

Members discussed issues relating to the smoking ban due to come into force in the near future, and smoking areas. With regard to capacity issues, this would be a licensing and fire authority issue. With regard to light pollution, the applicant updated that any lighting used would be dark sky compliant, and officers updated that if Members were minded to approve the application a condition could be added regarding the lighting being dark sky compliant.

RESOLVED: That the application be approved subject to the conditions outlined in the report and subject to the following amended/additional conditions and informative:

Additional condition:

Use of the areas marked 'outside seating area. No roof' on plan drawing no. 2087-02-005 Rev L (proposed first floor) or any future outside roof gardens that form part of the Barbican development shall be confined to the following hours of operation :

Monday to Sunday 09.00 to 22.00.

Reason: To protect the amenity of future and adjacent residents.

Additional informative:

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

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361
Cafe Licence - Section 115 - Miss T Santana (01904) 551367

3. The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval:

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

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

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

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

e) Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.

Amended conditions:

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

Reason: So as to achieve a visually cohesive appearance and in the interests of good design.

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

- doors, glazing details, glazing and curtain walling joints, canopy, including materials, details of mechanism and method of attachment to the main building and external paving.

Reason: So that the Local Planning Authority may be satisfied with these details.

6 Prior to the use of the building commencing details of any scheme of illumination of all external areas within the site, all external lighting details and all internal lighting within the front glazed extension and the rotunda shall be submitted to and approved in writing by the Local Planning Authority and those details shall subsequently be implemented on site within 2 months of the date of this permission.

Reason. To protect against unacceptable levels of light pollution in the area.

7 Details of any means of enclosure within the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before construction work on any of the buildings hereby permitted commences and shall be provided before that phase of the development is occupied.

Reason: In the interests of the visual amenities of the area.

10 Before the commencement of and during building operations associated with the development, adequate measures shall be taken to protect the existing planting on this site. This means of protection shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials, the erection of site huts or the commencement of building works on the development hereby approved.

Reason: The existing planting is considered to make a significant contribution to the amenities of this area.

REASON: The proposal, subject to the conditions listed above and in the report , would not cause undue harm to interests of acknowledged importance, with particular reference to residential amenity, effect on highway and pedestrian safety and convenience, setting of the adjacent City Walls and Conservation Area and archaeology on the site. . As such the proposal complies with Policies E4, E5 and I13 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, GP3, GP4a, GP11, HE2, HE10, L1, and V1of the City of York Local Plan Deposit Draft incorporating the 4th set of changes approved April 2005.

4d Lowfield School Dijon Avenue York YO24 3DD (07/00529/GRG3)

Members considered a General Regulations 3 application, submitted by Learning, Culture & Childrens Services, City of York Council, for the erection of two storey modular teaching block (temporary for two years)

including additional cycle shelter and stands, 22 additional car parking spaces, and security fence and lighting.

David Ellis, Headteacher for the new York High School, was present at the meeting to answer any questions.

Members discussed issues relating to the bringing together of pupils from Oaklands and Lowfields to the new York High, and were updated that a number of activities had been arranged to bring pupils from the two schools together. Many of the pupils live very close to one another and there have been no reported incidents over the past two years with pupils from the two schools.

RESOLVED : That the application be approved subject to the conditions and the informatives in the report.

REASON : The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to highway issues and neighbouring amenity. As such the proposal complies with Policies ED1, GP1 and ED11 of the City of York Development Control Draft Local Plan.

4e Oaklands School Cornlands Road York YO24 3WZ (07/00515/GRG3)

Members considered a General Regulations 3 application, submitted by Learning, Culture and Childrens Services, City of York Council, for two storey and single storey extensions, external alterations, infilling of existing courtyard, new car park, alterations to entrance from Cornlands Road.

Members discussed condition 8 regarding illumination of the car park up to 23:00 and were informed that the sports centre would be used up until this time.

RESOLVED : That the application be approved subject to the conditions and informatives outlined in the report.

REASON : The proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to design, amenity, highway issues and landscaping. As such the proposal complies with Policies ED1, ED11, GP4A and GP1 of the City of York Development Control Draft Local Plan.

5. NESTLE SOUTH - REVISED DRAFT DEVELOPMENT BRIEF

The Nestlé South Draft Development Brief was presented to Members in January 2007, where it was approved for consultation purposes. The Draft Brief set out the Council's aspirations for the redevelopment of the Haxby Road site; highlighted the key planning issues for prospective

developers to consider and identified opportunities for adopting sustainable development principles, good design, layout and links to surrounding areas.

Members considered a report which described the consultation process carried out between February and April 2007, and presented the revised Draft Development Brief for Nestlé South (Appendix 2), which had been compiled through a cross Directorate Project Team in response to concerns and suggestions received by various groups, organisations and individuals. The consultation representations received were set out, with Officer responses and recommendations, in Appendix 1 of the report.

Officers updated that the main issues from the consultation were the link road between Haxby Road and Wigginton Road, design, and the 19 key objectives.

Representations were received from Mrs Parker, who is the joint owner of White Cross Villa, 17 Haleys Terrace. She referred to Plan 5c in the report which showed potential transport infrastructure improvements, and the roundabout which as show on the plan appears to cut across her house and garden. She stated that her house is not listed although it was built before the factory.

Officers responded stating that the plans were indicative and not accurate, and that there was no intention at this stage to put the roundabout through the house/garden, and that White Cross Villa would be looked at as part of the conservation area status issues being looked at by English Heritage.

Members discussed a number of proposed amendments to the development brief.

RESOLVED :

- (i) That the revised Draft Development Brief for Nestle South be approved as non-statutory draft supplementary planning guidance to the City of York Development Control Local Plan, subject to the amendments below :

1. Key Objective KO8 (para 1.18)
takes full account of the Council's 2007 Housing Market Assessment

2. Key Objective KO15 (para 1.18)
Makes the site easy to access ~~and travel through~~ by pedestrians, and cyclists, and ~~potentially~~ by public transport users.

3. Para 2.20 (page 7)
These well used gardens contain three bowling greens, a main amenity area, a small but well equipped children's play area and parking. These amenities already serve a large population based in Clarence Street, the Groves and Haxby Road areas.

4. Para 2.25 (page 8)

In addition to the primary road corridors of Haxby Road and Wigginton Road. There are a number...

5. Para 4.9 (page 15)

Sustainable design and construction techniques are required to be incorporated at the earliest stage of development design (e.g. incorporating methods to use waste heat from the adjacent operating Nestlé factory). Initiatives will apply to both public and private open space and amenity areas, including recycling and drying areas.

6. Para 5.15 (page 19)

~~Provided that sufficient new employment space is provided, a significant part of the remaining site may be suitable for residential uses~~
The Nestlé South site has been identified for mixed use development, including residential use. The site is considered suitable for residential uses subject to sufficient new employment provision, amenity issues and with appropriate local facilities, affordable housing and open space provision.

7. Para 5.16 (page 19)

...provided in partnership with a RSL, subject to overall viability. If the Discount for Sale element of the affordable housing provision is unable to be purchased, then it will revert to affordable rent in the ownership of a Registered Social Landlord.

8. Para 5.21 (page 20)

~~Consideration will be given to complimentary and~~ As part of the development and in conjunction with the creation of a new live / work community on the site, ancillary uses such as leisure facilities, entertainment, restaurant / bar, health and medical facilities and other community uses will be encouraged.

9. Para 6.5 (page 22)

~~Whilst it is recognised that historic buildings can form the basis of successful regeneration projects, it is acknowledged that the retention of buildings with no statutory protection should not jeopardise the overall viability of the site.~~

10. Para 6.8 (page 23)

Land to the east side of Haxby Road was acquired to provide improved amenities for the workers. The theatre is a listed building and the former catering block is now in use as a private hospital. Also on the east of Haxby Road is White Cross Villa, a 19th Century house. The west side ...

11. Para 6.27 (page 26)

Dwellings should be capable of personalisation. The provision of balconies on new buildings, particularly on any flatted development, will provide outdoor amenity space for residents. Use of brick....

12. Para 6.29 (page 27)

Living boundaries between properties e.g. hedges, are preferred.
~~preferable to railings and fences.~~

13. Para 6.33 (page 27)

... refer also to paragraphs 7.11 to 7.15). Sustainable lighting should be incorporated where possible, for example solar generation or 'Dark Sky' standard lighting.

14. Para 6.34 (page 27)

... domain to ensure their full potential public amenity value and longevity is realised. When considering new planting native species and future climate changes must be taken into account.

15. Para 7.3 (page 29)

Discussions with the Council are ~~encouraged~~ required

16. Para 7.7 (page 30)

Provision for older children ~~should~~ must be considered on the site as the first priority

17. Para 7.9 (page 30)

Within residential proposals, youth and adult sports provision may be accepted off site as an exception

18. Para 7.10 (page 30)

Discussions to gain public access to the current Nestle pitches to the north of the factory site will be progressed, and Ddetailed proposals for youth and adult sports provision should be discussed

19. Para 9.4 (page 33)

i) plans showing the site location and the proposed site layout

j) a photographic history will be made of the site and made available for display in the areas community provision.

20. Para 10.9 (page 36)

An evaluation of current bus services, running within 400m of the site, needs to be considered in terms of whether they provide the optimum level and standard of service to facilities such as grocery stores, doctors and employment, which will

21. Para 10.12 (page 37)

Opportunities exist within the development of this site to restrict car parking within identified areas, and prospective developers are advised to discuss options for car free areas and Home Zone with officers at the earliest opportunity

22. Para 10.14 (page 37)

Early contact with the City's car club operator and City of York Highway Officers is ~~encouraged~~ required

23. Para 11.12 e) (page 41)

for office development, the focus ~~should~~ must be to provide only operational parking

24. Para 11.12 f) (page 41)

for residential development, parking should must reflect the nature of dwelling unit

25. Para 11.13 (page 42)

Early discussion with Council Officers will be ~~expected~~ required in order to agree measures to prevent ...

26. Para 12.1 (page 43)

The inclusive design of access for all, including ~~of~~ provision for disabled people and older people must be carefully considered at an

27. Para 12.2 (page 43)

All public spaces and buildings should be fully accessible for all, including ~~to~~ disabled people and older people.

28. Para 13.4 iv) (page 44)

The site ~~should~~ must have good access to public transport links

29. Para 13.4 vi) (page 44)

Buildings should be as energy efficient as possible to reduce domestic emissions - opportunities to use waste heat from the factory site should be looked at as a means of heating ~~potential~~ homes and business. Is it however recognised that this may not be available for the lifetime of the new development and other ~~along with~~ sustainable onsite production of energy should be investigated.

30. Para 13.26 (page 48)

Any prospective developers are advised to have existing buildings that are proposed for conversion to be surveyed for bats and endangered birds by a properly licensed and qualified person. Any trees to be felled should also be checked for bats and endangered birds.

31. Para 15.18 (page 54)

The required tenure split is 45% affordable rent, 5% discount sale of the total number of homes. This 5% will revert to affordable rent if they are beyond the purchase limits of local residents. Built homes ...

32. Plan 5c

Delete 'potential new bus route through site'

- (ii) That the approved brief be used as a basis for masterplanning and negotiating an appropriate scheme to redevelop the site and for considering future planning applications.

REASON :

The redevelopment of the site is an opportunity to provide quality accommodation for a range of employment uses that will support the York economy and a Development Brief is considered the most appropriate approach for the Council to set out a clear and consistent vision, with objectives and clear guidance for a new sustainable live / work community.

COUNCILLOR R WATSON

CHAIR

The meeting started at 4.30 pm and finished at 7.10 pm.

COMMITTEE REPORT

Committee: Planning Committee **Ward:** Micklegate
Date: 26 June 2007 **Parish:** Micklegate Planning Panel

Reference: 07/00540/FUL
Application at: Factory Bishopthorpe Road York YO23 1NA
For: Change of use to B1 offices and external alterations to the former time office building, including extension to existing car park
By: GHT Developments LLP
Application Type: Full Application
Target Date: 26 June 2007

1.0 BACKGROUND

1.0.1 At present 7 planning applications have been lodged with the Council for various works to this particular building. The applications are as follows:-

- 06/02552/LBC - Refurbishment, conversion and extension of the former Time Office Building to form offices
- 07/00538/FUL - Change of use to B1 offices and external alterations and extension to the former time office building including extension of existing car park
- 07/00539/LBC - Refurbishment, partial conversion and extension of the Former Time Office building to form offices
- 07/00540/FUL - Change of use to B1 offices and external alterations to the former time office building, including extension to existing car park;
- 07/00541/LBC - Internal and external alterations to the former time office building
- 07/00976/FUL - Erection of two storey temporary office accommodation (460 m²) to time office building
- 07/00977/LBC - Erection of two storey temporary office accommodation (460 m²) to time office building

1.02 06/02552/LBC has been superseded by the subsequent submitted applications. This application was part of the original suite of applications which were submitted in late November last year.

1.03 However the 6 applications submitted this year, are all being presented to planning committee. In actuality there are 3 different proposals and each is accompanied by a parallel Listed Building Consent Application.

1.1 PROPOSAL

1.1.1 This application relates to the change of use, conversion and alteration of the Former Time Office Building to form B1 office space. A parallel application for Listed Building Consent (07/00541/LBC) has also been lodged.

1.1.2 The proposals include:

- Internal alterations to the layout of the building to create open plan office accommodation on the ground floor and first floor, toilet facilities, a new stairwell and a lift. Such works would include the stripping out of modern internal partitions and suspended ceilings and making good.
- External alterations:-
 - (i) Replacement of existing window frames;
 - (ii) Formation of disabled access; and
 - (iii) Formation of car-parking area at the rear of the building.
- Change of use to general B1 office accommodation from employees' factory shop, storage area, employees' medical centre and office accommodation at first floor level.

1.2 SITE AND HISTORICAL BACKGROUND

1.2.1 The former Time Office Building lies within the site confines of the Terry's Factory site. The Factory site is situated to the south of the city centre on the periphery of South Bank. The Factory site is partially located within The Racecourse and Terry's Factory Conservation Area (no.10). The former Time Office building is located within this identified Conservation Area.

1.2.2 The Terry's Factory site is bounded by Campleshon Road to the north. Bishopthorpe Road lies adjacent the site to the east. An area used for car-parking by the racecourse during race events lies to the south which is encompassed by Green Belt, which extends to Bishopthorpe. The race course itself and Mickelgate Stray are situated to the west.

1.2.3 The Factory site is approximately 10 ha (24.9 acres) in area and comprises of a number of redundant buildings, including 6 Grade II listed buildings and more modern warehousing. The listed buildings were erected in and around the 1920's/30's. The former Time Office building is one of these listed buildings and forms an important part of the group value of these listed buildings.

- 1.2.4 The Historic Buildings Assessment (HBA) which accompanies the Listed Building application attributes the original design to Lewis E Wade and the construction date is placed at 1927, making it one of the earlier buildings on site.
- 1.2.4 The actual site boundary of the former Time Office Building is by comparison far less in area than the extent of the whole site. Its total site area is 0.1067 ha. The building is sited adjacent the main entrance of Terry's Factory site adjacent Bishopthorpe Road. The building can be clearly seen from Bishopthorpe Road, being set back approximately 12.00 m from the road. The building is directly adjacent the former Headquarters Building to the north.¹ The former Headquarters building is 2 stories in height and is approximately 24.00 m from the Time office building. To the west side is the former Factory building². This building is 5 stories in height and is approximately 22.00 m from the former Time Office Building. To the south are the gardens. This area is principally the only formal 'green' area within the site. At present there is a 6.00 m strip of tarmaced area, at the rear of the building which was partially used for storage of materials from out of the former Time Office building and possibly for car-parking at some stage. To the east are the boundary walls of the Factory site, a public footpath and then Bishopthorpe Road.
- 1.2.5 The building was purpose built as the main control point, for deliveries etc. in and out of the site. The original carriageway arches which ran through the building were blocked a number of years ago. Consequent alterations to the façade were based on the existing architecture and appear convincing. The portico, which was used to control the main access to the site and booking in of deliveries etc. has been glazed with modern tinted glass. Other alterations to the exterior of the building are considered to be of little significance/ impact.
- 1.2.6 The building has been significantly altered throughout the years, for reuse into 2 distinctly separate parts. This has resulted in the insertion of modern partition walls and a spiral staircase at ground floor level. The upper floor has also been subdivided with a late 20th Century office partitioning system. Both floors have modern suspended ceilings. A recent investigation of the building's structure has revealed that it is steel framed with concrete casing.

1.3 REASON FOR REFERRAL TO COMMITTEE

¹ An application been lodged for the conversion of this building to form a hotel (06/02550/LBC). This application has not been determined as negotiations are still ongoing with the applicant. It is considered that the proposals to develop the Headquarters building are more closely interlinked with the overarching outline planning application (06/02560/OUT) which relates to the development of the whole site.

² As footnote 1, an application for Listed Building Consent has been lodged for the conversion of this building also.

- 1.3.1 This application is reported to Planning Committee due to officer discretion. This application forms part of the wider proposal/s for the development of Terry's Factory site which will be presented to Planning Committee in due course.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Racecourse 0035

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Listed Buildings Grade 2; Terry's Of York Time Office Block Bishopthorpe Road

2.2 Policies:

CYGP1
Design

CYHE2
Development in historic locations

CYHE3
Conservation Areas

CYGP4A
Sustainability

CYGP11
Accessibility

CYT4
Cycle parking standards

CYT20
Planning agreements

CYT5
Traffic and pedestrian safety

CYE3B
Existing and Proposed Employment Sites

CYE4
Employment devt on unallocated land

3.0 CONSULTATIONS

3.1 INTERNAL

3.1.1 Design, Conservation and Sustainable Development

3.1.2 The Council's Conservation Officer raised a number of concerns regarding the impact of the proposals upon the listed Building. These have been addressed in the parallel Listed Building Application (07/00541/LBC).

3.1.3 The officer did however raise concerns regarding the impact of the proposed car-parking area, at the rear of the former Time Office Building, upon the setting of the listed building and the Conservation Area.

3.1.4 Environmental Protection Unit:

3.1.5 The environmental protection unit (EPU) raised no objections, in principle, to this application but recommended that general conditions regarding the following were attached:-

- A construction environmental management plan (CEMP) should be submitted to and approved in writing by the Local Planning Authority. The CEMP should identify the steps and procedures implemented to minimise the noise impact and vibration and dust resulting from the site preparation, groundwork and construction phases of the development;
- All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site, shall be confined to recommended hours;
- The hours of operation for the new offices shall be agreed by the local planning authority;
- The hours of delivery to and dispatch from the new offices shall be confined to recommended hours; and
- Details of all new fixed machinery, plant and equipment to be installed in or located on the new offices, shall be agreed with the Local Planning Authority prior to being installed.

3.1.6 Highway Network Management (HNM)

3.1.7 The HNM department raised no objections to the proposed scheme.

3.1.8 The officer commenting upon this scheme noted that this proposal would not have a significant impact, in terms of traffic generation, upon the surrounding area, especially considering the historic use of the building as a factory.

3.1.9 The officer did however note, that the HNM department is currently involved in ongoing negotiations, regarding the potential highway

implications of the redevelopment of the whole of the Terry's Factory site(06/02560/OUT). However they do not consider that the applications, regarding the development of the former Time office Building, will be prejudicial to their final assessment.

3.1.10 The officer also noted that the application, as proposed, indicates a level of car parking provision over the amount permitted under CYC Annex E maximum parking standards and is therefore contrary to local plan policy. However, the officer recommended that a suitable condition could be attached, should the application be approved, which would secure an acceptable level of car spaces.

3.2 EXTERNAL

3.2.1 Bishopthorpe Parish Council made the following comments:-

- Any changes should reflect the style and character of the existing listed building; and
- Numerous comments were made regarding traffic impact of the scheme upon Bishopthorpe. The Parish Council's comments on traffic issues related to :-
 - (i) The Parish Council and residents of Bishopthorpe are concerned about the effect of the development upon traffic flows in/out of the village;
 - (ii) No information has been submitted regarding traffic impact upon Bishopthorpe;
 - (iii) Construction traffic generated by this application and the wider scheme will have an adverse impact upon the residents of Bishopthorpe and cause congestion;
 - (iv) The Parish Council support adverse comments made regarding the extension of car-parking
 - (v) The Travel Plan submitted with the overarching outline planning application06/0560/OUT is flawed/inaccurate;
 - (vi) As this scheme is to be completed ahead of the principal part of the site, traffic will go through Bishopthorpe. This will then create a precedent/trend for future traffic movements through Bishopthorpe;
 - (vii) A relief road could be constructed. If such a road were created from Sim Balk Lane joining Bishopthorpe Road, south of the racecourse, traffic from the Terry's Factory site could be diverted away from Bishopthorpe;
 - (viii) Speed restrictions should be introduced along Sim Balk Lane. At present the speed limit is 60 mph, this should be reduced to 30 mph. Street lighting and a cycle track should also be introduced along this section of Sim Balk Lane. Also a chicane could be introduced to reduce traffic speed along this obvious 'rat run'.
 - (ix) The City of York guidelines (regarding traffic) are flawed and need review;

- (x) A new traffic assessment should be carried out by a fully independent party; and
- (xi) Comments were also raised regarding traffic impact from the York College site and the impact this development will have upon Bishopthorpe.

3.2.2 Mickelgate Planning Panel commented that they did not support the 'pod' extension to the Time Office Building.

3.2.3 Neighbours: 2 site notices were displayed on 2 separate occasions, at the entrance to the main entrance to the site, to advertise the Listed Building Consent applications and the full planning applications. No comments have been received from any other interested party or neighbours.

4.0 APPRAISAL

4.1 KEY ISSUES

- Principal of development;
- Effect on character and appearance of the character and appearance of the conservation area and the gardens;
- Highway's and parking issues; and
- Comments raised by Bishopthorpe Parish Council

4.2 PLANNING POLICY

4.2.1 PPS1: Planning for Sustainable Development aims to protect the quality of the natural and historic environment. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

4.2.2 POLICY E4 OF THE APPROVED NORTH YORKSHIRE STRUCTURE PLAN (the statutory development plan for the area) states that buildings and areas of special townscape, architectural or historic interest (e.g. conservation areas, listed buildings) will be afforded the strictest protection.

4.2.3 DRAFT LOCAL PLAN POLICY CYGP1 states that development proposals will be expected to (i) respect or enhance the local environment, (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

- 4.2.4 DRAFT LOCAL PLAN POLICY HE2 of the City of York Deposit Draft Local Plan (Fourth Set of Changes), approved for development control purposes on 13 April 2005 states that within or adjoining conservation areas, and in locations which affect the setting of listed buildings, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.
- 4.2.5 DRAFT LOCAL PLAN POLICY HE3 seeks to protect the character and appearance of Conservation Areas. The policy states that proposals for development in conservation areas should reflect street proportions, which are given to floor heights, door and window sizes and disposition. Supporting text of the policy further states that the elevational treatment of all sides of any development and roofscape are important, not simply the street frontage.
- 4.2.6 Other relevant draft Local Plan Policies include; GP4a: Sustainability, GP11: Accessibility, T4: Cycle Parking Standards, T5: Traffic and Pedestrian Safety; E4: Employment Development on unallocated, HE4 Listed Buildings, E3b: Existing and proposed employment sites, and I 4 and I12 of The North Yorkshire Structure Plan, which are concerned with Industry and employment.
- 4.2.7 TERRY'S DEVELOPMENT BRIEF
- 4.2.8 The Development Brief sets out the main issues and planning policies relating to this site and provides guidance on how it should be redeveloped.
- 4.2.9 The Brief was subject to public consultation and has been approved by Members. The Brief is being used as guidance in negotiating with developers and progressing planning and listed building / conservation area consent applications on the site.
- 4.2.10 THE RACECOURSE AND TERRY'S FACTORY CONSERVATION AREA CHARACTER APPRAISAL
- 4.2.11 Part of the Terry's site is located within the Racecourse and Terry's Factory Conservation Area. A character appraisal has been produced in order to properly consider the character of the conservation area and development proposals which may affect it.
- 4.3 PRINCIPLE OF DEVELOPMENT
- 4.3.1 The principle of employment/ business use is encouraged through the Development Brief approved for the site in June 2006. At present the building falls within the general use class of the site which is B2 – General Industrial.

- 4.3.2 The applicant's seek permission to change the use of the building to B1 – Business, as well as internal and external alterations. Should Planning Committee consider refusing permission, the applicant's could exercise their 'fallback position' which would be to implement the extant B2 use of the building. However, in reality it would be unlikely that it would appropriate for a B2 use with this building, due to it being listed and of a modest size.
- 4.3.3 The principle of the conversion of the Former Time Office building for employment purposes would not conflict with policies I4 and I12 of the Approved North Yorkshire Structure Plan, which is the statutory development plan for the area. These policies seek to encourage business development/ expansion through the development of suitable land/buildings. The policies also encourage the expansion or development of existing firms. Policy E3b, seeks to safeguard existing sites in employment use. However E3b further states, that sites or premises either currently or previously in employment use, should be retained within their current use class. Planning permission for other uses will only be given where amongst other requirements, development of the site for other appropriate uses will lead to significant benefits to the local economy.
- 4.3.4 In such situations as these, it is necessary to attach relative weight to the policies in question, based on the circumstances of each individual case and with reference to the relevant Central Government advice contained in Planning Policy Guidance Notes/Statements.
- 4.3.5 In this particular case the site itself has a history of B2 (General Industrial) use as Terry's Chocolate Factory. It is considered that the proposed use would compliment the Council's aspirations for the site. The proposed Use Class of the building does not fall within the general Use Class of the site (B2). The building was partially used for office accommodation (B1). However, it is not considered that B1 use, of the whole building as general office accommodation, would conflict with policy E3b or the Development Brief.
- 4.4 EFFECT ON CHARACTER AND APPEARANCE OF THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA AND THE GARDENS.
- 4.4.1 In addition to changing the use of the building the proposal also includes internal and external alterations. This part of the scheme has been developed in conjunction with advice from the Council's Conservation Officer and the author of this report. Works to be undertaken upon this listed building are considered in the parallel listed building application (07/00541/LBC).
- 4.4.2 However the impact of this scheme upon the conservation area and the gardens is a concern that has been raised by the Council. In particular, the design and consequent impact of the car-parking proposed at the rear

of the building. The impact upon the conservation area is pertinent to this planning application and is therefore considered below.

- 4.4.3 The garden area is considered to be a particularly important constituent of the conservation area and the Terry's Factory site. Indeed it is recognised as such within the Development Brief for the site (section 6.37). It was agreed with the applicant's that it would be acceptable to extend 1 car-length into the garden from the existing curb line, which is just outside the line of the factory's (R1) south elevation.
- 4.4.4 At present the Council's Conservation Officer considers the proposed car-parking provision at the rear of the building is disproportionate and would have a detrimental impact upon the existing garden area adjacent. Also no landscaping has been submitted to mitigate the agreed extension to this area.
- 4.4.5 In addition the Council's Highways Network Management Officer who commented upon this application has stated that there is an over-provision of car-parking. He calculates that there should be 12 car-parking spaces provided, not the 16 (as proposed).
- 4.4.6 The Conservation Officer considers that the parking area should be redesigned. A redesigned scheme could allow for better access into the rear of the building and have less of an impact upon the listed building and the garden area. Unfortunately, it has not been possible to come to an agreement regarding this particular issue prior to this committee meeting. As a consequence it is proposed to add a condition, should the application be approved, that development cannot commence on site, until a suitable alternative car parking arrangement is agreed with the Council.
- 4.4.7 The applicants were also advised that such a scheme would only be acceptable if adequately landscaped. As no additional landscaping scheme has been submitted, it is considered prudent to recommend that a condition should be attached, if permission is granted, that requires further details to be submitted and agreed in writing by the Local Planning Authority. It is considered that these details could be agreed prior to the commencement of works on site.
- 4.4.8 The proposed cycle storage is also unacceptable for two reasons. Firstly, as well as being secure, cycle storage should be covered. The currently proposed cycle storage is not covered. Therefore it is recommended that, should the application be approved, a condition is attached requiring secure and sheltered storage for employees' bicycles.
- 4.4.9 Secondly, if the cycle storage were to be covered, it would be unacceptable, in its current position, in terms of visual impact upon the listed building. This issue is addressed in more detail in the parallel Listed Building application (07/00541/LBC). However, in brief a more appropriate location should be sought which does not have a detrimental impact upon the setting of the listed building but still remain accessible to

cyclists.

4.4.10 It is therefore recommended that a condition is added, should the application be approved, to find a more appropriate location for storage of cycles, which is safe, secure and convenient and does not have a detrimental impact upon the character and setting of the former Time Office Building, the Factory site in general and the Conservation area.

4.4.11 Notwithstanding the aspects addressed above (subject to the imposition of appropriate conditions) the design is considered acceptable and satisfies policies HE2 and HE3 of the Local Plan.

4.5 HIGHWAY AND PARKING ISSUES

4.5.1 Central Government advice in Planning Policy Guidance Note 13 ("Transport") (PPG13), seeks to promote:-

- More sustainable transport choices for both people and for moving freight;
- Accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling;
- and to reduce the need to travel, especially by car.

4.5.2 A key planning objective of PPG19 is to ensure that jobs, shopping, leisure facilities and services are accessible by public transport, walking, and cycling. PPG19 states businesses should make every effort, for instance by adopting travel plans to encourage car sharing, and use of non-vehicular modes of transport.

4.5.3 The Highways Network Management (HNM) officer commented that the application proposed is likely to have a negligible impact, in terms of traffic generation upon the area, especially when considering the historic use of the building.

4.5.4 The HNM officer recommended that a travel plan should be produced for the scheme in accordance with PPG19 and T20 of The Local Draft Plan.

4.6 COMMENTS RAISED BY BISHOPTHORPE COUNCIL

4.6.1 *No information has been submitted regarding traffic impact upon Bishopthorpe.*

4.6.2 A condition has been suggested, should the application be approved, requiring a travel plan to be agreed with the Council.

4.6.3 *Construction traffic generated by this application and the wider scheme will have an adverse impact upon the residents of Bishopthorpe and cause congestion.*

- 4.6.4 The wider traffic impact of the scheme cannot be considered as part of this application. It is considered that this specific scheme would have a negligible impact upon the existing traffic network, due to the size and scale of the proposals.
- 4.6.5 *The Travel Plan submitted with the overarching outline planning application (06/0560/OUT) is flawed/inaccurate.*
- 4.6.6 Negotiations are ongoing regarding traffic impact of the overarching planning application. However an additional plan has been requested for this specific scheme.
- 4.6.7 All other comments made by the Parish Council relate (principally) to the overarching outline planning application and cannot be considered as part of this application.

5.0 CONCLUSION

- 5.1 It is considered that the proposals continue the legacy of employment uses on this site. The aforementioned proposals are considered justified and would not appear to adversely affect the special historic and architectural interest of the building or the character and appearance of Conservation Area no.10.
- 5.1.1 The proposed conversion and the former Time Office Building to general B1 office accommodation, is considered acceptable and satisfies policies E4, I5 or I18 of the Approved North Yorkshire Structure Plan, Policies HE2, HE3, E3b and T20 of the Draft Local Plan and National Planning Guidance PPS1 and PPG19.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TIME2
- 2 The development hereby permitted shall be carried out only in accordance with the approved plans or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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

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

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00
Not at all on Sundays and Bank Holidays	

Reason: To protect the amenity of neighbouring residents.

- 4 Any contaminated material detected during site works shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development of the site.

Reason: To protect human health and the wider environment.

- 5 VISQ8

- 6 VISQ10

- 7 Prior to any works commencing on site, a construction environmental management plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration and dust resulting from the site preparation, groundwork and construction phases of the development. Once approved, the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of occupants of adjacent and adjoining properties during the development of the premises.

- 8 The hours of operation for the new offices shall be approved in writing by the local planning authority. Once approved, the agreed hours shall be complied with at all times, unless agreed otherwise in writing by the local planning authority.

Reason: To protect the amenity of local residents.

- 9 The hours of delivery to and dispatch from the new offices shall be confined to the following times, unless otherwise approved in writing by the local planning authority:

Monday - Friday	08:00 - 18:00
Saturday, Sunday & Bank Holidays	09:00 - 18:00

Reason: To protect the amenity of local residents.

- 10 Details of all new fixed machinery, plant and equipment to be installed in or located on the new offices, which is likely to be audible at any noise

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

Reason: To protect the amenity of the locality.

11 LAND1

Insert...particularly at the rear of the Former Time Office Building to screen the car-parking area.

12 LAND2

13 TREE2

14 TREE8

15 Prior to the accommodation hereby permitted being first occupied, bin storage facilities shall be provided to a design, siting and materials specification previously approved in writing by the Local Planning Authority and shall thereafter be retained.

Reason: To provide acceptable refuse facilities for the occupants of the accommodation and to ensure satisfactory appearance to the finished development.

16 Prior to the development commencing details of the design/layout and number of car spaces shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until such car parking spaces have been constructed and laid out in accordance with the details as approved in writing by the Local Planning Authority.

Reason: The car-parking provision proposed exceeds the City of York Council parking standards.

17 The site shall hereafter be occupied in accordance with the aims, measures and outcomes of the Travel Plan that has been submitted to and approved in writing by the LPA.

Reason: To ensure the development complies with advice contained in PPG13(Transport), and in policy T20 of the City of York deposit Draft Local Plan, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users.

18 HWAY18

19 ACC1

**7.0 INFORMATIVES:
Notes to Applicant**

1. In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the Former Time Office Building which is a listed building and the Racecourse and Terry's Conservation Area. As such this proposal complies with policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and policies GP1, HE2, HE3, P4(a), GP11, T4, T5, E3b and E4 of the City of York Local Plan Deposit Draft, also PPS1 and PPG19.
2. The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval:

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

- All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.
- The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.
- All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.
- Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.
- There shall be no bonfires on the site.

Contact details:

Author: Richard Beal Development Control Officer

Tel No: 01904 551610

COMMITTEE REPORT

Committee: Planning Committee **Ward:** Micklegate
Date: 26 June 2007 **Parish:** Micklegate Planning Panel

Reference: 07/00541/LBC
Application at: Factory Bishopthorpe Road York YO23 1NA
For: Change of use to B1 offices and external alterations to the former time office building, including extension to existing car park
By: GHT Developments LLP
Application Type: Full Application
Target Date: 26 June 2007

1.0 PROPOSAL

1.0.1 This is the parallel Listed Building Consent application which accompanies planning application 07/00540/FUL. This application relates to the conversion and alteration of the Former Time Office Building to form office accommodation (Use Class B1).

1.0.2 In terms of impact upon this Listed Building, proposals include:

- Internal alterations to the layout of the building to create open plan office accommodation. Such works would include the stripping out of modern internal partitions and suspended ceilings and making good.

Alterations include:-

- The removal of the existing windows and replacement with appropriate conservation frames (this includes the removal of a number of modern UPVC window frames which have been inserted);
- The formation of a disabled access (including ramp and handrails);
- The alteration of the Portico to form an entrance, including the removal of modern glazed gate keepers tinted glass booth;
- The removal of a number of modern internal partitions on the ground and first floor to create modern open plan office accommodation;
- The removal of the spiral staircase and formation of anew stairwell and associated toilet facilities; and
- The insertion of a lift core.

1.1 SITE AND HISTORICAL BACKGROUND

1.1.1 The former Time Office Building lies within the site confines of the Terry's Factory site. The Factory site is situated to the south of the city centre on

the periphery of South Bank. The Factory site is partially located within The Racecourse and Terry's Factory Conservation Area (no.10). The former Time Office building is located within this identified Conservation Area.

- 1.1.2 The Terry's Factory site is bounded by Campleshon Road to the north. Bishopthorpe Road lies adjacent the site to the east. An area used for car-parking by the racecourse during race events lies to the south which is encompassed by Green Belt, which extends to Bishopthorpe. The race course itself and Mickelgate Stray are situated to the west.
- 1.1.3 The Factory site is approximately 10 ha (24.9 acres) in area and comprises of a number of redundant buildings, including 6 Grade II listed buildings and more modern warehousing. The listed buildings were erected in and around the 1920's/30's. The former Time Office building is one of these listed buildings and forms an important part of the group value of these listed buildings.
- 1.1.4 The Historic Buildings Assessment (HBA) which accompanies the Listed Building application attributes the original design to Lewis E Wade and the construction date is placed at 1927, making it one of the earlier buildings on site.
- 1.1.5 The actual site boundary of the former Time Office Building is by comparison far less in area than the extent of the whole site. Its total site area is 0.1067 ha. The building is sited adjacent the main entrance of Terry's Factory site adjacent Bishopthorpe Road. The building can be clearly seen from Bishopthorpe Road, being set back approximately 12.00 m from the road. The building is directly adjacent the former Headquarters Building to the north.¹ The former Headquarters building is 2 stories in height and is approximately 24.00 m from the Time office building. To the west side is the former Factory building². This building is 5 stories in height and is approximately 22.00 m from the former Time Office Building. To the south are the gardens. This area is principally the only formal 'green' area within the site. At present there is a 6.00 m strip of tarmaced area, at the rear of the building which was partially used for storage of materials from out of the former Time Office building and possibly for car-parking at some stage. To the east are the boundary walls of the Factory site, a public footpath and then Bishopthorpe Road.
- 1.1.6 The building was purpose built as the main control point, for deliveries etc. in and out of the site. The original carriageway arches which ran through the building were blocked a number of years ago. Consequent alterations

¹ An application been lodged for the conversion of this building to form a hotel (06/02550/LBC). This application has not been determined as negotiations are still ongoing with the applicant. It is considered that the proposals to develop the Headquarters building are more closely interlinked with the overarching outline planning application (06/02560/OUT) which relates to the development of the whole site.

² As footnote 1, an application for Listed Building Consent has been lodged for the conversion of this building also.

to the façade were based on the existing architecture and appear convincing. The portico, which was used to control the main access to the site and booking in of deliveries etc. has been glazed with modern tinted glass. Other alterations to the exterior of the building are considered to be of little significance/ impact.

1.1.7 The building has been significantly altered throughout the years, for reuse into 2 distinctly separate parts. This has resulted in the insertion of modern partition walls and a spiral staircase at ground floor level. The upper floor has also been subdivided with a late 20th Century office partitioning system. Both floors have modern suspended ceilings. A recent investigation of the building's structure has revealed that it is steel framed with concrete casing.

1.2 REASON FOR REFERRAL TO COMMITTEE

1.2.1 This application is reported to Planning Committee due to Officer discretion. This application forms part of the wider proposal/s for the development of Terry's Factory site which will be presented to Planning Committee in due course.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Racecourse 0035

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Listed Buildings Grade 2; Terry's Of York Time Office Block, Bishopthorpe Road

2.2 Policies:

CYGP1
Design

CYHE2
Development in historic locations

CYHE3
Conservation Areas

CYHE4
Listed Buildings

3.0 CONSULTATIONS

3.1 INTERNAL

3.1.1 Design, Conservation and Sustainable Development

3.1.2 The Council's Conservation Officer states, in general the application is acceptable, subject to the imposition of adequate conditions. The officer welcomes the removal of the tinted glass infilling to the portico and remediation works which are more sympathetic to the original façade. The officer also welcomes the use of the building as an office and the applicant's proposal to remove many of the modern subdividing partitions to form open plan accommodation.

3.1.3 The Officer considers that the new staircase and service area, in the west bay has been carefully considered in its design. She considers that it would be well integrated with the existing structure, although she does note that its introduction means the loss of the original cross wall in the west bay. However, she considers that the wall would continue to be marked by the beam above and its existence is recorded in documentary sources. Therefore its removal is acceptable in this instance. The officer also views the removal of the spiral staircase and its enclosure as acceptable. She considers that these elements are modern additions within the fabric of the building. Finally the officer notes that the east bay staircase enclosure would not be significantly altered.

3.1.4 A revised scheme was submitted on 29/05/2007, responding to concerns raised by the Council. The Council's Conservation Officer considers that this amended scheme has addressed a number of points regarding impact upon the listed building. However she still raises concerns regarding the submitted site plan as it does not indicate a number of the revisions. As a consequence, she advises that the site plan should be amended to incorporate the following changes:-

- The entrance ramp should be indicated on the plan. The site plan must be an accurate reflection of what is proposed for the site;
- Secure cycle parking should be relocated to the rear of the building and should be covered. If the cycle storage were covered in its present position it would unacceptably harm the setting of the main elevation of this listed building;
- Extension to the hard surfacing on the south side of the building (car-parking area) should be amended to allow for easier access into the building and so as to create an arrangement which would suit movements around the listed building and its setting.
- Individual buildings cannot be treated as independent satellites on this site. Parking must accord with the strategy for the whole site and to avoid jeopardizing future provision for the site;
- The extent of tree removals shown on drawing AL_L1(0)14 cannot be supported at this stage. Further details should be submitted regarding landscaping;

- Areas shown outside this individual scheme should reflect the existing situation (i.e. without the children's play area, additional parking, new buildings) as this is introducing details which have not been agreed in advance of an approved masterplan.

3.1.5 Finally the conservation officer recommends conditions relating to alterations to the building and further details required regarding additional details of the scheme.

3.2 EXTERNAL

3.2.1 Bishopthorpe Parish Council commented that any changes should reflect the style and character of the existing listed building. The Parish Council also made numerous comments regarding highways issues. These have been addressed in the parallel planning application(07/00541/LBC).

3.2.2 Mickelgate Planning Panel commented that they did not support the 'pod' extension to the Time Office Building.

3.2.3 Neighbours: 2 site notices were displayed on 2 separate occasions, at the entrance to the main entrance to the site, to advertise the Listed Building application and the full planning application. No comments have been received from any other interested party or neighbours.

4.0 APPRAISAL

4.1 KEY ISSUE

- Effect on character and appearance of the (listed) building.

4.2 PLANNING POLICY

4.2.1 PPS1: Planning for Sustainable Development aims to protect the quality of the natural and historic environment. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

4.2.2 PPG 15: Planning and the Historic Environment. Central Government advice in relation to listed building control contained within this document states in paragraph 3.3 that whilst the listing of a building should not be seen as a bar to all future change, the starting point for the exercise of listed building control is the statutory requirement on local planning authorities to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses" (Section 16 of the "Planning (Listed Buildings and Conservation Areas) Act 1990"). This reflects the great importance to society of protecting listed buildings from unnecessary demolition and from unsuitable and insensitive alteration and should be the prime consideration for authorities in determining an application for consent.

- 4.2.3 PPG15 recognises that generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use (para 3.8), and that many listed buildings can sustain some degree of sensitive alteration or extension to accommodate new or continuing uses (para 3.13). Paragraph 3.15 states that achieving a proper balance between the special interest of a listed building and proposals for alterations and extensions is demanding and should always be based on specialist expertise, and often demands a flexible and imaginative approach by all the parties involved.
- 4.2.4 The importance of listed buildings is reflected in Policy E4 of the Approved North Yorkshire Structure Plan, which states that buildings and areas of special townscape, architectural or historic interest (e.g. listed buildings) will be afforded the strictest protection. Policy HE4 of the City of York Draft Local Plan relates specifically to listed buildings and states that consent for development in the immediate vicinity of listed buildings, demolition, internal and external alteration, and changes of use will only be granted where there is no adverse effect on the character, appearance or setting of the building.
- 4.2.5 POLICY E4 OF THE APPROVED NORTH YORKSHIRE STRUCTURE PLAN (the statutory development plan for the area) states that buildings and areas of special townscape, architectural or historic interest (e.g. conservation areas, listed buildings) will be afforded the strictest protection.
- 4.2.6 DRAFT LOCAL PLAN POLICY HE2 of the City of York Deposit Draft Local Plan (Fourth Set of Changes), approved for development control purposes on 13 April 2005 states that within or adjoining conservation areas, and in locations which affect the setting of listed buildings, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.
- 4.2.7 DRAFT LOCAL PLAN POLICY HE3 seeks to protect the character and appearance of Conservation Areas. The policy states that proposals for development in conservation areas should reflect street proportions, which are given to floor heights, door and window sizes and disposition. Supporting text of the policy further states that the elevational treatment of all sides of any development and roofscape are important, not simply the street frontage.
- 4.2.8 DRAFT LOCAL PLAN POLICY HE4 states that consent will only be granted for development to a listed buildings where there is no adverse effect on the character and setting of the building. Supporting text of this policy further states that, it is important that extensions preserve and enhance the special architectural or historic character of conservation areas and complement the character of listed buildings. Alterations will be expected to be of an appropriate design, using traditional natural

materials. The proposal should also be in scale with the original building and respect its character.

4.2.9 TERRY'S DEVELOPMENT BRIEF

4.2.10 The Development Brief identifies that it is important to respect and reflect the historic importance of Terry's Factory site. Also buildings should be legible, i.e. the purpose of the building should be easily understood.

4.2.11 The Brief was subject to public consultation and has been approved by Members. The Brief is being used as guidance in negotiating with developers and progressing planning and listed building / conservation area consent applications on the site.

4.2.12 THE RACECOURSE AND TERRY'S FACTORY CONSERVATION AREA CHARACTER APPRAISAL

4.2.13 Part of the Terry's site is located within the Racecourse and Terry's Factory Conservation Area. A character appraisal has been produced in order to properly consider the character of the conservation area and development proposals which may affect it.

4.3 EFFECT ON CHARACTER AND APPEARANCE OF THE EXISTING (LISTED) BUILDING.

4.3.1 The principle of changing the use of the building to general office accommodation (B1) has been considered in the parallel planning application (07/00540/FUL). This report seeks to examine the impact of the proposals upon the listed building. This part of the scheme has been developed in conjunction with advice from the Council's Conservation Officer and the author of this report.

4.3.2 Policy HE4 of the draft local plan states that development should not have an adverse effect upon the character, appearance or setting listed buildings. Policies HE2 and HE3 further support this policy.

4.3.3 The parallel planning application (07/00540/FUL) had addressed the issue of cycle storage and the parking provision at the rear of the former Time Office Building. The present scheme is considered unacceptable. However, with amendments the Planning Authority is confident that a suitable alternative scheme can be agreed.

4.3.4 With regards to all other internal and external alterations to the building, it is considered that subject to the imposition of suitable conditions, the proposals are acceptable.

4.3.5 The Council's Conservation Officer, considers the proposed works have been designed in such a manner, as to compliment the listed building. She also considers that the proposed scheme would have a beneficial impact upon the conservation area in terms of design, appearance and

use of appropriate materials. The form of the proposed scheme (subject to conditions) compliments the existing building and clearly communicates the intended use of the building. As a consequence the design is considered acceptable and satisfies policies HE2, HE3 and HE4 of the Local Plan and also satisfies the Development Brief. The applicants have also indicated that they intend to restore and enhance (where possible) the original features in the building.

5.0 CONCLUSION

- 5.1 It is considered that the proposals continue the legacy of employment uses on the site. The aforementioned proposals are considered justified and they would not appear to adversely affect the special historic and architectural interest of the building or the character and appearance of the Conservation Area.
- 5.1.1 The proposed conversion and the former time office building to general B1 office accommodation is considered to be acceptable and satisfies policies E4, of the Approved North Yorkshire Structure Plan, Policies HE2, HE3, and HE4 of the Draft Local Plan and National Planning Guidance PPS1 and PPG15.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1. TIMEL2
2. PLANS2
3. Prior to the commencement of the works hereby approved, cross sections, profiles and details at a scale of 1:10 of the proposed ramp and balustrade shall be submitted for written approval by the Local Planning Authority and the approved details shall be implemented in their entirety to the satisfaction of the Local Planning Authority.

Reason: To retain the character of the listed Building.

4. Prior to the commencement of the works hereby approved, cross sections, profiles and details at a scale of 1:10 of the proposed windows shall be submitted for written approval by the Local Planning Authority and the approved details shall be implemented in their entirety to the satisfaction of the Local Planning Authority.

Reason: To retain the character of the listed Building.

5. Prior to the commencement of works hereby approved details of all internal doors, shall be submitted for written approval by the Local Planning Authority and the approved details shall be implemented in their entirety to the satisfaction of the Local Planning Authority.

Reason: To retain the character of the listed Building.

6. Prior to the commencement of the works hereby approved, cross sections, profiles and details at a scale of 1:10 of the blocking off of the first floor door (adjacent staircase 2) shall be submitted for written approval by the Local Planning Authority and the approved details shall be implemented in their entirety to the satisfaction of the Local Planning Authority.

Reason: To retain the character of the listed Building.

7. Prior to the commencement of works hereby approved details of the new stairwell and lift, shall be submitted for written approval by the Local Planning Authority and the approved details shall be implemented in their entirety to the satisfaction of the Local Planning Authority.

Reason: To retain the character of the listed Building.

7. Prior to the commencement of works hereby approved full details of all new internal walls and finishes and any replacement suspended ceilings, shall be submitted for written approval by the Local Planning Authority and the approved details shall be implemented in their entirety to the satisfaction of the Local Planning Authority. These details should show the connections with the existing structure. New work should be scribed around the existing details. Ceilings must not cut across windows. Existing skirtings, window boards, picture rails, architraves and other details should not be removed.

Reason: To retain the character of the listed Building.

8. Prior to the commencement of works hereby approved full details of all new services, including for IT, must be supplied showing how they would be integrated with the existing interior, shall be submitted for written approval by the Local Planning Authority and the approved details shall be implemented in their entirety to the satisfaction of the Local Planning Authority.

Reason: To retain the character of the listed Building.

7.0 INFORMATIVES: Notes to Applicant

1. In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the Former Time

Office Building which is a listed building and the Racecourse and Terry's Conservation Area. As such this proposal complies with policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and policies HE2, HE3 and HE4, of the City of York Local Plan Deposit Draft, also national planning policy guidance PPG15.

Contact details:

Author: Richard Beal Development Control Officer

Tel No: 01904 551610

COMMITTEE REPORT

Committee: Planning Committee **Ward:** Micklegate
Date: 26 June 2007 **Parish:** Micklegate Planning Panel

Reference: 07/00976/FUL
Application at: Factory Bishopthorpe Road York YO23 1NA
For: Erection of 2-storey temporary office accommodation (460 m²) to former Time Office Building
By: GHT Developments LLP
Application Type: Full Application
Target Date: 26 June 2007

1.0 BACKGROUND

1.0.1 At present 7 planning applications have been lodged with the Council for various works etc. to this particular building. These are as follows:-

- 06/02552/LBC - Refurbishment, conversion and extension of the former Time Office Building to form offices
- 07/00538/FUL - Change of use to B1 offices and external alterations and extension to the former time office building including extension of existing car park
- 07/00539/LBC - Refurbishment, partial conversion and extension of the Former Time Office building to form offices
- 07/00540/FUL - Change of use to B1 offices and external alterations to the former time office building, including extension to existing car park;
- 07/00541/LBC - Internal and external alterations to the former time office building
- 07/00976/FUL - Erection of two storey temporary office accommodation (460 m²) to time office building
- 07/00977/LBC - Erection of two storey temporary office accommodation (460 m²) to time office building

1.02 06/02552/LBC has, for all intents and purpose, been superseded by the subsequent submitted applications. This application was part of the original suite of applications which were submitted in late November last year.

1.03 However the 6 applications submitted this year, are all being presented to planning committee. In actuality there are 3 different proposals and each is accompanied by a parallel Listed Building Consent Application.

1.1 PROPOSAL

1.1.1 This application relates to the erection of two storey modular temporary office accommodation (460 m²) to rear of the former time office building. A parallel application for Listed Building Consent (07/00977/LBC) has also been lodged.

1.1.2 The applicants seek temporary consent for a period of 3 years. The applicants state, within their covering letter which supports this application, this additional accommodation would enable a firm to move onto the site. This firm has expressed a strong interest in moving into the wider Factory site, to establish their expanding business, whilst awaiting the completion of their first 'fit for purpose' modern office accommodation.

1.1.3 The applicants further state, once this firm has moved out of the former Time Office Building and relocated into their preferred unit of occupation, they will dismantle and remove the modular buildings from site. They again confirm that the modular accommodation is not intended to be permanent.

1.1.4 Finally the applicants state that attracting a high profile company to the site will clearly have a positive effect upon the rest of the Terry's development as well as the York economy.

1.2 SITE AND HISTORICAL BACKGROUND

1.2.1 The former Time Office Building lies within the site confines of the Terry's Factory site. The Factory site is situated to the south of the city centre on the periphery of South Bank. The Factory site is partially located within The Racecourse and Terry's Factory Conservation Area (no.10). The former Time Office building is located within this identified Conservation Area.

1.2.2 The Terry's Factory site is bounded by Campleshon Road to the north. Bishopthorpe Road lies adjacent the site to the east. An area used for car-parking by the racecourse during race events lies to the south which is encompassed by Green Belt, which extends to Bishopthorpe. The race course itself and Mickelgate Stray are situated to the west.

1.2.3 The Factory site is approximately 10 ha (24.9 acres) in area and comprises of a number of redundant buildings, including 6 Grade II listed buildings and more modern warehousing. The listed buildings were erected in and around the 1920's/30's. The former Time Office building is one of these listed buildings and forms an important part of the group value of these listed buildings.

- 1.2.4 The Historic Buildings Assessment (HBA) which accompanies the Listed Building application attributes the original design to Lewis E Wade and the construction date is placed at 1927, making it one of the earlier buildings on site.
- 1.2.5 The actual site boundary of the former Time Office Building is by comparison far less in area than the extent of the whole site. Its total site area is 0.1067 ha. The building is sited adjacent the main entrance of Terry's Factory site adjacent Bishopthorpe Road. The building can be clearly seen from Bishopthorpe Road, being set back approximately 12.00 m from the road. The building is directly adjacent the former Headquarters Building to the north.¹ The former Headquarters building is 2 stories in height and is approximately 24.00 m from the Time office building. To the west side is the former Factory building². This building is 5 stories in height and is approximately 22.00 m from the former Time Office Building. To the south are the gardens. This area is principally the only formal 'green' area within the site. At present there is a 6.00 m strip of tarmaced area, at the rear of the building which was partially used for storage of materials from out of the former Time Office building and possibly for car-parking at some stage. To the east are the boundary walls of the Factory site, a public footpath and then Bishopthorpe Road.
- 1.2.6 The building was purpose built as the main control point, for deliveries etc. in and out of the site. The original carriageway arches which ran through the building were blocked a number of years ago. Consequent alterations to the façade were based on the existing architecture and appear convincing. The portico, which was used to control the main access to the site and booking in of deliveries etc. has been glazed with modern tinted glass. Other alterations to the exterior of the building are considered to be of little significance/ impact.
- 1.2.7 The building has been significantly altered throughout the years, for reuse into 2 distinctly separate parts. This has resulted in the insertion of modern partition walls and a spiral staircase at ground floor level. The upper floor has also been subdivided with a late 20th Century office partitioning system. Both floors have modern suspended ceilings. A recent investigation of the building's structure has revealed that it is steel framed with concrete casing.

1.3 REASON FOR REFERRAL TO COMMITTEE

- 1.3.1 This application is reported to Planning Committee due to officer discretion. This application forms part of the wider proposal/s for the

¹ An application been lodged for the conversion of this building to form a hotel (06/02550/LBC). This application has not been determined as negotiations are still ongoing with the applicant. It is considered that the proposals to develop the Headquarters building are more closely interlinked with the overarching outline planning application (06/02560/OUT) which relates to the development of the whole site.

² As footnote 1, an application for Listed Building Consent has been lodged for the conversion of this building also.

development of Terry's Factory site which will be presented to Planning Committee in due course.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Racecourse 0035

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Listed Buildings Grade 2; Terry's Of York Time Office Block Bishopthorpe Road

2.2 Policies:

CYGP1
Design

CYHE2
Development in historic locations

CYHE3
Conservation Areas

CYGP4A
Sustainability

CYGP11
Accessibility

CYT4
Cycle parking standards

CYT20
Planning agreements

CYT5
Traffic and pedestrian safety

CYE3B
Existing and Proposed Employment Sites

CYE4
Employment devt on unallocated land

3.0 CONSULTATIONS

3.1 INTERNAL

3.1.1 Design, Conservation and Sustainable Development

3.1.2 The Council's Conservation Officer raised concerns regarding the impact of the proposals upon the listed Building. However, these have been addressed in the parallel Listed Building Application (07/00977/LBC).

3.1.3 The officer did however raise concerns regarding the impact of the proposed temporary accommodation, at the rear of the former Time Office Building, upon the garden area and the conservation area.

3.1.4 Environmental Protection Unit:

3.1.5 The environmental protection unit (EPU) raised no objections, in principle, to this application but recommended that general conditions regarding the following were attached:-

- All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site, shall be confined to recommended hours;
- The hours of operation for the temporary offices shall be agreed by the local planning authority;
- The hours of delivery to and dispatch from the temporary offices shall be confined to recommended hours; and
- Details of all new fixed machinery, plant and equipment to be installed in or located on the new offices, shall be agreed with the Local Planning Authority prior to being installed.

3.1.6 Highway Network Management (HNM)

3.1.7 The HNM department raised no objections to the proposed scheme.

3.1.8 The officer commenting upon this scheme noted that this proposal would not have a significant impact, in terms of traffic generation, upon the surrounding area, especially considering the historic use of the building as a factory.

3.1.9 The officer did however note that the HNM department is currently involved in ongoing negotiations, regarding the potential highway implications of the redevelopment of the whole of the Terry's Factory site (06/02560/OUT). However HNM do not consider that the applications, regarding the development of the former Time office Building, will be prejudicial to their final assessment.

3.2 EXTERNAL

3.2.1 Bishopthorpe Parish Council made the following comments:-

- The time office building is a listed building with the listing made due to the style and design. Any addition should reflect this and to add to what is a rectangular building would destroy the design;
- The proposed extension would also impinge into the garden, which is to be preserved;
- This extension would not confirm to policies HE2, HE3 and HE4 among others;
- The Parish Council state they have already commented upon the impact of traffic from Terry's upon Bishopthorpe but feel ignored;
- Additional office accommodation will add to traffic flows through Bishopthorpe; and
- The application should be refused on the above grounds.

3.2.2 Mickelgate Planning Panel commented that they did not support the 'pod' extension to the Time Office Building.

3.2.3 Neighbours: 2 site notices were displayed on 2 separate occasions, at the entrance to the main entrance to the site, to advertise the Listed Building Consent applications and the full planning applications. No comments have been received from any other interested party or neighbours.

4.0 APPRAISAL

4.1 KEY ISSUES

- Principal of development;
- Effect on character and appearance of the existing listed building and the Racecourse and Terry's Factory Conservation Area;
- Highway's and parking issues; and
- Comments raised by Bishopthorpe Parish Council

4.2 PLANNING POLICY

4.2.1 PPS1: Planning for Sustainable Development aims to protect the quality of the natural and historic environment. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

4.2.2 POLICY E4 OF THE APPROVED NORTH YORKSHIRE STRUCTURE PLAN (the statutory development plan for the area) states that buildings and areas of special townscape, architectural or historic interest (e.g. conservation areas, listed buildings) will be afforded the strictest protection.

4.2.3 DRAFT LOCAL PLAN POLICY CYGP1 states that development proposals will be expected to (i) respect or enhance the local environment, (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using

appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

- 4.2.4 DRAFT LOCAL PLAN POLICY HE2 of the City of York Deposit Draft Local Plan (Fourth Set of Changes), approved for development control purposes on 13 April 2005 states that within or adjoining conservation areas, and in locations which affect the setting of listed buildings, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.
- 4.2.5 DRAFT LOCAL PLAN POLICY HE3 seeks to protect the character and appearance of Conservation Areas. The policy states that proposals for development in conservation areas should reflect street proportions, which are given to floor heights, door and window sizes and disposition. Supporting text of the policy further states that the elevational treatment of all sides of any development and roofscape are important, not simply the street frontage.
- 4.2.6 Other relevant draft Local Plan Policies include; GP4a: Sustainability, GP11: Accessibility, T4: Cycle Parking Standards, T5: Traffic and Pedestrian Safety; E4: Employment Development on unallocated, HE4 Listed Buildings, E3b: Existing and proposed employment sites, and I 4 and I12 of The North Yorkshire Structure Plan, which are concerned with Industry and employment.
- 4.2.7 TERRY'S DEVELOPMENT BRIEF
- 4.2.8 The Development Brief sets out the main issues and planning policies relating to this site and provides guidance on how it should be redeveloped.
- 4.2.9 The Brief was subject to public consultation and has been approved by Members. The Brief is being used as guidance in negotiating with developers and progressing planning and listed building / conservation area consent applications on the site.
- 4.2.10 THE RACECOURSE AND TERRY'S FACTORY CONSERVATION AREA CHARACTER APPRAISAL
- 4.2.11 Part of the Terry's site is located within the Racecourse and Terry's Factory Conservation Area. A character appraisal has been produced in

order to properly consider the character of the conservation area and development proposals which may affect it.

4.3 PRINCIPLE OF DEVELOPMENT

4.3.1 The principle of employment/ business use is encouraged through the Development Brief approved for the site in June 2006. At present the building falls within the general use class of the site which is B2 – General Industrial.

4.3.2 The applicant's seek planning permission to create an additional 460 m² office accommodation at the rear of the building, for a temporary period of 3 years (maximum).

4.3.3 The principle of employment would not conflict with policies I4 and I12 of the Approved North Yorkshire Structure Plan, which is the statutory development plan for the area. These policies seek to encourage business development/ expansion through the development of suitable land/buildings. The policies also encourage the expansion or development of existing firms. Policy E3b, seeks to safeguard existing sites in employment use. However E3b further states, that sites or premises either currently or previously in employment use, should be retained within their current use class. Planning permission for other uses will only be given where amongst other requirements, development of the site for other appropriate uses will lead to significant benefits to the local economy.

4.3.4 In such situations as these, it is necessary to attach relative weight to the policies in question, based on the circumstances of each individual case and with reference to the relevant Central Government advice contained in Planning Policy Guidance Notes/Statements.

4.3.5 In this particular case, the site itself has a history of B2 (General Industrial) use as Terry's Chocolate Factory. It is considered that the proposed additional employment would compliment the Council's aspirations for the site. The proposed Use Class of the building does not fall within the general Use Class of the site (B2). The building was partially used for office accommodation (B1). However, it is not considered that B1 use, of the whole building as general office accommodation, would conflict with policy E3b or the Development Brief.

4.4 EFFECT ON CHARACTER AND APPEARANCE OF THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA AND THE GARDENS.

4.4.1 This application is interlinked with 07/00540/FUL which is concerned with the changing the use of the building and also internal and external alterations. This part of the scheme has been developed in conjunction with advice from the Council's Conservation Officer and the author of this report. Works to be undertaken upon this listed building are considered in

the parallel listed building application (07/00977/LBC).

- 4.4.2 However the impact of this scheme upon the Conservation Area and the gardens is a concern that has been raised by the Council. In particular, the design and consequent impact of the temporary modular accommodation, at the rear of the building. The impact upon the conservation area and the gardens is pertinent to this planning application and is therefore considered below.
- 4.4.3 The garden area is considered to be a particularly important constituent of the conservation area and the Terry's Factory site. Indeed it is recognised as such within the Development Brief for the site (section 6.37). It was agreed with the applicant's that it would be acceptable to extend 1 car-length into the garden from the existing curb line, which is just outside the line of the factory's (R1) south elevation (07/00540/FUL). It is proposed that the temporary modular accommodation will extend similarly.
- 4.4.4 The Council's Conservation Officer considers that although the extension would adversely affect the setting of the listed building and would devalue the context of the garden (and therefore the character and appearance of the conservation area) she can support the scheme as a temporary measure. This temporary accommodation would help secure the long term vision for the site. The impact upon the listed building is considered in more detail in the parallel Listed Building Consent application (07/00977/FUL). However, if the temporary accommodation were approved, the area it is to cover could be adequately reinstated to its original state after the accommodation is removed. An appropriate condition would satisfy this option.
- 4.4.5 It is noted that pre-fabricated stacked units will primarily be sited on the existing hardstanding area. Where the units are to infringe upon the garden small pad foundations will be used. The applicants stress that these pad foundations will not be required for the whole structure but only for localised situations. It is recommended, that should the application be approved, a suitable condition is attached that requires the applicants to confirm the details and locations of all pad foundations required, prior to development commencing.
- 4.4.6 The other alternative is that, should 07/00540/FUL be approved by Committee, the applicants could then develop the majority of the area covered by the temporary accommodation (once it's removed), for car-parking. The remaining portions would be landscaped.
- 4.4.7 It should also be borne in mind, in mitigation, that the temporary accommodation is only required until larger office accommodation can be provided (on site) for the firm wishing to move into former Time Office Building and associated temporary modular office accommodation. This is a relatively short-term 'fix' to the problem of accommodating a firm, in need of expansion space now and securing a high profile client to the site.

4.4.8 In further mitigation, the temporary accommodation is to be set below the height of the former Time Office Building and sited in the most obscured position possible. A significant proportion of the temporary office accommodation will be obscured by the existing building, especially when leaving York along Bishopthorpe Road. When approaching York from Bishopthorpe, it is recognised that some views would be afforded of the temporary accommodation. However, there are a significant amount of mature trees which would provide some cover. The boundary walls would further screen the temporary accommodation to some degree. The colour of the temporary accommodation could also be controlled. A suitable colour could be chosen to blend with the existing dwelling its to be attached to.

4.4.9 As a consequence, notwithstanding the impact upon the setting of the conservation area and the garden area (addressed above), subject to the imposition of appropriate conditions, the temporary accommodation is considered acceptable and satisfies policies HE2 and HE3 of the Local Plan.

4.5 HIGHWAY AND PARKING ISSUES

4.5.1 Central Government advice in Planning Policy Guidance Note 13 ("Transport") (PPG13), seeks to promote:-

- More sustainable transport choices for both people and for moving freight;
- Accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling;
- and to reduce the need to travel, especially by car.

4.5.2 A key planning objective of PPG19 is to ensure that jobs, shopping, leisure facilities and services are accessible by public transport, walking, and cycling. PPG19 states businesses should make every effort, for instance by adopting travel plans to encourage car sharing, and use of non-vehicular modes of transport.

4.5.3 The Highways Network Management (HNM) officer commented that the application proposed is likely to have a negligible impact, in terms of traffic generation upon the area, especially when considering the historic use of the building.

4.5.4 The HNM officer recommended that a travel plan should be produced for the scheme in accordance with PPG19 and T20 of The Local Draft Plan. The temporary car-parking provision across the road should be amended to satisfy Local Plan Policy.

5.0 CONCLUSION

- 5.1 It is considered that the proposals continue the legacy of employment uses on this site. The aforementioned proposals are considered justified and would not appear to adversely affect the special historic and architectural interest of the building or the character and appearance of Conservation Area no.10.
- 5.1.1 The proposed conversion and the former Time Office Building to general B1 office accommodation, is considered acceptable and satisfies policies E4, I5 or I18 of the Approved North Yorkshire Structure Plan, Policies HE2, HE3, E3b and T20 of the Draft Local Plan and National Planning Guidance PPS1 and PPG19.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2

2 The development hereby permitted shall be carried out only in accordance with the approved plans or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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 the provisions of condition 2, a revised landscape plan should be submitted showing the exact positions of pad foundations and also any additional measures required to support the ramp which could affect parts of the garden. The location of any site compound and/or fencing/perimeter boundary should also be indicated.

Reason: To protect the garden area and the conservation area.

4 TEMP1

Insert - 26.06.2010

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

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00
Not at all on Sundays and Bank Holidays	

Reason: To protect the amenity of neighbouring residents.

- 6 Any contaminated material detected during site works shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development of the site.

Reason: To protect human health and the wider environment.

7 VISQ8

8 VISQ10

- 9 The development hereby permitted shall not commence until details and/or a sample of the colour to be used for the exterior of the temporary units has been submitted to, and approved in writing by the Local Planning Authority.

Reason: To ensure that the temporary accommodation has an acceptable external appearance and is in keeping with the visual amenity and character of the area.

- 10 The hours of operation for the new temporary offices shall be approved in writing by the local planning authority. Once approved, the agreed hours shall be complied with at all times, unless agreed otherwise in writing by the local planning authority.

Reason: To protect the amenity of local residents.

- 11 The hours of delivery to and dispatch from the new temporary offices shall be confined to the following times, unless otherwise approved in writing by the local planning authority:

Monday - Friday	08:00 - 18:00
Saturday, Sunday & Bank Holidays	09:00 - 18:00

Reason: To protect the amenity of local residents.

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

Reason: To protect the amenity of the locality.

- 13 Prior to the temporary accommodation hereby permitted being first occupied, bin storage facilities shall be provided to a design, siting and materials specification previously approved in writing by the Local Planning Authority and shall thereafter be retained.

Reason: To provide acceptable refuse facilities for the occupants of the accommodation and to ensure satisfactory appearance to the finished development.

- 14 Prior to the development commencing details of the design/layout and number of car spaces shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until such car parking spaces have been constructed and laid out in accordance with the details as approved in writing by the Local Planning Authority.

Reason: The car-parking provision proposed exceeds the City of York Council parking standards.

- 15 The site shall hereafter be occupied in accordance with the aims, measures and outcomes of the Travel Plan that has been submitted to and approved in writing by the LPA.

Reason: To ensure the development complies with advice contained in PPG13(Transport), and in policy T20 of the City of York deposit Draft Local Plan, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users.

- 16 HWAY18

- 17 HT1

Insert – 7.60 m

- 18 LAND1

Insert...particularly at the rear of the Former Time Office Building to screen the car-parking area.

- 19 LAND2

- 20 TREE2

- 21 TREE8

**7.0 INFORMATIVES:
Notes to Applicant**

1. In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the Former Time Office Building which is a listed building and the Racecourse and Terry's Conservation Area. As such this proposal complies with policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and policies GP1, HE2, HE3, GP4(a), GP11, T4, T5, E3b and E4 of the City of York Local Plan Deposit Draft, also PPS1 and PPG19.
2. The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval:

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

- All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.
- The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.
- All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.
- Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.
- There shall be no bonfires on the site.

Contact details:

Author: Richard Beal Development Control Officer
Tel No: 01904 551610

COMMITTEE REPORT

Committee: Planning Committee **Ward:** Micklegate
Date: 26 June 2007 **Parish:** Micklegate Planning Panel

Reference: 07/00977/LBC
Application at: Factory Bishopthorpe Road York YO23 1NA
For: Erection of 2-storey temporary office accommodation (460 m²) to former Time Office Building
By: GHT Developments LLP
Application Type: Full Application
Target Date: 26 June 2007

1.0 PROPOSAL

1.0.1 This is the parallel Listed Building Consent application which accompanies planning application 07/00976/FUL This application relates to the erection of two storey modular temporary office accommodation (460 m²) to rear of the former time office building.

1.0.2 The applicants seek Listed Building Consent for a period of 3 years for temporary accommodation to the rear of the Former Time Office building. The applicants' state, within their covering letter which supports this application, this additional accommodation would enable a firm to move onto the site. This firm has expressed a strong interest in moving into the wider Factory site, to establish their expanding business, whilst awaiting the completion of their first 'fit for purpose' modern office accommodation.

1.0.3 The applicants' further state, once this firm has moved out of the former Time Office Building and relocated into their preferred unit of occupation, they will dismantle and remove the modular buildings from site. They again confirm that the modular accommodation is not intended to be permanent.

1.1 SITE AND HISTORICAL BACKGROUND

1.1.1 The former Time Office Building lies within the site confines of the Terry's Factory site. The Factory site is situated to the south of the city centre on the periphery of South Bank. The Factory site is partially located within The Racecourse and Terry's Factory Conservation Area (no.10). The former Time Office building is located within this identified Conservation Area.

1.1.2 The Terry's Factory site is bounded by Campleshon Road to the north. Bishopthorpe Road lies adjacent the site to the east. An area used for car-parking by the racecourse during race events lies to the south which is

encompassed by Green Belt, which extends to Bishopthorpe. The race course itself and Mickelgate Stray are situated to the west.

- 1.1.3 The Factory site is approximately 10 ha (24.9 acres) in area and comprises of a number of redundant buildings, including 6 Grade II listed buildings and more modern warehousing. The listed buildings were erected in and around the 1920's/30's. The former Time Office building is one of these listed buildings and forms an important part of the group value of these listed buildings.
- 1.1.4 The Historic Buildings Assessment (HBA) which accompanies the Listed Building application attributes the original design to Lewis E Wade and the construction date is placed at 1927, making it one of the earlier buildings on site.
- 1.1.5 The actual site boundary of the former Time Office Building is by comparison far less in area than the extent of the whole site. Its total site area is 0.1067 ha. The building is sited adjacent the main entrance of Terry's Factory site adjacent Bishopthorpe Road. The building can be clearly seen from Bishopthorpe Road, being set back approximately 12.00 m from the road. The building is directly adjacent the former Headquarters Building to the north.¹ The former Headquarters building is 2 stories in height and is approximately 24.00 m from the Time office building. To the west side is the former Factory building². This building is 5 stories in height and is approximately 22.00 m from the former Time Office Building. To the south are the gardens. This area is principally the only formal 'green' area within the site. At present there is a 6.00 m strip of tarmaced area, at the rear of the building which was partially used for storage of materials from out of the former Time Office building and possibly for car-parking at some stage. To the east are the boundary walls of the Factory site, a public footpath and then Bishopthorpe Road.
- 1.1.6 The building was purpose built as the main control point, for deliveries etc. in and out of the site. The original carriageway arches which ran through the building were blocked a number of years ago. Consequent alterations to the façade were based on the existing architecture and appear convincing. The portico, which was used to control the main access to the site and booking in of deliveries etc. has been glazed with modern tinted glass. Other alterations to the exterior of the building are considered to be of little significance/ impact.
- 1.1.7 The building has been significantly altered throughout the years, for reuse into 2 distinctly separate parts. This has resulted in the insertion of

¹ An application been lodged for the conversion of this building to form a hotel (06/02550/LBC). This application has not been determined as negotiations are still ongoing with the applicant. It is considered that the proposals to develop the Headquarters building are more closely interlinked with the overarching outline planning application (06/02560/OUT) which relates to the development of the whole site.

² As footnote 1, an application for Listed Building Consent has been lodged for the conversion of this building also.

modern partition walls and a spiral staircase at ground floor level. The upper floor has also been subdivided with a late 20th Century office partitioning system. Both floors have modern suspended ceilings. A recent investigation of the building's structure has revealed that it is steel framed with concrete casing.

1.2 REASON FOR REFERRAL TO COMMITTEE

- 1.2.1 This application is reported to Planning Committee due to officer discretion. This application forms part of the wider proposal/s for the development of Terry's Factory site which will be presented to Planning Committee in due course.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Racecourse 0035

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Listed Buildings Grade 2; Terry's Of York Time Office Block Bishopthorpe Road

2.2 Policies:

CYHE2
Development in historic locations

CYHE3
Conservation Areas

CYHE4
Listed Buildings

3.0 CONSULTATIONS

3.1 INTERNAL

3.1.1 Design, Conservation and Sustainable Development

- 3.1.2 The Council's Conservation Officer raised concerns regarding the impact of the proposals upon the listed Building. In particular she recognised that the temporary extension would adversely affect the setting of the listed building and would devalue the context of the garden (and therefore the character and appearance of the conservation area). However, she

supports the scheme as a temporary measure, in order to help secure the long term vision for the site.

- 3.1.3 The conservation officer identifies areas which should be addressed regarding impact upon the listed building. In particular she states that the impact on the fabric of the building where the corridor link would be attached would appear reversible. She adds that removals and replacements must be strictly controlled through conditions. Similarly, the conservation officer advises that the site should be returned to its previous condition on removal of the temporary accommodation.
- 3.1.4 The officer raises concerns regarding a discrepancy between the extent of tree removals shown on drawing AL_L1(0)011 rev D & AL_L1(0)013 rev A. The latter drawing called L1 Site Boundary Temporary Building on Existing Site shows more tree removals. However, she advises that all tree removals at this stage must be limited to the ones shown on drawing AL_L1(0)011 unless agreed with the LA's landscape architect.
- 3.1.5 Finally the conservation officer notes that the revised drawings for the planning application (07/00976/FUL) show a new internal layout for the ground floor (with a curved foyer wall). The officer has no objection to either layout as a removable advises that the applicant should ensure that all drawings are compatible i.e. that the Listed Building Consent application is amended to include this feature.

3.2 EXTERNAL

3.2.1 Bishopthorpe Parish Council made the following comments:-

- The time office building is a listed building with the listing made due to the style and design. Any addition should reflect this and to add to what is a rectangular building would destroy the design;
- The proposed extension would also impinge into the garden, which is to be preserved;
- This extension would not confirm to policies HE2, HE3 and HE4 among others;
- The Parish Council state they have already commented upon the impact of traffic from Terry's upon Bishopthorpe but feel ignored;
- Additional office accommodation will add to traffic flows through Bishopthorpe; and
- The application should be refused on the above grounds.

3.2.2 Mickelgate Planning Panel commented that they did not support the 'pod' extension to the Time Office Building.

3.2.3 Neighbours: 2 site notices were displayed on 2 separate occasions, at the entrance to the main entrance to the site, to advertise the Listed Building Consent applications and the full planning applications. No comments have been received from any other interested party or neighbours.

4.0 APPRAISAL

4.1 KEY ISSUE

- Effect on character and appearance of the (listed) building.

4.2 PLANNING POLICY

4.2.1 PPS1: Planning for Sustainable Development aims to protect the quality of the natural and historic environment. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

4.2.2 PPG 15: Planning and the Historic Environment. Central Government advice in relation to listed building control contained within this document states in paragraph 3.3 that whilst the listing of a building should not be seen as a bar to all future change, the starting point for the exercise of listed building control is the statutory requirement on local planning authorities to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses" (Section 16 of the "Planning (Listed Buildings and Conservation Areas) Act 1990"). This reflects the great importance to society of protecting listed buildings from unnecessary demolition and from unsuitable and insensitive alteration and should be the prime consideration for authorities in determining an application for consent.

4.2.3 PPG15 recognises that generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use (para 3.8), and that many listed buildings can sustain some degree of sensitive alteration or extension to accommodate new or continuing uses (para 3.13). Paragraph 3.15 states that achieving a proper balance between the special interest of a listed building and proposals for alterations and extensions is demanding and should always be based on specialist expertise, and often demands a flexible and imaginative approach by all the parties involved.

4.2.4 The importance of listed buildings is reflected in Policy E4 of the Approved North Yorkshire Structure Plan, which states that buildings and areas of special townscape, architectural or historic interest (e.g. listed buildings) will be afforded the strictest protection. Policy HE4 of the City of York Draft Local Plan relates specifically to listed buildings and states that consent for development in the immediate vicinity of listed buildings, demolition, internal and external alteration, and changes of use will only be granted where there is no adverse effect on the character, appearance or setting of the building.

4.2.5 POLICY E4 OF THE APPROVED NORTH YORKSHIRE STRUCTURE PLAN (the statutory development plan for the area) states that buildings and areas of special townscape, architectural or historic interest (e.g.

conservation areas, listed buildings) will be afforded the strictest protection.

- 4.2.6 DRAFT LOCAL PLAN POLICY HE2 of the City of York Deposit Draft Local Plan (Fourth Set of Changes), approved for development control purposes on 13 April 2005 states that within or adjoining conservation areas, and in locations which affect the setting of listed buildings, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.
- 4.2.7 DRAFT LOCAL PLAN POLICY HE3 seeks to protect the character and appearance of Conservation Areas. The policy states that proposals for development in conservation areas should reflect street proportions, which are given to floor heights, door and window sizes and disposition. Supporting text of the policy further states that the elevational treatment of all sides of any development and roofscape are important, not simply the street frontage.
- 4.2.8 DRAFT LOCAL PLAN POLICY HE4 states that consent will only be granted for development to a listed buildings where there is no adverse effect on the character and setting of the building. Supporting text of this policy further states that, it is important that extensions preserve and enhance the special architectural or historic character of conservation areas and complement the character of listed buildings. Alterations will be expected to be of an appropriate design, using traditional natural materials. The proposal should also be in scale with the original building and respect its character.
- 4.2.9 TERRY'S DEVELOPMENT BRIEF
- 4.2.10 The Development Brief identifies that it is important to respect and reflect the historic importance of Terry's Factory site. Also buildings should be legible, i.e. the purpose of the building should be easily understood.
- 4.2.11 The Brief was subject to public consultation and has been approved by Members. The Brief is being used as guidance in negotiating with developers and progressing planning and listed building / conservation area consent applications on the site.
- 4.2.12 THE RACECOURSE AND TERRY'S FACTORY CONSERVATION AREA CHARACTER APPRAISAL
- 4.2.13 Part of the Terry's site is located within the Racecourse and Terry's Factory Conservation Area. A character appraisal has been produced in order to properly consider the character of the conservation area and development proposals which may affect it.
- 4.3 EFFECT ON CHARACTER AND APPEARANCE OF THE EXISTING (LISTED) BUILDING.

- 4.3.1 This application is interlinked with 07/00540/FUL and 07/00541/FUL which are both concerned with the changing the use of the building and also internal and external alterations. This part of the scheme has been developed in conjunction with advice from the Council's Conservation Officer and the author of this report.
- 4.3.2 Policy HE4 of the draft local plan states that development should not have an adverse effect upon the character, appearance or setting listed buildings. Policies HE2 and HE3 further support this policy.
- 4.3.3 The Council's Conservation Officer recognises that this scheme will have a detrimental impact upon the listed building. However, she advises that the long term beneficial outcome of this relatively temporary detrimental impact 'on balance' outweighs her concerns. Concerns regarding impact upon the fabric of the listed building can be adequately addressed by condition/s.
- 4.3.4 As a consequence the design is considered acceptable and satisfies policies HE2, HE3 and HE4 of the Local Plan and also satisfies the Development Brief.

5.0 CONCLUSION

- 5.1 It is considered that the proposals continue the legacy of employment uses on the site. The aforementioned scheme is considered justified and would not appear to adversely affect the long term special historic and architectural interest of the building or the character and appearance of the Conservation Area.
 - 5.1.1 The proposed erection of temporary office accommodation is therefore considered to be acceptable and satisfies policies E4, of the Approved North Yorkshire Structure Plan, Policies HE2, HE3, and HE4 of the Draft Local Plan and National Planning Guidance PPS1 and PPG15.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1. TIMEL2
- 2. PLANS2
- 3. Prior to the commencement of works hereby approved details large scale drawings should be submitted showing abutment details where the two structures meet. Drawings should be annotated and accompanied by a method statement. The statement should describe the process of

recording the existing situation (close range photos and measured drawings), the extent of removals (inc cill), the process for removal and eventual reinstatement of the elements including making good. It should also include confirmation of the labelling and storage system. The materials should be stored on site in a secure location.

Reason: To retain the character of the listed Building.

- 4 Prior to the commencement of works hereby approved, full details of the new partitioning systems and replacement suspended ceilings must be provided and they should show connections with the existing structure. Partitions and false ceilings must be scribed around the existing structure. Ceilings must not cut across windows. Existing skirting, window boards, picture rails, architraves and other details should not be removed.

Reason: To retain the character of the listed Building.

5. Prior to the commencement of works hereby approved, details of new services must be supplied supported by information/details showing how service runs and fittings would be integrated with the existing interior. Replacement suspended ceil

Reason: To retain the character of the listed Building.

7.0 INFORMATIVES: Notes to Applicant

1. In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the Former Time Office Building which is a listed building and the Racecourse and Terry's Conservation Area. As such this proposal complies with policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and policies HE2, HE3 and HE4, of the City of York Local Plan Deposit Draft, also national planning policy guidance PPG15.

Contact details:

Author: Richard Beal Development Control Officer
Tel No: 01904 551610

COMMITTEE REPORT

Committee: Planning Committee **Ward:** Micklegate
Date: 26 June 2007 **Parish:** Micklegate Planning Panel

Reference: 07/00538/FUL
Application at: Factory Bishopthorpe Road York YO23 1NA
For: Change of use to B1 offices and external alterations to the former time office building, including extension to existing car park and glazed extension to roof.
By: GHT Developments LLP
Application Type: Full Application
Target Date: 26 June 2007

1.0 BACKGROUND

1.0.1 At present 7 planning applications have been lodged with the Council for various works etc. to this particular building. These are as follows:-

- 06/02552/LBC - Refurbishment, conversion and extension of the former Time Office Building to form offices
- 07/00538/FUL - Change of use to B1 offices and external alterations and extension to the former time office building including extension of existing car park
- 07/00539/LBC - Refurbishment, partial conversion and extension of the Former Time Office building to form offices
- 07/00540/FUL - Change of use to B1 offices and external alterations to the former time office building, including extension to existing car park;
- 07/00541/LBC - Internal and external alterations to the former time office building
- 07/00976/FUL - Erection of two storey temporary office accommodation (460 m²) to time office building
- 07/00977/LBC - Erection of two storey temporary office accommodation (460 m²) to time office building

1.02 06/02552/LBC has, for all intents and purpose, been superseded by the subsequent submitted applications. This application was part of the original suite of applications which were submitted in late November last year.

1.03 However the 6 applications submitted this year, are all being presented to planning committee. In actuality there are 3 different proposals and each is accompanied by a parallel Listed Building Consent Application.

1.1 PROPOSAL

1.1.1 This application relates to the change of use, conversion and alteration of the Former Time Office Building to form B1 office space. A parallel application for Listed Building Consent (07/00541/LBC) has also been lodged.

1.1.2 The proposals include:

- Internal alterations to the layout of the building to create open plan office accommodation on the ground floor and first floor, toilet facilities, a new stairwell and a lift. Such works would include the stripping out of modern internal partitions and suspended ceilings and making good.
- External alterations:-
 - (i) Replacement of existing window frames;
 - (ii) Formation of disabled access;
 - (iii) Formation of car-parking area at the rear of the building; and
 - (iv) formation of a glazed extension 'pod' on the roof.
- Change of use to general B1 office accommodation from employees' factory shop, storage area, employees' medical centre and office accommodation at first floor level.

1.2 SITE AND HISTORICAL BACKGROUND

1.2.1 The former Time Office Building lies within the site confines of the Terry's Factory site. The Factory site is situated to the south of the city centre on the periphery of South Bank. The Factory site is partially located within The Racecourse and Terry's Factory Conservation Area (no.10). The former Time Office building is located within this identified Conservation Area.

1.2.2 The Terry's Factory site is bounded by Campleshon Road to the north. Bishopthorpe Road lies adjacent the site to the east. An area used for car-parking by the racecourse during race events lies to the south which is encompassed by Green Belt, which extends to Bishopthorpe. The race course itself and Mickelgate Stray are situated to the west.

1.2.3 The Factory site is approximately 10 ha (24.9 acres) in area and comprises of a number of redundant buildings, including 6 Grade II listed buildings and more modern warehousing. The listed buildings were erected in and around the 1920's/30's. The former Time Office building is

one of these listed buildings and forms an important part of the group value of these listed buildings.

- 1.2.4 The Historic Buildings Assessment (HBA) which accompanies the Listed Building application attributes the original design to Lewis E Wade and the construction date is placed at 1927, making it one of the earlier buildings on site.
- 1.2.5 The actual site boundary of the former Time Office Building is by comparison far less in area than the extent of the whole site. Its total site area is 0.1067 ha. The building is sited adjacent the main entrance of Terry's Factory site adjacent Bishopthorpe Road. The building can be clearly seen from Bishopthorpe Road, being set back approximately 12.00 m from the road. The building is directly adjacent the former Headquarters Building to the north.¹ The former Headquarters building is 2 stories in height and is approximately 24.00 m from the Time office building. To the west side is the former Factory building². This building is 5 stories in height and is approximately 22.00 m from the former Time Office Building. To the south are the gardens. This area is principally the only formal 'green' area within the site. At present there is a 6.00 m strip of tarmaced area, at the rear of the building which was partially used for storage of materials from out of the former Time Office building and possibly for car-parking at some stage. To the east are the boundary walls of the Factory site, a public footpath and then Bishopthorpe Road.
- 1.2.6 The building was purpose built as the main control point, for deliveries etc. in and out of the site. The original carriageway arches which ran through the building were blocked a number of years ago. Consequent alterations to the façade were based on the existing architecture and appear convincing. The portico, which was used to control the main access to the site and booking in of deliveries etc. has been glazed with modern tinted glass. Other alterations to the exterior of the building are considered to be of little significance/ impact.
- 1.2.7 The building has been significantly altered throughout the years, for reuse into 2 distinctly separate parts. This has resulted in the insertion of modern partition walls and a spiral staircase at ground floor level. The upper floor has also been subdivided with a late 20th Century office partitioning system. Both floors have modern suspended ceilings. A recent investigation of the building's structure has revealed that it is steel framed with concrete casing.

1.3 REASON FOR REFERRAL TO COMMITTEE

¹ An application been lodged for the conversion of this building to form a hotel (06/02550/LBC). This application has not been determined as negotiations are still ongoing with the applicant. It is considered that the proposals to develop the Headquarters building are more closely interlinked with the overarching outline planning application (06/02560/OUT) which relates to the development of the whole site.

² As footnote 1, an application for Listed Building Consent has been lodged for the conversion of this building also.

- 1.3.1 This application is reported to Planning Committee due to officer discretion. This application forms part of the wider proposal/s for the development of Terry's Factory site which will be presented to Planning Committee in due course.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Racecourse 0035

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Listed Buildings Grade 2; Terry's Of York Time Office Block Bishopthorpe Road

2.2 Policies:

CYGP1
Design

CYHE2
Development in historic locations

CYHE3
Conservation Areas

CYGP4A
Sustainability

CYGP11
Accessibility

CYT4
Cycle parking standards

CYT20
Planning agreements

CYT5
Traffic and pedestrian safety

CYE3B
Existing and Proposed Employment Sites

CYE4

Employment devt on unallocated land

3.0 CONSULTATIONS

3.1 INTERNAL

3.1.1 Design, Conservation and Sustainable Development

3.1.2 The Council's Conservation Officer raised a number of concerns regarding the impact of the proposals upon the listed Building. These have been addressed in the parallel Listed Building Application (07/00541/LBC).

3.1.3 The officer did however raise concerns regarding the impact of the proposed car-parking area, at the rear of the former Time Office Building, upon the setting of the listed building and the Conservation Area.

3.1.4 Environmental Protection Unit:

3.1.5 The environmental protection unit (EPU) raised no objections, in principle, to this application but recommended that general conditions regarding the following were attached:-

- A construction environmental management plan (CEMP) should be submitted to and approved in writing by the Local Planning Authority. The CEMP should identify the steps and procedures implemented to minimise the noise impact and vibration and dust resulting from the site preparation, groundwork and construction phases of the development;
- All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site, shall be confined to recommended hours;
- The hours of operation for the new offices shall be agreed by the local planning authority;
- The hours of delivery to and dispatch from the new offices shall be confined to recommended hours; and
- Details of all new fixed machinery, plant and equipment to be installed in or located on the new offices, shall be agreed with the Local Planning Authority prior to being installed.

3.1.6 Highway Network Management (HNM)

3.1.7 The HNM department raised no objections to the proposed scheme.

3.1.8 The officer commenting upon this scheme noted that this proposal would not have a significant impact, in terms of traffic generation, upon the surrounding area, especially considering the historic use of the building as a factory.

3.1.9 The officer did however note, that the HNM department is currently involved in ongoing negotiations, regarding the potential highway implications of the redevelopment of the whole of the Terry's Factory site(06/02560/OUT). However they do not consider that the applications, regarding the development of the former Time office Building, will be prejudicial to their final assessment.

3.1.10 The officer also noted that the application, as proposed, indicates a level of car parking provision over the amount permitted under CYC Annex E maximum parking standards and is therefore contrary to local plan policy. However, the officer recommended that a suitable condition could be attached, should the application be approved, which would secure an acceptable level of car spaces.

3.2 EXTERNAL

3.2.1 Bishopthorpe Parish Council made the following comments:-

- The former Time Office Building is listed and the Parish Council presume this is mainly due to the style. They state that any changes should reflect this style;
- The Parish Council support changes to the windows and doors as they consider these elements to be compatible;
- They consider the 'pod' would look alien to the existing style;
- As a consequence they consider that the application fails to satisfy policies HE2, HE3 and HE4 of the Local Plan.

3.2.2 Mickelgate Planning Panel commented that they did not support the 'pod' extension to the Time Office Building.

3.2.3 Neighbours: 2 site notices were displayed on 2 separate occasions, at the entrance to the main entrance to the site, to advertise the Listed Building Consent applications and the full planning applications. No comments have been received from any other interested party or neighbours.

4.0 APPRAISAL

4.1 KEY ISSUES

- Principal of development;
- Effect on character and appearance of the character and appearance of the conservation area and the gardens;
- Highway's and parking issues; and
- Comments raised by Bishopthorpe Parish Council

4.2 PLANNING POLICY

4.2.1 PPS1: Planning for Sustainable Development aims to protect the quality of the natural and historic environment. 'The Planning System: General

Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

- 4.2.2 POLICY E4 OF THE APPROVED NORTH YORKSHIRE STRUCTURE PLAN (the statutory development plan for the area) states that buildings and areas of special townscape, architectural or historic interest (e.g. conservation areas, listed buildings) will be afforded the strictest protection.
- 4.2.3 DRAFT LOCAL PLAN POLICY CYGP1 states that development proposals will be expected to (i) respect or enhance the local environment, (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.
- 4.2.4 DRAFT LOCAL PLAN POLICY HE2 of the City of York Deposit Draft Local Plan (Fourth Set of Changes), approved for development control purposes on 13 April 2005 states that within or adjoining conservation areas, and in locations which affect the setting of listed buildings, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.
- 4.2.5 DRAFT LOCAL PLAN POLICY HE3 seeks to protect the character and appearance of Conservation Areas. The policy states that proposals for development in conservation areas should reflect street proportions, which are given to floor heights, door and window sizes and disposition. Supporting text of the policy further states that the elevational treatment of all sides of any development and roofscape are important, not simply the street frontage.
- 4.2.6 Other relevant draft Local Plan Policies include; GP4a: Sustainability, GP11: Accessibility, T4: Cycle Parking Standards, T5: Traffic and Pedestrian Safety; E4: Employment Development on unallocated, HE4 Listed Buildings, E3b: Existing and proposed employment sites, and I 4 and I12 of The North Yorkshire Structure Plan, which are concerned with Industry and employment.
- 4.2.7 TERRY'S DEVELOPMENT BRIEF

4.2.8 The Development Brief sets out the main issues and planning policies relating to this site and provides guidance on how it should be redeveloped.

4.2.9 The Brief was subject to public consultation and has been approved by Members. The Brief is being used as guidance in negotiating with developers and progressing planning and listed building / conservation area consent applications on the site.

4.2.10 THE RACECOURSE AND TERRY'S FACTORY CONSERVATION AREA CHARACTER APPRAISAL

4.2.11 Part of the Terry's site is located within the Racecourse and Terry's Factory Conservation Area. A character appraisal has been produced in order to properly consider the character of the conservation area and development proposals which may affect it.

4.3 PRINCIPLE OF DEVELOPMENT

4.3.1 The principle of employment/ business use is encouraged through the Development Brief approved for the site in June 2006. At present the building falls within the general use class of the site which is B2 – General Industrial.

4.3.2 The applicant's seek permission to change the use of the building to B1 – Business, as well as internal and external alterations. Should Planning Committee consider refusing permission, the applicant's could exercise their 'fallback position' which would be to implement the extant B2 use of the building. However, in reality it would be unlikely that it would appropriate for a B2 use with this building, due to it being listed and of a modest size.

4.3.3 The principle of the conversion of the Former Time Office building for employment purposes would not conflict with policies I4 and I12 of the Approved North Yorkshire Structure Plan, which is the statutory development plan for the area. These policies seek to encourage business development/ expansion through the development of suitable land/buildings. The policies also encourage the expansion or development of existing firms. Policy E3b, seeks to safeguard existing sites in employment use. However E3b further states, that sites or premises either currently or previously in employment use, should be retained within their current use class. Planning permission for other uses will only be given where amongst other requirements, development of the site for other appropriate uses will lead to significant benefits to the local economy.

4.3.4 In such situations as these, it is necessary to attach relative weight to the policies in question, based on the circumstances of each individual case and with reference to the relevant Central Government advice contained in Planning Policy Guidance Notes/Statements.

4.3.5 In this particular case the site itself has a history of B2 (General Industrial) use as Terry's Chocolate Factory. It is considered that the proposed use would compliment the Council's aspirations for the site. The proposed Use Class of the building does not fall within the general Use Class of the site (B2). The building was partially used for office accommodation (B1). However, it is not considered that B1 use, of the whole building as general office accommodation, would conflict with policy E3b or the Development Brief.

4.4 EFFECT ON CHARACTER AND APPEARANCE OF THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA AND THE GARDENS.

4.4.1 In addition to changing the use of the building the proposal also includes internal and external alterations. Works to be undertaken upon this listed building are considered in the parallel listed building application (07/00539/LBC).

4.4.2 However the impact of this scheme upon the conservation area and the gardens is a concern that has been raised by the Council. In particular, the design and consequent impact of the glazed second storey extension. The impact upon the conservation area and the garden is pertinent to this planning application and is therefore considered below.

4.4.3 The garden area is considered to be a particularly important constituent of the conservation area and the Terry's Factory site. Indeed it is recognised as such within the Development Brief for the site (section 6.37). It was agreed with the applicant's that it would be acceptable to extend 1 car-length into the garden from the existing curb line, which is just outside the line of the factory's (R1) south elevation.

4.4.4 At present, the Council's Conservation Officer considers the proposed car-parking provision, at the rear of the building is disproportionate and would have a detrimental impact upon the existing garden area adjacent. Also no landscaping scheme has been submitted to mitigate the agreed extension into this area.

4.4.5 In addition the Council's Highways Network Management Officer who commented upon this application has stated that there is an over-provision of car-parking.

4.4.6 The Conservation Officer considers that the parking area should be redesigned. A redesigned scheme could allow for better access into the rear of the building and have less of an impact upon the listed building and the garden area. Unfortunately, it has not been possible to come to an agreement regarding this particular issue prior to this committee meeting. However if the application were approved a suitable alternative car parking arrangement could be agreed with the Council.

- 4.4.7 The applicants were also advised that such a scheme would only be acceptable if adequately landscaped. As no additional landscaping scheme has been submitted, it is considered prudent to recommend that a condition should be attached, if permission is granted, that requires further details to be submitted and agreed in writing by the Local Planning Authority. It is considered that these details could be agreed prior to the commencement of works on site.
- 4.4.8 The proposed cycle storage is also unacceptable for two reasons. Firstly, as well as being secure, cycle storage should be covered. The currently proposed cycle storage is not covered. A condition could be attached requiring secure and sheltered storage for employees' bicycles.
- 4.4.9 Secondly, if the cycle storage were to be covered, it would be unacceptable, in its current position, in terms of visual impact upon the listed building. This issue is addressed in more detail in the parallel Listed Building application (07/00541/LBC). However, in brief a more appropriate location should be sought which does not have a detrimental impact upon the setting of the listed building but still remain accessible to cyclists.
- 4.4.10 A condition could be added, should the application be approved, to find a more appropriate location for storage of cycles, which is safe, secure and convenient and does not have a detrimental impact upon the character and setting of the former Time Office Building, the Factory site in general and the Conservation area.
- 4.4.11 Finally the proposed glazed (pod) extension would, in the opinion the conservation officer, adversely affect the special architectural and historic interest of the building and we cannot support the scheme.
- 4.4.12 As a consequence the proposed scheme is considered unacceptable as it fails to satisfy policies HE2 and HE3 of the Local Plan.

4.5 HIGHWAY AND PARKING ISSUES

- 4.5.1 Central Government advice in Planning Policy Guidance Note 13 ("Transport") (PPG13), seeks to promote:-
- More sustainable transport choices for both people and for moving freight;
 - Accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling;
 - and to reduce the need to travel, especially by car.
- 4.5.2 A key planning objective of PPG19 is to ensure that jobs, shopping, leisure facilities and services are accessible by public transport, walking, and cycling. PPG19 states businesses should make every effort, for instance by adopting travel plans to encourage car sharing, and use of non-vehicular modes of transport.

4.5.3 The Highways Network Management (HNM) officer commented that the application proposed is likely to have a negligible impact, in terms of traffic generation upon the area, especially when considering the historic use of the building.

4.5.4 The HNM officer recommended that a travel plan should be produced for the scheme in accordance with PPG19 and T20 of The Local Draft Plan.

4.6 COMMENTS RAISED BY BISHOPTHORPE COUNCIL

4.6.1 *No information has been submitted regarding traffic impact upon Bishopthorpe.*

4.6.2 A condition has been suggested, should the application be approved, requiring a travel plan to be agreed with the Council.

4.6.3 *Construction traffic generated by this application and the wider scheme will have an adverse impact upon the residents of Bishopthorpe and cause congestion.*

4.6.4 The wider traffic impact of the scheme cannot be considered as part of this application. It is considered that this specific scheme would have a negligible impact upon the existing traffic network, due to the size and scale of the proposals.

4.6.5 *The Travel Plan submitted with the overarching outline planning application (06/0560/OUT) is flawed/inaccurate.*

4.6.6 Negotiations are ongoing regarding traffic impact of the overarching planning application. However an additional plan has been requested for this specific scheme.

4.6.7 All other comments made by the Parish Council relate (principally) to the overarching outline planning application and cannot be considered as part of this application.

5.0 CONCLUSION

5.1 It is considered that whilst the proposals continue the legacy of employment uses on this site. However, the aforementioned glazed extension is considered an unjustified intrusion upon the fabric of the listed building. As a consequence this scheme would adversely affect the special historic and architectural interest of the building or the character and appearance of Conservation Area no.10.

5.1.1 The proposed conversion and the former Time Office Building to general B1 office accommodation with the inclusion of a glazed extension on the

roof, is considered unacceptable and fails to satisfy policies HE2, and HE3 and National Planning Guidance PPS1.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1. In the opinion of the Local Planning Authority the proposed scheme would cause undue harm to interests of acknowledged importance, with particular reference to the former Time Office Building which is a listed building and the Racecourse and Terry's Conservation Area. As such this proposal fails to satisfy policies HE2 and HE3 of the City of York Local Plan Deposit Draft, also PPS1.

Contact details:

Author: Richard Beal Development Control Officer

Tel No: 01904 551610

COMMITTEE REPORT

Committee: Planning Committee **Ward:** Micklegate
Date: 26 June 2007 **Parish:** Micklegate Planning Panel

Reference: 07/00539/LBC
Application at: Factory Bishopthorpe Road York YO23 1NA
For: Change of use to B1 offices and external alterations to the former time office building, including extension to existing car park and glazed extension to roof.
By: GHT Developments LLP
Application Type: Full Application
Target Date: 26 June 2007

1.0 PROPOSAL

1.0.1 This is the parallel Listed Building Consent application which accompanies planning application 07/00538/FUL. This application relates to the conversion and alteration of the Former Time Office Building to form office accommodation (Use Class B1) and the erection of a glazed extension (pod) to the roof.

1.02 In terms of impact upon this Listed Building, proposals include:

- Internal alterations to the layout of the building to create open plan office accommodation. Such works would include the stripping out of modern internal partitions and suspended ceilings and making good.

Alterations include:-

- The removal of the existing windows and replacement with appropriate conservation frames (this includes the removal of a number of modern UPVC window frames which have been inserted);
- The formation of a disabled access (including ramp and handrails);
- The alteration of the Portico to form an entrance, including the removal of modern glazed gate keepers tinted glass booth;
- The removal of a number of modern internal partitions on the ground and first floor to create modern open plan office accommodation;
- The removal of the spiral staircase and formation of anew stairwell and associated toilet facilities; and
- The insertion of a lift core.
- The erection of a glazed extension (pod) to the roof of the building.

1.1 SITE AND HISTORICAL BACKGROUND

- 1.1.1 The former Time Office Building lies within the site confines of the Terry's Factory site. The Factory site is situated to the south of the city centre on the periphery of South Bank. The Factory site is partially located within The Racecourse and Terry's Factory Conservation Area (no.10). The former Time Office building is located within this identified Conservation Area.
- 1.1.2 The Terry's Factory site is bounded by Campleshon Road to the north. Bishopthorpe Road lies adjacent the site to the east. An area used for car-parking by the racecourse during race events lies to the south which is encompassed by Green Belt, which extends to Bishopthorpe. The race course itself and Mickelgate Stray are situated to the west.
- 1.1.3 The Factory site is approximately 10 ha (24.9 acres) in area and comprises of a number of redundant buildings, including 6 Grade II listed buildings and more modern warehousing. The listed buildings were erected in and around the 1920's/30's. The former Time Office building is one of these listed buildings and forms an important part of the group value of these listed buildings.
- 1.1.4 The Historic Buildings Assessment (HBA) which accompanies the Listed Building application attributes the original design to Lewis E Wade and the construction date is placed at 1927, making it one of the earlier buildings on site.
- 1.1.5 The actual site boundary of the former Time Office Building is by comparison far less in area than the extent of the whole site. Its total site area is 0.1067 ha. The building is sited adjacent the main entrance of Terry's Factory site adjacent Bishopthorpe Road. The building can be clearly seen from Bishopthorpe Road, being set back approximately 12.00 m from the road. The building is directly adjacent the former Headquarters Building to the north.¹ The former Headquarters building is 2 stories in height and is approximately 24.00 m from the Time office building. To the west side is the former Factory building². This building is 5 stories in height and is approximately 22.00 m from the former Time Office Building. To the south are the gardens. This area is principally the only formal 'green' area within the site. At present there is a 6.00 m strip of tarmaced area, at the rear of the building which was partially used for storage of materials from out of the former Time Office building and possibly for car-parking at some stage. To the east are the boundary walls of the Factory site, a public footpath and then Bishopthorpe Road.

¹ An application been lodged for the conversion of this building to form a hotel (06/02550/LBC). This application has not been determined as negotiations are still ongoing with the applicant. It is considered that the proposals to develop the Headquarters building are more closely interlinked with the overarching outline planning application (06/02560/OUT) which relates to the development of the whole site.

² As footnote 1, an application for Listed Building Consent has been lodged for the conversion of this building also.

1.1.6 The building was purpose built as the main control point, for deliveries etc. in and out of the site. The original carriageway arches which ran through the building were blocked a number of years ago. Consequent alterations to the façade were based on the existing architecture and appear convincing. The portico, which was used to control the main access to the site and booking in of deliveries etc. has been glazed with modern tinted glass. Other alterations to the exterior of the building are considered to be of little significance/ impact.

1.1.7 The building has been significantly altered throughout the years, for reuse into 2 distinctly separate parts. This has resulted in the insertion of modern partition walls and a spiral staircase at ground floor level. The upper floor has also been subdivided with a late 20th Century office partitioning system. Both floors have modern suspended ceilings. A recent investigation of the building's structure has revealed that it is steel framed with concrete casing.

1.2 REASON FOR REFERRAL TO COMMITTEE

1.2.1 This application is reported to Planning Committee due to officer discretion. This application forms part of the wider proposal/s for the development of Terry's Factory site which will be presented to Planning Committee in due course.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Racecourse 0035

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Listed Buildings Grade 2; Terry's Of York Time Office Block Bishopthorpe Road

2.2 Policies:

CYHE2
Development in historic locations

CYHE3
Conservation Areas

CYHE4
Listed Buildings

3.0 CONSULTATIONS

3.1 INTERNAL

3.1.1 Design, Conservation and Sustainable Development

3.1.2 The Council's Conservation Officer welcomes the removal of the tinted glass infilling to the portico and remediation works which are more sympathetic to the original façade. The officer also welcomes the use of the building as an office and the applicant's proposal to remove many of the modern subdividing partitions to form open plan accommodation.

3.1.3 The Officer considers that the new staircase and service area, in the west bay has been carefully considered in its design. She considers that it would be well integrated with the existing structure, although she does note that its introduction means the loss of the original cross wall in the west bay. However, she considers that the wall would continue to be marked by the beam above and its existence is recorded in documentary sources. Therefore its removal is acceptable, in this instance. The officer also views the removal of the spiral staircase and its enclosure as acceptable. She considers that these elements are modern additions within the fabric of the building. Finally, the officer notes that the east bay staircase enclosure would not be significantly altered.

3.1.4 A revised scheme was submitted on 29/05/2007, responding to concerns raised by the Council. The Council's Conservation Officer considers that this amended scheme has addressed a number of points regarding impact upon the listed building. However she still raises concerns regarding the submitted site plan as it does not indicate a number of the revisions. As a consequence, she advises that the site plan should be amended to incorporate the following changes:-

- The entrance ramp should be indicated on the plan. The site plan must be an accurate reflection of what is proposed for the site;
- Secure cycle parking should be relocated to the rear of the building and should be covered. If the cycle storage were covered in its present position it would unacceptably harm the setting of the main elevation of this listed building;
- Extension to the hard surfacing on the south side of the building (car-parking area) should be amended to allow for easier access into the building and so as to create an arrangement which would suit movements around the listed building and its setting.
- Individual buildings cannot be treated as independent satellites on this site. Parking must accord with the strategy for the whole site and to avoid jeopardizing future provision for the site;
- The extent of tree removals shown on drawing AL_L1(0)14 cannot be supported at this stage. Further details should be submitted regarding landscaping;
- Areas shown outside this individual scheme should reflect the existing situation (i.e. without the children's play area, additional parking, new

buildings) as this is introducing details which have not been agreed in advance of an approved masterplan.

3.1.5 Finally the conservation officer identifies the glazed extension (pod) would have a significant detrimental impact upon the architectural and historic interest of the building and we should therefore be refused.

3.2 EXTERNAL

3.2.1 Bishopthorpe Parish Council made the following comments:-

- The former Time Office Building is listed and the Parish Council presume this is mainly due to the style. They state that any changes should reflect this style;
- The Parish Council support changes to the windows and doors as they consider these elements to be compatible;
- They consider the 'pod' would look alien to the existing style;
- As a consequence they consider that the application fails to satisfy policies HE2, HE3 and HE4 of the Local Plan.

3.2.2 Mickelgate Planning Panel commented that they did not support the 'pod' extension to the Time Office Building.

3.2.3 Neighbours: 2 site notices were displayed on 2 separate occasions, at the entrance to the main entrance to the site, to advertise the Listed Building Consent applications and the full planning applications. No comments have been received from any other interested party or neighbours.

4.0 APPRAISAL

4.1 KEY ISSUE

- Effect on character and appearance of the (listed) building.

4.2 PLANNING POLICY

4.2.1 PPS1: Planning for Sustainable Development aims to protect the quality of the natural and historic environment. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

4.2.2 PPG 15: Planning and the Historic Environment. Central Government advice in relation to listed building control contained within this document states in paragraph 3.3 that whilst the listing of a building should not be seen as a bar to all future change, the starting point for the exercise of listed building control is the statutory requirement on local planning authorities to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses" (Section 16 of the "Planning (Listed Buildings and Conservation Areas) Act 1990"). This reflects the great importance to

society of protecting listed buildings from unnecessary demolition and from unsuitable and insensitive alteration and should be the prime consideration for authorities in determining an application for consent.

- 4.2.3 PPG15 recognises that generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use (para 3.8), and that many listed buildings can sustain some degree of sensitive alteration or extension to accommodate new or continuing uses (para 3.13). Paragraph 3.15 states that achieving a proper balance between the special interest of a listed building and proposals for alterations and extensions is demanding and should always be based on specialist expertise, and often demands a flexible and imaginative approach by all the parties involved.
- 4.2.4 The importance of listed buildings is reflected in Policy E4 of the Approved North Yorkshire Structure Plan, which states that buildings and areas of special townscape, architectural or historic interest (e.g. listed buildings) will be afforded the strictest protection. Policy HE4 of the City of York Draft Local Plan relates specifically to listed buildings and states that consent for development in the immediate vicinity of listed buildings, demolition, internal and external alteration, and changes of use will only be granted where there is no adverse effect on the character, appearance or setting of the building.
- 4.2.5 POLICY E4 OF THE APPROVED NORTH YORKSHIRE STRUCTURE PLAN (the statutory development plan for the area) states that buildings and areas of special townscape, architectural or historic interest (e.g. conservation areas, listed buildings) will be afforded the strictest protection.
- 4.2.6 DRAFT LOCAL PLAN POLICY HE2 of the City of York Deposit Draft Local Plan (Fourth Set of Changes), approved for development control purposes on 13 April 2005 states that within or adjoining conservation areas, and in locations which affect the setting of listed buildings, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.
- 4.2.7 DRAFT LOCAL PLAN POLICY HE3 seeks to protect the character and appearance of Conservation Areas. The policy states that proposals for development in conservation areas should reflect street proportions, which are given to floor heights, door and window sizes and disposition. Supporting text of the policy further states that the elevational treatment of all sides of any development and roofscape are important, not simply the street frontage.
- 4.2.8 DRAFT LOCAL PLAN POLICY HE4 states that consent will only be granted for development to a listed buildings where there is no adverse effect on the character and setting of the building. Supporting text of this policy further states that, it is important that extensions preserve and

enhance the special architectural or historic character of conservation areas and complement the character of listed buildings. Alterations will be expected to be of an appropriate design, using traditional natural materials. The proposal should also be in scale with the original building and respect its character.

4.2.9 TERRY'S DEVELOPMENT BRIEF

4.2.10 The Development Brief identifies that it is important to respect and reflect the historic importance of Terry's Factory site. Also buildings should be legible, i.e. the purpose of the building should be easily understood.

4.2.11 The Brief was subject to public consultation and has been approved by Members. The Brief is being used as guidance in negotiating with developers and progressing planning and listed building / conservation area consent applications on the site.

4.2.12 THE RACECOURSE AND TERRY'S FACTORY CONSERVATION AREA CHARACTER APPRAISAL

4.2.13 Part of the Terry's site is located within the Racecourse and Terry's Factory Conservation Area. A character appraisal has been produced in order to properly consider the character of the conservation area and development proposals which may affect it.

4.3 EFFECT ON CHARACTER AND APPEARANCE OF THE EXISTING (LISTED) BUILDING.

4.3.1 The principle of changing the use of the building to general office accommodation (B1) has been considered in the parallel planning application (07/00538/FUL). The parallel planning application also addressed the issue of cycle storage and the parking provision at the rear of the former Time Office Building.

4.3.2 This report seeks to examine the impact of the proposals upon the listed building. Policy HE4 of the draft local plan states that development should not have an adverse effect upon the character, appearance or setting listed buildings. Policies HE2 and HE3 further support this policy.

4.3.3 The present scheme is considered unacceptable. In particular, the proposed glazed extension on the roof of the building is considered inappropriate. Such a feature would create an incongruous feature and would adversely affect the special historic and architectural interest of the building or the character and appearance of conservation area.

5.0 CONCLUSION

5.1 It is considered that whilst the proposals continue the legacy of employment uses on this site. However, the aforementioned glazed

extension is considered an unjustified intrusion upon the fabric of the listed building. As a consequence this scheme would adversely affect the special historic and architectural interest of the building or the character and appearance of Conservation Area no.10.

- 5.1.1 The proposed conversion and the former Time Office Building to general B1 office accommodation with the inclusion of a glazed extension on the roof, is considered unacceptable and fails to satisfy policies HE2, and HE3 and National Planning Guidance PPS1.

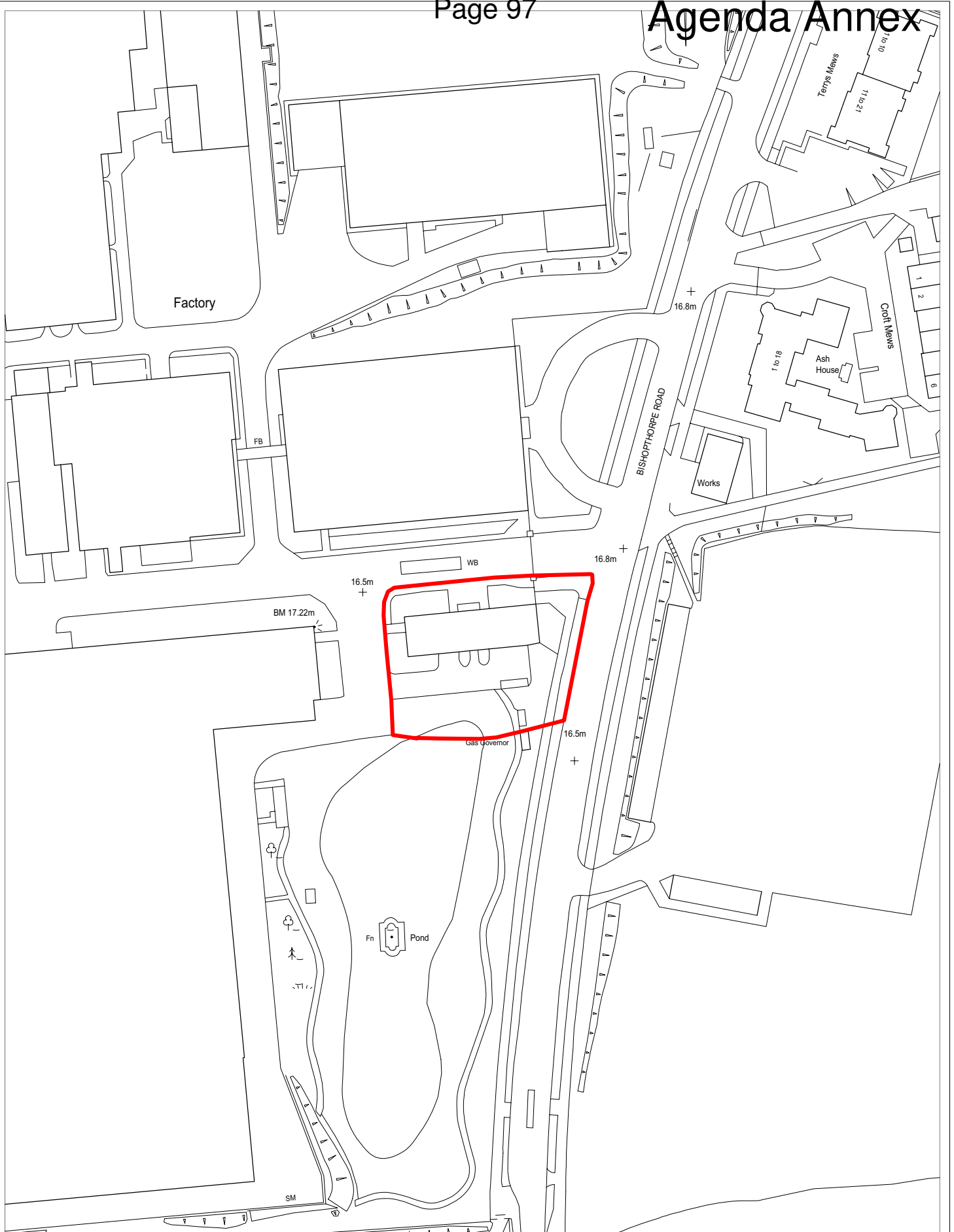
COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1. In the opinion of the Local Planning Authority the proposed scheme would cause undue harm to interests of acknowledged importance, with particular reference to the former Time Office Building which is a listed building and the Racecourse and Terry's Conservation Area. As such this proposal fails to satisfy policies HE2, HE3 and HE4 of the City of York Local Plan Deposit Draft, also PPS1 and PPG15.

Contact details:

Author: Richard Beal Development Control Officer
Tel No: 01904 551610



CITY OF
YORK
COUNCIL

TERRY'S FACTORY SITE

SCALE 1:1250
Originating Group

DRAWN BY PSL
Project

DATE 18/6/2007
Drawing No.



This page is intentionally left blank

COMMITTEE REPORT

Committee: Planning Committee **Ward:** Fulford
Date: 26 June 2007 **Parish:** Fulford Parish Council

Reference: 05/00022/OUTM
Application at: Royal Masonic Benevolent Institute Homes Connaught Court St Oswalds Road York YO10 4QA
For: Outline application for erection of extra care sheltered accommodation, extension to Elderly Mentally Frail unit, residential development, relocation of existing bowling green and provision of new access road and car parking (revised scheme)
By: Royal Masonic Benevolent Institute
Application Type: Major Outline Application (13 weeks)
Target Date: 8 April 2005

1.0 PROPOSAL**SUMMARY:**

1.1 This outline application for the development of the Connaught Site on the west side of Main Street, was reported to Members of the Planning Committee in June 2006. It was recommended for refusal on four grounds: lack of affordable housing, inadequate play space, affect on trees and inadequate replacement bowling green. However, due to the submission of late revised plans and additional details by the applicant prior to the committee and an administrative error with the notification letters by the Council, the application was deferred. Following deferral, the revised details were publicised. The application has been subject to considerable opposition from the local community.

1.2 The applicant has submitted further additional information and revised/additional plans to address the previously recommended reasons for refusal. The revised plans for the site have been consulted on, with the exception of the most recently submitted indicative plans for the around the bowling green.

1.3 The additional information has been considered by Officers in light of the previous recommended grounds for refusal and the Committee report of June 2006 updated accordingly. On the basis of the inadequate replacement bowling green, the application is recommended for refusal.

SITE:

1.4 The Connaught Court site lies between Main Street, St.Oswalds Road, Atcherley Close, Fulford Park and Fulford Ings, in Fulford. The main vehicular access is from St. Oswalds Road, with a pedestrian access also found onto the Main Street frontage. The main building on the site is a large 2 and 3 storey relatively modern care home, with associated smaller buildings and dwellings grouped around it. The buildings are primarily grouped towards St. Oswalds Road and Atcherley Close, with the remainder of the site consisting of private open space and a bowling

green. The site contains substantial numbers of protected trees, in particular in the part of the site nearest Main Street.

1.5 Levels drop on the west side of the site towards the Ings and the River Ouse beyond. This part of the site lies in the flood plain of the river, whilst the adjacent Ings is a SSSI and lies within the York Green Belt. The frontage of the site onto Main Street lies within Fulford Conservation Area. The St. Oswalds Road frontage does not lie in a conservation area, though properties on the opposite side of this road lie within Fulford Road Conservation Area

PROPOSAL:

1.6 The proposal in summary involves the redevelopment of parts of the Connaught Court site for self contained 'extra care' sheltered apartment accommodation, an extension to the existing mentally frail unit on the site, private (general market housing) residential development, the relocation of the bowling green and associated facilities, provision of two children's play areas, and associated access roads and parking facilities.

1.7 The application is made in outline form and seeks the principle of development of the site for the aforementioned uses. Access forms part of the application. A new vehicular access into the site would be formed from Main Street, and the existing vehicular access off St. Oswalds Road would also be utilised.

1.8 A planning statement incorporating a tree survey, landscape strategy, flood risk and drainage assessment, traffic impact assessment, archaeological desktop study were submitted when the application was received.

1.9 During the course of the application, confirmation has been provided on the matters that form part of the application, in order for the principle of the development to be properly assessed in relation to the impact on protected trees on the site and the two conservation areas. The following matters now form part of the application:

- provision of access roads from Main Street and St Oswald's Road with an emergency link between
- provision of footpath/cycle way link to riverside frontage
- siting of extra care accommodation to east of existing care home with link corridor to home
- siting of single storey extension to Elderly and Mentally Frail unit (Fred Crossland House)
- siting of 8 dwellings on part of the site fronting St. Oswald's Road
- siting of bowling green, bowls clubhouse and associated parking
- provision of open space to be retained on site and siting of two children's play space

1.10 Issues of design, external appearance and landscaping remain reserved matters, as does siting of the proposed dwellings in the proposed residential areas to the south of Atcherley Close and to the north of Fulford Park.

1.11 The following additional information and amendments were made during the course of the application:

- changes to the layout to show protective tree fencing lines, alteration to the siting of the extra care sheltered accommodation to retain trees, increased retention of a raised bed for beech tree.
- detailed drawings of the site access junctions and supplementary highways issues information
- a report on the archaeological evaluation
- a design statement for the St. Oswalds Road area of the site
- a design brief for site security
- supplementary flood risk assessment information
- supplementary open space issues information
- changes to play space provision
- site sections in relation to bowling green and access road from Main Street
- changes to design around bowling green
- proposed land use plan to confirm the uses proposed in each part of the site
- bat survey
- financial appraisal on affordable housing issues
- provision of cycle link down to riverside

1.12 All relevant consultees were consulted on further information and amendments made during the course of the application. Local residents and the Parish Council were consulted on all further information (excluding the financial appraisal) and amendments made. Most recently, additional indicative plans for the area around the bowling green have been submitted to address concerns about the acceptability of the bowling green siting and the impact to the adjacent lime tree in particular. These have not been consulted on as they are indicative and do not affect the siting of the green, which is what the applicant has asked be determined by the Council as part of the outline application. The development as proposed is detailed as follows:

1.13 The areas behind the Main Street frontage would comprise open space areas on either side of the new access road. This would include the relocated bowling green on the north side of the new access road with clubhouse. The bowling green is currently in the area of the site to the south of Atcherley Close, where private residential development is proposed. A children's play area is proposed on the open space to the south of the new access road (north of the adjacent health centre). Twelve car parking spaces are proposed along this new access road, eight of which would be for use by the bowling green. The proposed parking spaces for the health centre and access link through to it has been omitted from the scheme.

1.14 The new extra care building would be sited behind (west of) of the bowling green. The building would be L shaped, with the new access road terminating in front, with associated car parking (nineteen spaces). A courtyard of bungalows would have to be demolished to make way for the building. The footprint area of this building would be approximately 2000 sq m. It is shown as being connected to the existing care home by a link corridor.

1.15 The L shaped extension to the mentally frail unit (known as Fred Crossland House) would be sited on the north side of the Connaught Court buildings, abutting the rear boundary of the Sir John J Hunt Memorial Cottage Homes. Car parking

would be shared with the reconfigured car parking for the existing Connaught Court building, providing a total of 40 spaces and cycle parking.

1.16 Three areas of private residential development are proposed, all of which would be serviced via the existing St. Oswalds Road access. The area adjacent to St. Oswalds Road would provide 6 detached and 2 semi detached dwellings, incorporating a small 'green' feature and a separate footpath link to St. Oswalds Road. The dwellings would be orientated into the site, and be of 2 or 2½ storey height.

1.17 The remaining two residential areas would be to the south of Atcherley Close and to the north of Fulford Park. The existing internal access road would be extended to the west and then to south of the existing Connaught Court building to serve these parts of the development. Indicatively, the area to the south of Atcherley Park is shown to provide 27 apartments in 2 and 3 storey blocks, and the area to the north of Fulford Park is shown to provide 10 detached dwellings, though siting of these dwellings does not form part of the application. The part of the site to west of these areas, and down to the site boundary with the Ings, would be open space. The second children's playspace is proposed between these two areas of new residential development. A cycle link to the river is proposed across this area. This was at the request of Officer's, though it is noted that the land beyond the site boundary is a designated nature area (SSSI) and as such the applicant has been subsequently asked to remove this element from the scheme.

1.18 Initially, neither the private residential development nor the extra care sheltered accommodation was to provide affordable housing. The applicant now accepts that 25% of the general market housing proposed will need to be offered as affordable housing, though wishes that Members of the Committee discuss whether this is necessary given its role as a charity. This is further discussed in 4.4 as is the issue of the extra care accommodation and the requirement for affordable housing provision.

SITE HISTORY:

1.19 The existing care home has being subject over a number of approvals for extensions over the years. The site frontage onto St. Oswalds Road received an outline permission in the mid 80s for four dwellings. More recently, an outline application for 40-50 extra care units in part of the site adjacent to Fulford Park, and accessed off Fulford Park, was withdrawn following a recommendation to refuse on the grounds of inadequate information in relation to trees, conservation area, SSSI, Green Belt, access and affordable housing (ref: 03/00698/OUT). During this course of the application, a Tree Preservation Order was served on the majority of trees on the site.

1.20 Two of the protected beech trees have being subject to recent tree works applications. A first application (ref: 03/03285/TPO) was made in October 2003 to remove these trees, but was refused on the grounds the trees appeared in reasonable condition and inadequate arboricultural reasons were given for their removal. A further application (ref: 04/01838/TPO) was submitted in May 2004 to fell the two beech trees, following a more detailed inspection and an associated report, including replacement planting with a woodland species of similar stature.

Permission was consequently given for the removal of the trees, and they have subsequently being removed.

1.21 A similar development to that now proposed under this application, but subsequently withdrawn was proposed in 2004 (ref: 04/002546/OUT). The main differences are the current application proposes also the extension to the mentally frail unit and the siting details provided as part of the current planning application and more detailed supporting information.

1.22 The current application was to be reported to the Planning Committee on 27th June 2006 and was recommended for refusal on four grounds - lack of affordable housing, loss of protected trees, inadequate levels of children's play space and that the proposed relocated bowling green is not of commensurate standard. The application was deferred from the meeting following the submission of late amendments to the scheme to try to address these outstanding areas of concern and an administrative error with the notification letters by the Council.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYSP2
The York Green Belt

CYSP6
Location strategy

CYGP1
Design

CYGP3
Planning against crime

CYGP4
Environmental sustainability

CYGP9
Landscaping

CYGP15
Protection from flooding

CYNE1
Trees, woodlands, hedgerows

CYNE6
Species protected by law

CYHE2
Development in historic locations

CYHE3
Conservation Areas

CYHE10
Archaeology

CYHE11
Trees and landscape

CYT4
Cycle parking standards

CYT13
Car park standards in York CC/District C

CYH2
Affordable housing on housing sites

CYH4
Housing devp in existing settlements

CYH5
Residential densities over 25 per ha

CYH17
Residential institutions

CYL1
Open spaces in new residential devts

CYC6
Dev't contributions to comm facilities

3.0 CONSULTATIONS

Internal

3.1 CITY DEVELOPMENT

3.1.1 The proposal aims to make effective use of land for housing. It is borderline in terms of meeting minimum density requirements, but the landscaped setting of the site must be acknowledged. The parkland character and formal gardens have been retained. The proposal includes open space provision linked to the new housing in accordance with local plan policy. It is noted the bowling green will be relocated between the care home and the Main Street frontage.

3.1.2 It is disappointing to note the lack of affordable housing. The Local Plan and Affordable Housing Advice Note 2000 are clear in their support for affordable housing, and it is considered the site performs well in terms of access to services and facilities, including public transport. There is a clear and identified need for affordable housing in York in general and this area specifically. The 2002 Housing Needs Survey indicates a need for 950 new affordable homes per annum to 2007 to meet need. The applicant's supporting statement accepts the affordable housing policy, but attempts to justify the non provision by referring to abnormal site costs and the realisation of other policy objectives.

3.1.3 The applicant has submitted a table of costs associated with the removal of asbestos and the upgrading of services, rooms and windows, general repair and the maintenance and construction of an extension. In line with the Housing Advice Note 2000, it is considered these costs are known rather than abnormal. They should be accounted for in land appraisal sales, and it is considered that open market sales within the scheme will comfortably off set the on-site costs.

3.1.4 The second justification for the lack of affordable housing refers to the charity status of the applicants and states that any surplus resulting from the development will be used to upgrade and improve facilities. Circular 6/98 clarifies the situation on suitability of sites for affordable. Suitable housing includes "special needs housing which is not affordable simply because it caters for a particular group", going on to state that "local assessments of needs for affordable housing may show there are elderly households who cannot afford sheltered housing provided by the market". There have been no submissions to suggest that the sheltered housing would be affordable to local elderly people in need, and it is considered appropriate to include a suitable element of affordable sheltered housing within the scheme.

3.1.5 Cannot see any reason why the proposed private housing should be exempt from the established policy to integrate affordable housing within private housing schemes.

3.1.6 On submission of a financial appraisal on affordable housing issues, reiterates the site size and numbers are well above affordable housing thresholds, the agents assertions that extra care accommodation is sui generis and should not be subject to affordable housing requirements, and that affordable housing should not be provided within the private market for sale homes as it would compromise the Royal Masonic Benevolent Institute's (RMBI) programme of investment as a charity.

3.1.7 The financial appraisal treats the refurbishment and extension to Connaught Court as abnormal costs, that it to say there is an expectation these costs will be

discounted from the gross development value and affordable housing therefore will not be required. There are very limited details on the extent of refurbishment and materials, construction methods and management. Similarly, a substantial financial contribution is extracted from the total gross development value in order to contribute to the RMBIs national build programme

3.1.8 Reiterates Circular 06/98 advice that special needs housing is not affordable simply because it caters to a particular group. The 2002 Housing Needs Survey shows there are elderly households in York who cannot afford sheltered housing provided by the market. The Council's Affordable Housing Note is clear and consistent in its approach, stating that known development costs should be accounted for in negotiating realistic land values. Planning related requirements such as affordable housing will be seen as known costs, and the onus will be on developers to offset these requirements through market sale and realistic land acquisition. This accords with Circular 06/98, which sets out the need to take any particular costs of development into account.

3.1.9 In this application, the land is already in the ownership of the RMBI and the surplus is sought to finance the extension and improvements to Connaught Court. Any surplus available (which is quite substantial) is proposed to contribute to the national programme of improvements and rebuilding/extension of RMBI homes across the country.

3.1.10 This is not agreed with in principle. It is not consistent with national or local policy and will not contribute to affordable housing provision in York. The RMBI's charity status does not allow entry to all people, or even to elderly people in affordable housing need in York or indeed to any elderly people in York, unless part of the RMBI. It is not related to any particular Council strategy, unlike affordable housing need in York. In this way and with reference to Circular 06/98, the provision of affordable housing within the scheme cannot be said to prejudice the realisation of other planning objectives that need to be given priority in the development of the site.

3.2 HIGHWAY NETWORK MANAGEMENT

3.2.1 On-site parking to serve residents needs is capable of being provided within the curtilage of the houses themselves. Parking for owners of the apartments would take place off the highway within allotted areas. It will be important to ensure when the reserved matters application is submitted, that parking levels are in accordance with Local Plan standards, to ensure no displacement of demand into neighbouring residential streets. Whilst the existing parking area for the current care home would be lost by the development proposals, there would be a replacement area of 40 spaces, sited to the north and west of the building. New covered and secure cycle storage facilities are also to be provided.

3.2.2 The current bowling green is to be re-sited towards the Main Street frontage of the site where a new clubhouse is also to be provided. Although there appears to be currently no dedicated parking are provided for the players, the proposals would create 10 spaces alongside the green accessed via a new junction off Main Street. The opportunity has been taken to provide an additional 6 parking spaces for patients at the nearby Health Centre also served via this new cul-de-sac. This is a

welcome addition since on-street parking can currently cause congestion around the Fulford Park junction. [This aspect has now been omitted from the proposed scheme].

3.2.3 The 19 parking spaces for the extra care apartments would be largely associated with staff and visitors since actual car ownership levels are predicted to be very low. Given the total number of residential units on the site, an emergency link has been sought between the two access roads which would take a line avoiding the mature trees on the site. This link would also serve as a route for pedestrians and cyclists wishing to reach Main Street and Fulford village rather than having to undertake the long detour via St. Oswalds Road. The internal access roads would in future become part of the adopted highway network and therefore conditions need to be attached to any approval requiring them to be constructed to adoptable standards.

3.2.4 The applicant is seeking permission to introduce a lower standard of visibility splay than would normally be required at the Main Street junction. This is because of difficulties associated with the setting back of the boundary wall and the impact this might have on the health of existing mature trees. Given the special circumstances, and the generally light traffic movements predicted, it is considered that the standards could be relaxed in this instance.

3.2.5 The site is situated in a sustainable location with buses passing on a 10 minute frequency into the City, throughout the working day. At the western end of St. Oswalds Road, the recently constructed off-road pedestrian/cycle route alongside the river provides a safer alternative to the Fulford Road radial for journeys into the City Centre. With the construction of the Millenium Bridge, safer routes to South Bank and Acomb are also now available for cyclists. Signalised crossing facilities for pedestrians are provided at the Fulford Road/Heslington Lane and Fulford Road/Broadway junctions. These pedestrian facilities already provide safe crossings between the development site and local facilities.

3.2.6 Objectors to the application have pointed out that traffic emerging from St. Oswalds Road into Main Street already face difficulties due to the restricted visibility of on-coming traffic particularly in the direction of the City. This is largely due to on-street parking which takes place along the frontage of the adjacent terrace properties. If Members are minded to approve the application, monies (£5,500) should be sought from the developer through s106 agreement to carry out improvements at this junction by way of a build out at this point and the marking of a right-turn lane at the junction, bearing in mind the extra traffic predicted.

3.2.7 The additional trips generated by the development on the adjacent highway network are predicted to be in the order of 40 to 50 vehicles in each of the two peak hours. The percentage increase in vehicle movements along Fulford Road is predicted to be significantly below the 5% threshold whereby a material change in traffic conditions can be said to have occurred.

3.2.8 An examination of the future operation of the existing site access junction on St. Oswalds Road, the junction of St. Oswalds Road/Fulford Road and the new site access on Main Street are all shown by the applicant's transport consultant to be

operating well within their capacity and with only minimal increases in queue length in the post development situation.

3.2.9 In conclusion therefore there are no highway objections to the application. This is subject to a section 106 agreement covering the funding of highway safety improvements at the St. Oswalds Road/Fulford Road junction and highway conditions in relation to protecting vehicular visibility splays, adoptable road layout to be agreed, no mud on highway during construction, dilapidation survey, method of works statement and road safety audit.

3.3 URBAN DESIGN AND CONSERVATION - TREES/LANDSCAPE

3.3.1 On the submitted application, considered the main concern as this is an outline in ensuring the full requirements of British Standards are met in protecting trees. There would be definite significant loss of trees, and whilst a number are of limited significance individually, the potential accumulative loss could have a significant impact on the amenity and character of the area.

3.3.2 The units as originally proposed were incompatible with verge trees on St. Oswalds Road, impacting on the tree roots and causing loss of light. Accepts the amendments and further information submitted is an improvement, and that the arrangement of proposed dwellings on St. Oswalds Road should allow for the scaffolding without the need to trim trees back, and that they will not now shade the properties from direct sunlight. The courtyard arrangement also avoids having to create several access points off St. Oswalds Road. There must be sufficient garden space with a southerly aspect, and there would be less conflict if the ends face the trees, though this may not provide the best aesthetics to St. Oswalds Road.

3.3.3 However, the aesthetically critical part of the scheme that is threatened, is the old parkland that contains the majority of the mature trees as viewed from Fulford Main Street. The mature trees in particular are of interest due to their age and species mix and their amenity value as part of a recognisable landscape setting and in several cases as individual specimens. The site is within the 'village envelope' of Fulford. It is not public open space and has no designation according to the local plan. However the open nature of the site, with its many mature trees, is an integral element of the character of the conservation area as publicly viewed from Fulford Main Street. This character is also appreciated from Love Lane and by the residents in Fulford Park. This open landscape feature marks an important break between the outskirts of the city centre along Fulford Road and Fulford village.

3.3.4 The earthworks and ditch for the new bowling green will result in the unacceptable loss of one protected lime and a number of category A trees (most desirable for retention) are threatened due to levels changes. They contribute to the amenity of the vicinity, providing layers of greenery and provide depth from views for the conservation. The accumulative loss would have a detrimental loss on the amenity of the site and views from Main Street and Fulford Park, having a detrimental impact on the character and amenity of the conservation area. There may be conflict with existing trees and the bowling green due to shading and the fall of leaves.

3.3.5 It is noted that the latest proposals aim to retain the lime. The detailed proposals for the edge of the bowling green tight up against the trunk of the Lime tree (including an in-situ concrete ring) is not good practice; it also involves raising the ground levels over the rooting zone of the tree, thereby altering conditions for the tree, that would be to its detriment. This would be exacerbated by the old age of the tree, which generally renders it less able to cope with changes in conditions. In addition to this, the parking bays and footway are proposed within the recommended protection area (RPA) for this tree, as well as the RPA for all three of the category A trees within group 5 of the TPO (257, 276, 277). The ditch and earthworks also intrude into the root protection area for the large Beech (275). This tree has exceptionally high amenity value and is also over-mature, which places greater importance on attaining adequate protection.

3.3.6 The proposed location of the single play area was impractical as play equipment would have been in the tree protection zones, and trees in question are prone to dropping limbs. This location would have threatened the trees' longevity due to the risk they would pose in relation to the play space. The smaller play space now proposed in this area extends into the root protection areas of the mature trees. It also falls below the required play area size for a LEAP standard, with the remainder provided at the other end of the site.

3.3.7 The health centre car parking would detract from the parkland character, and would be exacerbated with lighting columns and signage the turning head interferes with tree protection. Indicative housing plot 3 is too close to Poplars on Fulford Park outside the site, though it is understood the siting of dwelling in this part of the site is indicative.

3.3.8 In summary, the main criteria for this site are i) to retain an open swathe/parkland setting onto Main Street ii) protect the views/amenity from Fulford Ings and iii) retain the trees that are subject to a TPO. As this is an outline application the main concern is to ensure that British Standards are met in protecting trees. As such the scheme presents a high risk of loss of trees, the extent of which is unacceptable due to the impact this would have on amenity and character. The development is still contrary to policies NE1 and HE11 because of the proposed loss and further likely loss of trees that are subject to a TPO due to development. That is not to say substantial development is not feasible on this site, but not in the current format.

3.3.9 Response of February 2007: Drawing submitted showing indicative layout around bowling green. Still remains some concern over the conflict between the tree and bowling green, with regard to seasonal fall, small pieces of deadwood, reduced drainage and the possibility of moss build-up. The situation for the Lime tree is not ideal, however on balance of the whole scheme and the attention that has been given to detail in order to protect the tree, concede that no longer see this item for the scheme as a reason for refusal of the whole planning application, because it is possible that within a reserved matters application, suitable details could be agreed and implemented without significant harm to the tree. Request condition re: method statement of tree protection measures.

3.3.10 Response of April 2007: Following several small revisions to the scheme since comments were put forward for the previous committee report, the risks to the majority of the protected trees has now been minimised [changes made to improve tree protection are outlined]; with the exception of the Lime and Beech due to the concerns expressed by CYC Leisure over the poor standard of the proposed bowling green. Bowling green continues to pose considerable threat to the Lime and Beech, which are arguably the most important trees on the site as viewed from Fulford Main Street. It would not be possible to implement the full drainage works to the green without particularly impacting on the Lime tree, by way of severing roots and also altering the growing conditions for almost half of the root-plate area. Concludes that previous concerns over the protection of the trees on the site have been overcome with the exception of the Lime and Beech trees adjacent to the bowling green.

3.3.11 Response of June 2007: Following receipt of additional information from O'Neill associates dated 14th May regarding proposed drainage details and construction of the bowling green area, arboriculture consultant Malcolm Waller was commissioned to update his comments on the scheme in relation to the Lime and Beech. As a result latest comments are below.

3.3.12 The construction of the bowling green at this proximity to the Lime and to a much lesser extent the Beech is by no means ideal. Concerned about the cumulative impact of the changes within the root protection area (RPA) of the Lime tree, especially as the latest proposal increases the levels by 250mm. Whilst the proposed bowling green construction would be porous and would allow continued passage of water and gaseous exchange, the boardwalk and parking bays are also within the RPA. To conclude, feel the alterations around the tree associated with the proposed construction of the bowling green would no longer be cause for objection if the two parking bays were removed from within the RPA in order to minimise the change in conditions around the Lime and the risk of a detrimental cumulative impact. This is notwithstanding any concerns that CYC Leisure may have over the quality of the green. For example, this arrangement still precludes a perimeter drain around the south east corner. Active Leisure Contracts suggest pruning the Lime and Beech trees, or even replacing them with a tree of a higher visual and ornamental value. Disagree with this, as no replacement tree would have an immediately higher value than the existing. Pruning would also be unacceptable other than operations to remove deadwood and keep the trees in a safe condition. O'Neills' letter mentions an irrigation system; the services for which may need clarifying because the installation may involve excavations within the PRA of the trees.

3.4 URBAN DESIGN AND CONSERVATION- BUILT CONSERVATION

3.4.1 On the submitted application, considered that further details needed to be submitted with the application in relation to layout, scale and mass of the St. Oswalds Road area of the site, as a significant level of development is proposed in this part of the site.

3.4.2 On submission of the layout and design statement for the St. Oswalds Road, raise no objection. The design statement satisfactorily describes the context of the conservation area and neighbouring development, establishes the informal recessed layout of development here, whilst remaining open to the different design

possibilities that exist. The potential impact on the setting of the Fulford Road Conservation Area is lessened by the informal, recessed layout. Considering this plan and the above design statement there is sufficient information to adequately assess the impact of the outline proposal on the Fulford Road Conservation Area.

3.4.3 The proposed Main Street area layout is acceptable. The principle issue here is retention of the trees. It is desirable that the wall remains at its present height but lowering it by a few courses would not be viewed as being particularly harmful to the character of the conservation area.

3.4.4 Response to revised plans of June 2006: No further comment.

3.5 URBAN DESIGN AND CONSERVATION - ARCHAEOLOGY

3.5.1 There are a number of archaeological finds from the Fulford area recorded in the Sites and Monuments record, therefore the applicants were advised to carry out an assessment and field evaluation of the site. This revealed a substantial possibly late prehistoric ditch running parallel to St. Oswalds Road and a range of ditches, pots and postholes all of Romano-British date. They are not of national importance, so they do not need to be preserved in situ, but they are of local/regional importance and must be recorded through an excavation in the area adjacent to St. Oswalds Road before development takes place. There must also be an archaeological watching brief on all other groundworks.

3.6 URBAN DESIGN AND CONSERVATION - ECOLOGY

3.6.1 Raised concerns to the original submission due to the potential impact of the siting of the extra care facility on a fungi bed. The amended plans showing the changed building layout is better, with the area been for removal at the far end of the building. How much impact this would have will depend on the underground mycelium, and it would be imperative the retaining wall is built first. There needs to be an approved post development management plan. There is also habitat creation opportunities for the open space, because of the adjacent SSSI. Whilst this is a detailed consideration for a later stage, the applicant should be made aware at the outline stage.

3.6.2 There would be reasonable width left between the existing building and new development to allow for a foraging corridor for bats. On contact by local residents, and in visiting the site, there may be a bat roost within the site. The suitable trees are in close proximity to the single play area and bowling green, which is a concern. The revised plans showing the of splitting the play area is better from the point of view of bats. The splitting and relocation of the play areas takes them away from the main points of possible conflict and retains a corridor link to the Ings. Still feel there is insufficient area of interest for the fungi but accept it will be difficult to achieve anything further.

3.7 COMMUNITY SERVICES/HOUSING AND ADULT SERVICES

3.7.1 Request that the provision of affordable housing is established as a planning condition or as part of the s106. This to preserve the requirement, as the site could

easily be divided to avoid the minimum site size or number of units. To accord with the affordable housing requirements at the time the application was submitted, there will be a 25% affordable housing requirement. It is requested that an affordable housing plan be a requirement for the totality of the site and an integral part of the s106 for the whole site.

3.7.2 There are a number of concerns regarding the application at this stage and support cannot be offered until these issues have been satisfactorily addressed. Discussions with the applicants have not been resolved to the principles or nor the detail of affordable housing. Discussions have been centred around the RMBI's aim to a maximise capital receipts from the site and how this conflicts with the council's affordable housing policies. The applicant's use of data from the housing needs survey is taken out of context, and does not accord with the survey's final conclusions. The south east sector of the survey, which includes this site, shows the highest backlog of need.

3.7.3 The applicant has not attempted to assess the specific benefits to York - they state that only 70% of the occupants of the care would be from Yorkshire, with the balance of any surplus allocated to a new home in Durham. None of these statements give any comfort to housing need in York. No indication of the management or care charges were given, and it was indicated the Registered Social Landlord (RSL) will be charged with the exclusively charge of provision for masons and their partners. This offer in case has been withdrawn.

3.7.4 The mix of affordable housing should match pro rata that of the private element proposed on the whole site. The provision for the whole site should comprise 70% rented and 30% discounted for sale. The affordable homes should be of a size and quality that equates to that of the private and to be visually indistinguishable. The location of the affordable housing must be satisfactorily pepper potted, and the prices of the discounted sale dwellings needs to be agreed in advance of the Committee. Car/cycle parking should match pro-rata that of the private element. The homes should be provided through partnership with a RSL approved by the Council that provides the normal nomination system.

3.8 LIFELONG LEARNING AND LEISURE

3.8.1 In relation to sport pitch provision, the recognition through the supporting statement that an off site contribution to be provided through a section 106 agreement is welcomed. On the original submission, stated that the location of the playspace should be confirmed and requested further information on the 'allotments' on site. The play area should be built to National Playing Fields Associated LEAP standards. Given the site is in private maintenance, it should be confirmed the RMBI will continue to maintain the on site open space. Would prefer to see maintenance of on site children's play area and opens space remains with the developer/management company.

3.8.2 The relocation of the bowls facilities is welcomed, but would wish the new green to be built before the closure of the old green, to ensure continuation of use. A path would be needed on all four sides of the bowling green. On Council run bowling greens, try to avoid trees near bowling greens as the shade they cast is detrimental

to the grass and the trees also draw essential moisture away from the green, although a good irrigation system would sort that out. Also suggest a cycle link is made into Fulford Park, to provide a through link to St. Oswalds Road and down to the riverside path.

3.8.3 On submission of supplementary open space information, notes the allotments were used as kitchen garden for the care home and have not been used as a formal allotment, and the applicant will set up a management company to maintain on site open space. On submission of details of the siting of play area and that it would be built to LEAP standard, confirms this is acceptable. On subsequent submission of further details providing alternative provision through the two smaller playspaces to try to limit the impact on protected trees, state this is now not satisfactory. The play areas no longer meet NPFA standards which has a minimum size of 0.04ha. The City is judged on how it meets this standard so it would be a mistake to agree to build substandard playspace provision on the site.

3.8.4 Response of August 2006: Has reservations about siting of green, despite the bowling club being happy. Affect of tree close to green related to situation that occurs at Museum Gardens. Parts of green will be unplayable due to loss of grass which is likely to be caused by competition from the tree for water and the affects of shading. Leaf and tree debris happens all year and will be an ongoing maintenance issue. CYC would not build green in such a location. To approve the green would mean approving a potentially sub-standard facility.

3.8.5 Comments of June 2007 in response to indicative plans for bowling green: National guidance in PPG17 stated: 'The new land and facility should be at least as accessible to current and potential new users, and at least equivalent in terms of size, usefulness, attractiveness and quality'.

3.8.6 With regards play surface quality: the mature lime overshadowing the green to the SE will have a very detrimental effect the quality of the playing surface in this area such that there will only be five useable rinks rather than the current six; the lime, large trees in the SW corner, the mature beech to the east and hedge to the north will all produce shading and/or competition for moisture which will affect green quality; all of the above will produce leaf litter and other debris throughout the year. Maintenance will be more onerous than the current green; the combined presence of trees to three sides is in contradiction to Sport England advice "The green must be located away from tall buildings and trees that may cast shadows over the bowling surface thereby affecting turf performance".

3.8.7 With regards drainage: there are two lateral drains missing - beneath the ball drop adjacent to the Lime and the first lateral drain in from the ball drop; the gravel sub base to the green does not extend across the full width of the green; the proposed subsoil drainage system is a compromise which does not meet the normal green construction recommendations and is untested.

3.8.8 With regards pavilion and associated facilities: details of the internal facilities are required to make a like for like comparison; the green has a surfaced path around the majority of the perimeter; the width of the perimeter path is less than the current path and does not allow much space for circulation past the seating,

particularly so along the northern and eastern path; details are required on how car parking will be managed on match days to replace the current arrangements.

3.8.9 It is recommended that planning permission is not granted because the proposed green is not of at least equivalent in terms of size, usefulness, attractiveness and quality to the current green as required under PPG17. Specifically:

- a) It will not have six quality rinks because it is too close to surrounding trees
- b) It does not have drainage which meet the recommend guidance - because it is too close to surrounding trees
- c) It does not have footpath, seating and car parking arrangements of equal quality and usefulness

3.9 EDUCATION

3.9.1 Local levels of surplus are such that contributions will only be sought for foundation and secondary stage education, dependant on the number of family dwellings as defined under the education SPG any dwellings of 2 or more bedrooms. Full breakdown of the accommodation schedule is not available, so a final figure cannot be arrived at. Any contribution will be based on £3398 per place required for foundation and £10,391 per place required for secondary. Further analysis will be undertaken upon receipt of a more detailed application.

3.10 STRUCTURES AND DRAINAGE

3.10.1 The Flood Risk Assessment appears to satisfactorily address all relevant issues in connection with flood risk and drainage, but the approval of the Environment Agency should be sought.

3.11 ENVIRONMENTAL PROTECTION

3.11.1 No objections to the principle of the development. Main issues are noise and contaminated land.

3.11.2 There will be considerable noise during the construction phase of the development, that has the potential to affect the amenity of existing residents and neighbouring properties. A condition is felt appropriate to restrict the hours of work. There is also the issue of permanent plant/machinery which may be fitted as part of the final scheme. Although not a statutory noise nuisance, it may give rise to a lack of amenity. A condition is needed to require the approval of any noisy plant/machinery.

3.11.3 The site lies within 250m of a landfill site. There is the potential for mitigating gases that could present a health risk if development were to go ahead and suitable gas protection measures were not incorporated. A condition is recommended that requires the developer to undertake an assessment of the situation that will involve a minimum of 3 months gas monitoring.

External

3.12 ENVIRONMENT AGENCY

3.12.1 The Flood Risk Assessment submitted expands on the conclusions given the previously submitted planning statement with application 04/002546/OUT to which the Agency objected. The Agency has been in discussion with the applicant's agents and have agreed some changes, including the flood levels used, though these are not given the Flood Risk Assessment. There is a small discrepancy between the modelled levels held by the Agency and the assumed levels held by the agents. The consideration of climate change should also be built into the mitigation, due to the vulnerability of the potential occupants. The Agency ask for this matter to be clarified before the principle of development is established, and therefore maintain an objection.

3.12.2 On submission of the supplementary flood risk information and plans referred to in this information, confirm this does now reflect the previous statements and discussions and therefore the Agency now raises no objection in principle to the application. This is subject to conditions in relation the details of surface water drainage works, no new buildings or raised ground levels within 2m of the 9.84m AOD contour, floor levels to be set at least 600mm above the 1 in 100 year flood plain plus climate change level at 10.22 and no storage of materials within the part of the site identified which is liable to flood.

3.12.3 The Agency supports the use of sustainable drainage systems in line with advice in PPG25, and the use of source control. For any drainage system to be fully sustainable, it must consider the state of the watercourse, type of rain storm events that may effect both the watercourse and drainage systems. It is questionable whether restricting the run off from the site to the Ouse will be of benefit, because in the case of a watercourse like the Ouse, with a large catchment, the effect of storms on the drainage systems and adjacent watercourses will be very different.

3.12.4 When the Ouse however is in flood for several days the issue of flood locking of the drainage system is something the applicant should include in the details of surface water drainage works. When the Ouse levels are high, the drainage system will be unable to discharge by gravity, and therefore it would be expected that additional storage would be available in the system to avoid causing problems in the site.

3.12.5 No comments to make on revised plans. Reiterate previous comments and requested conditions. The revised plans do not suggest that these conditions can no longer be met.

3.13 ENGLISH NATURE

3.13.1 No objection to the principle of the development. The site is adjacent to the Fulford Ings SSSI and it must be ensured that surface water run off does not compromise the SSSI. It is noted that a large number of trees are likely to be felled. Trees may contain suitable bat roosts and nesting sites for birds. Bats and their roosts are protected by the Wildlife and Countryside Act 1981, as are birds, nests and their eggs. Tree works can lead to the destruction of roost and nest sites. Advise

that the applicant and the Local Planning Authority satisfy themselves that bats and their roosts and nesting birds are not present and will not be affected by the proposals.

3.14 YORKSHIRE WATER

3.14.1 A water supply can be provided. Development should take place with separate foul and surface water systems. Foul water may discharge into sewers in Fulford Ings or St. Oswald's Road. There are no public surface water sewers available in the vicinity to accept any surface water from this site. Advise contact with the Environment Agency/Drainage Board to establish a suitable watercourse - the River Ouse is to the west of the site. An off site foul and surface water drain may be required - these may be provided by the developer. Land drainage must not discharge to the public sewer network. Recommend conditions in relation to separate foul/surface water systems, no discharge of surface water until a satisfactory outfall has being completed, proposed means of foul/surface water drainage and no piped discharge of surface water until completion of approved surface water drainage works.

3.14.2 In response to revised plans of June 2006: No comments to be made. Original comments still apply.

3.15 INTERNAL DRAINAGE BOARD

3.15.1 Would like the opportunity to comment on the drainage design when more detailed drawings are available, in relation to the proposed floor levels relative to maximum river levels. Are also partially interested in existing foul and surface water culverts been replaced to reduce the load on the existing foul pumping station in St. Oswald's Rd. Recommend soakaways are not used in this location.

3.16 POLICE LIAISON OFFICER/SAFER YORK PARTNERSHIP

3.16.1 On the submitted application, commented that the elderly residents of Connaught Court currently enjoy an extremely safe and secure environment, with restricted public access. Raises concerns this would change by opening up the site, this amenity would be lost. Crime, noise nuisance and anti social behaviour, which is currently absent, would be generated. The Police Community Sergeant has concerns the site will be used as a short cut from the Millennium Bridge to Fulford Road. All routes to and from the Millennium Bridge are subject to anti social behaviour. Also concerned about the open plan nature of the development and the lack of defensible space.

3.16.2 On the subsequent submission of the 'Design Brief for Security', stated that the design brief fully reflects each of the safe, sustainable places introduced in the ODPM document 'Safer Places - The Planning System and Crime Prevention'. This is an excellent example for others to follow. No other comments to make.

3.17 YORKSHIRE NATURAL ENVIRONMENT TRUST

3.17.1 The Council's Ecologist has identified 33 species of fungi under one of the removed beech trees, 5 of which are rare in Yorkshire. It is an infrequent opportunity to protect the 5 species which the panel would encourage. As there is one confirmed bat roost adjacent to the site, the Council's Ecologist has asked for a survey of the bat feeding corridor in the area leading down to the river. YNET would resist loss of opens space that allows views into and over the site.

3.17.2 The bowling green will fail because the green and trees are too close together and both would suffer. The proximity of the trees will cause a fungal infection to the grass, leaving a patchy uneven surface, with the tree roots causing subsidence, making for a very uneven surface, the seasonal leaf fall would also make for difficult management of the green. The attractive open view to the river would also be spoilt by the location of play equipment.

3.18 PARISH COUNCIL

3.18.1 Object to the application on the following grounds:

- Loss of visual amenity for many of the residents of the city. The site is the last sizeable area of parkland with open grass and magnificent mature trees, visible from the A19 between the by pass and the city centre, and borders the Ouse with magnificent views. The development would also have an enormous impact on the feel of the village, and on a visitor's impression of York.

- It will be difficult to turn right into the new road from the A19, thus tailbacks would occur. Yellow lines would probably have to put near the new road forcing cars, including those associated with church function, to park nearby where there is little space. Parked buses associated with bus stops on either side of the road would create narrow sightlines, creating the potential for an accident.

- 2000 floodwater came to the edge of the Connaught Court bowling green, and St. Oswald's Road was badly flooded. The apartment blocks are on the very edge of the flood plain and would cause or exacerbate flooding problems. The raising of building levels due to flood risk would be out of keeping with the existing buildings, as would apartment buildings in this part of the city.

- This edge of a conservation area retains much of its original character as an open country lane, with low level low density housing set back from St. Oswald's Rd with open grassed areas. Housing density and additional traffic would create unacceptable damage to this. It also affords access to the riverside area for recreation users, and cyclists would be endangered. The applicant's claim that housing in St. Oswald's Rd is 3 storey is disingenuous. The proposal to build 3 storey opposite is inappropriate. They would also reduce light for people living opposite and users of St. Oswald's Rd.

- The junction of St. Oswald's Rd with Fulford Rd is not adequate to accommodate any increase in traffic, has poor visibility and already has tailbacks. St. Oswald's Road itself is too narrow to take significant increases in traffic volume, and will no longer act as a buffer between the cycle path and the A19.

- The flats would be inappropriate, and mean that several houses will be overshadowed and lose their privacy in Atcherley Close .

- The development would be intrusive for Connaught Court residents, reduce their quality of life and be counter productive to its purpose, likewise for residents of Sir John Hunt Memorial Homes. Residents will have to put up with a building site for two

years. Residents will cease to benefit from their semi rural environment, views of the Ings and beyond and loss of parkland. The residents in the bungalows would be temporarily homeless, and do not wish to be moved away from their families and friends.

- The reason given for the removal of the copper beeches was that they blocked light to the bungalows, that now are proposed to be demolished. The Council's ecologist has recommended that one of the beeches be retained due to rare fungi. A variety of animals and birds would lose their habitat on site and on the Ings, due to disturbance. Bats use Connaught Court for foraging and as a route to their feeding grounds. The raised levels of buildings will affect noise levels, environment and amenity for Ings users.

- No provision for low cost housing.

- The proposed access road would involve demolishing a great deal of the front wall, and the

road will run nearer to the buildings causing safety implications for future residents. It would also be in close proximity to the traffic light system with increased traffic from the provision of car parking for the doctor's surgery.

- The play area will be very near the access road, parking area and major thoroughfare, which is very undesirable. Questions whether there is the need for an additional play area to the one provided by the Parish on School Lane. A solution may be for the developer to make a contribution to the Parish to update equipment, rather than a new park been provided,

- The bowling green is of insufficient size, that trees will have to be removed because of roots and leaf coverage interfering with grass growth and maintenance.

3.18.2 Do not consider amended plans and further information overcome their objections. In addition, object on the grounds that

- extra car parking spaces will mean the loss of more green space, more vehicles and more harm to the conservation area

- perimeter path around the bowling green is inadequate

- more stress, leading to decay and felling of trees

- no affordable housing

- raise concerns relating to the presentation made to Members by the applicants, which the public can attend but cannot give their views. Do not consider a three minute slot to speak at Committee adequate.

3.18.3 Response of May 2007 - A 30 page letter is submitted on behalf of the Parish Council. Request that the planning application go to Planning Committee now without the option for the RMBC to make new amendments at the last minute. Object to principle of development of historic parkland due to the following reasons:

- Relative costs of site would make possible for higher percentage of affordable housing.

- Negative impact on character and appearance of Fulford village.

- Benefits of the proposed development.

- Views in and out of the conservation area.

- Views from Green Belt and Ings.

- Negative effect on conservation area.

- Lack of Conservation Area report.

- Detrimental effect on setting and views in and out of Fulford village conservation area by reason of loss of protected trees.
- Inadequate levels of children's playspace.
- Bowling Green not of commensurate standard.

3.19 LOCAL MEMBERS

3.19.1 Cllr Aspden: Asks for his objection on the following grounds to be reported to Committee-

- the traffic and access implications of the development onto the already busy Main Street, Fulford Road, St. Oswalds Road and surrounding roads, given the future potential level of high scale development in the area.
- whether the development would actually meet the care needs of elderly people in York, given that Connaught Court could 'import' residents from outside this area. To add to this, it should be noted that the developers are putting forward a zero element of affordable housing.
- the negative impact on the quality of life of local residents and current residents of Connaught Court.
- implications for the nearby nature conservation area at Fulford Ings.

3.19.2 Response of May 2007: Hopes that application will be heard by Committee shortly and states local residents concern about harm to following areas: conservation areas, green belt, SSSI, biodiversity, loss of open space and lack of local benefit.

3.19.3 Cllr D'Agorne: Continued objection. In response to revised proposals:

- Will still provide a very sub-standard bowling green in shade of trees and put those nearby at risk. The walkway around the lime tree T15 will be very detrimental to the tree's health.
- The design of the parking next to the 38-unit block of flats will spoil the green parkland space with a large area of tarmac and parked cars.
- The size/shape of the play area has ended up being a impractical shape, weaving around the trees.
- The removal of residents' footpath is even worse than the tortuous route previously proposed for the nursing home residents. They will have to cross main vehicular roads, or enter and then navigate their way through a large block of buildings and exit at the other end.
- Loss of wall and the continuous green area fronting Fulford Road will harm the character of the conservation area, described in the conservation area statement as affording views of open country. Buildings, roads and parked cars will remove green parkland nature of this vista which is unique in the Fulford area.

3.20 JOHN GROGAN, MP

3.20.1 Objects on the grounds the development does not counter objections in relation to the extra pressure it is likely to create on local roads and the inappropriate nature of the style and intensity of the development, particularly given the existence of the conservation area in St. Oswald's Road. Re-iterated objections during the course of the application.

3.21 YORK GREEN PARTY

3.21.1 Whilst this application has reduced the number of dwellings, it would still have a serious detrimental effect on the residents of Connaught Court and those living in surrounding houses. The increase in run off so close to the flood plain, and is also likely to seriously affect properties on Atcherley Close and those on the flood plain. The location of housing, bowling green and access road will jeopardise the wildlife and viability of existing mature trees, destroying the secluded parkland nature of this area which separates Fulford and the City of York, and have a serious impact on the conservation area. It is also a green corridor linking the riverside Ings to grounds and gardens in Fulford and on to Walmgate Stray. The impact of additional traffic on St. Oswalds Road, which is well used for cycling and walking, will add to congestion and traffic movements at the junctions of St. Oswalds Road and Fulford Road, and junctions along Fulford Road, and add to peak traffic congestion. Reiterate objections to the amended plans/further information submitted during the course of the application.

3.21.2 Latest revisions are just tinkering with edges. In addition to previous comments, add following reasons of objection: loss of amenity/character to SSSI from block of flats; and, unacceptable and inappropriate change to character of Fulford Road/Main Street from access road and accompanying parking and infrastructure.

3.22 FRIENDS OF FULFORD (Residents Group)

3.22.1 Commissioned a tree report from a qualified tree consultant. This concludes that more than half the individually protected trees at Connaught Court will be lost or threatened by the development. The scheme will change the views for the residents from a parkland to an urban setting. The access onto Main Street will compromise a magnificent beech tree. The green corridor is a narrow strip which does not constitute a significant landscape feature when compared to a park. The tree survey presented in the RMBI's supportive planning statement cannot be accepted to be accurate or authoritative and not in accordance with BS5837. A further tree survey should be submitted by a fully qualified person, accurately plotting all the trees on the site in accordance with BS5837, to tell whether any future scheme would be viable. Without this, planning permission cannot seriously be considered.

3.22.2 Submitted a further tree report from a qualified arboriculturalist, which considered there was insufficient information to identify conflict and risk, and the development will not meet British standards. Concludes the development could only be undertaken with significant alteration to design and adequate information.

3.22.3 Also raised concerns raised over the impact of raising levels on the landscape and whether the site can be adequately drained and serviced, and query whether ecological survey/bat report, safety audit of road junctions and whether the plans are accurate. Also consider the applicant is financially capable of providing affordable housing given its reserves, and that the proceeds will be spent elsewhere at the expense of vulnerable residents whilst providing little benefit to the non Masonic population. Connaught Court, which has a waiting list, will lose accommodation and

this will not be compensated by the extra care apartments managed by a separate organisation.

3.22.4 The bowling green does not appear to fit in its relocated position. Consider the bowling green provision inadequate in terms of size, disabled access, lack of full perimeter footpath and trees would cause leaf fall and overhanging. The development will harm Fulford Conservation Area, result in loss of the wildlife corridor through the site and do not consider the bat survey adequate. Existing Connaught Court residents will be adversely affected through noise and disturbance, loss of privacy and security.

3.22.5 Submission by Roger Wools, Heritage Consultant, on behalf of Friends of Fulford with regards conservation area grounds of objection. Concludes that the proposed development would impinge on a part of the Fulford village conservation area that as a whole encompasses the heart of the historic village of Fulford. Affects the setting of both conservation areas. Views of the village of Fulford would be adversely and significantly affected. Proposal fails tests in planning acts, being whether development preserves or enhances the character and appearance of the conservation area. Correspondence on issue of conservation area boundary and request in light of report from Roger Wools that application not be decided until preliminary consideration given to proposed changes to boundaries following appointment of new CYC Conservation Officer.

3.22.6 Submissions about replacement bowling green. Proposed site of bowling green is completely inappropriate because the surrounding trees will make surface unplayable. Dispute claims of agent. Proposed not larger than existing, nor that it will be to county standard. Do not feel weight should not be attached to letter from Secretary of Connaught Court Masonic Bowling Club as not independent. Minor improvements made to green but no material alterations to proposals to address the many inadequacies of the re-sited bowling green. Submission of letter to the group from Northern Representative for English Bowls Association, which group feels supports their view that the re-sited bowling green is a significantly poorer amenity than the current bowling green. It states that the present green is in an excellent position, accessible, up to County and National standard and does not need upgrading with exception of height of banks. If proposed green is not properly drained and completely built with all the required materials so could bowl on six rinks, then it would come up to County standard. To lay green on existing surface would not be satisfactory and would probably not come up to County standard.

3.22.7 Response of May 2007 - Continue to object on following grounds:

- Harm to two conservation areas - breaching of landmark victorian wall, loss of long-distance public views, adverse effect on setting of many magnificent trees, proposed buildings which by virtue of their height and massing will be out of keeping with the local streetscape.
- Loss of open space, greenery and parkland central to Fulford's character - replaced with tarmac.
- Loss of important gaps in built environment - Loss of green corridor, loss of habitat for wildlife, notably for birds, bats and fungi.

- Risk of mature and irreplaceable trees - No tree survey meeting British Standard, Inadequate root protection areas, no drainage or cross-section construction details supplied.
- Negative impact on setting of Fulford Ings (Green Belt SSSI).
- Replacement of a fine bowling green with a very substandard amenity.
- Loss of amenity for Care Home residents.
- No details provided for avoidance of flood-locking.
- Loss of on-street parking.

3.23 PUBLIC CONSULTATION

3.23.1 Neighbouring properties were consulted by letter. Site notices and press notices were posted. 165 representations were received which raised objections to the original submission. Consultation with those who expressed an interest took place on additional information and amended plans, with the following number of representations made:

- August 2005: 49
- April 2006: 41
- July 2006 (following deferral of the application at Committee): 19
- October 2006: 14
- April 2007: 37

Comments made on the following grounds:-

3.23.2 Highways issues:

- Unacceptable increase in traffic onto Fulford Road and Main Street, which is already overcrowded system. There has already been significant increases in traffic. The combined effect with other large residential developments on the Germany Beck site, the University, development at the petrol filling station and the Gymcrack, and development at Danesmead School needs to be evaluated prior to any additional trafficking access off Fulford Road. The combined effect would be unacceptable in traffic congestion terms.
- The new access onto Main Street will create a hazard for pedestrians and cyclists, and result in an essential loss of on street car parking, particularly for the church and funerals. Also conflict with bus stops and trees. Could increase safety risks for pedestrians, including schoolchildren, the elderly and those using the surgery. Significant increase in traffic flow.
- St. Oswalds Road is not wide enough for two vehicles to pass and is in poor state. Increased traffic will conflict with cyclists. The entrance to Connaught Court is unsatisfactory and will need redesigning. Increase in traffic at St. Oswalds Road/Fulford Rd junction close to Broadway traffic lights and Fulford Park/Road junction. Ghost island and safety audit on this junction required. St Oswalds Road not designed to bear high levels of traffic movements.
- Length of the cul de sac exceeds normal Council standards.
- Inadequate on site car parking for development, leading to parking on street, reducing parking opportunities for residents. - The creation of additional car parking for the health centre would be of a little benefit as housing developments continue to expand. May also further disrupt trees. One redeeming feature would be decent sized car park for surgery. Loss of parking space for Health Centre would put further

pressure on parking on Main Street. Pleas unnecessary doctor's surgery parking omitted.

- Significantly increase associated noise and pollution levels. Would result in a reduction in air quality with traffic fumes and loss of green space.
- Using the Main Street access to more of the site may alleviate problems in using St. Oswald's Road. Car access could be taken from Fulford Park. Events at Connaught Court demonstrated that Fulford Park can cope with significant levels of traffic. Share traffic load between this road and St. Oswalds Road.
- Hoping appropriate parking restrictions made on Main Street/Fulford Road/St Oswalds Road. Parking restrictions would result in loss of parking on A19 outside the site.
- Link to cycle route along river completely unnecessary [agreed with agent to be omitted from scheme].
- Construction traffic should park on site.

3.23.3 Effect on Green Space and Trees:

- The site contains mature trees, historic parkland and hedgelines. This application removes more mature trees, open parkland and green space than the previous application, and would lose the green corridor and aspect through the site.
- There will be little green spaces left in this area due to the number of developments. The site is the last vestige between the city and Fulford village.
- The applicants and agents have shown scant regard for the tree protection order. Their plans show another 20 trees at risk of felling. The plans show buildings where the protected copper beech trees which have been felled have to be replaced. Still object strongly to the removal of the copper beech trees. Car parking is now proposed where the copper beeches were once.
- The site cannot be considered to be brownfield.
- Any development must provide for new large trees to grow unhindered. Query whether trees on the St. Oswald's Road frontage are protected.
- Detrimental effect on environment already demonstrated by unnecessary and premature destruction of beautiful, aged and significant beech trees and replaced by trees which have since died.
- Revised plans including reduction in parking spaces, do not reduce risks to many of trees on site. Changing ground levels beneath canopy of important trees for sake of a bowling green would put tree at unacceptable risk.
- Affect on integrity of green corridor.

3.23.4 Effect on Conservation Areas/Visual Amenity

- St. Oswald's Road is one of York's historic and attractive streets, with almost all 2 storey properties (not 3, as proposed), with Georgian, Victorian and Edwardian styles. Three storey housing would create sombre valley on access road to river and would show lack of regard for conservation area.
- The building of properties adjacent to St. Oswald's Road properties and associated traffic flow is not in accordance with the requirements of the Conservation Area. The character, quietness, trees and grassed verges which would be affected by parking would harm the setting of the conservation area. Alterations - widening/parking restrictions/parking on green verges - will affect character of road/area.
- The proposed two and three storey houses, that would probably be of modern styling, will detract from the conservation area.

- If new buildings are allowed, it is essential they are two storey, of sympathetic design and sufficiently far back from the road to preserve the sense of space.
- The character of the village has already been changed by the number of new developments on Fulford Road/Main Street and the surrounding area. The length of Fulford Road/Main Street would become a continuous ribbon of development. Loss of character of village.
- The 3 storey apartments are not in keeping with and would dominate their surroundings - there is no precedent for such buildings alongside the river. The design with the elevated roof makes the building 4 storey, which combined with raises for flood protection, gives the equivalent of a five storey block.
- The sheltered apartment block will dominate the Sir John Hunt Memorial Homes which are single storey and will be highly visible from Main Street
- The effect of building in the vicinity of the river would be detrimental to its visual amenity and views across it.
- Over development. The density of development is too high
- Development would jeopardise remains of what was once a major area of parkland, which is long established and distinctive feature of Fulford. Loss/urbanisation of parkland/invaluable local heritage.
- Urge play facilities be located at back of site to protect conservation area.
- Access road, bowling green and parking spaces would represent massive eyesore in beautiful parkland.
- Destruction of historic wall.
- Loss of important gap between urban developments.

3.23.5 Ecological Implications

- There is a risk of run off causing damage to its ecosystem during construction and from the development itself, causing additional damage and risk of pollution to the Fulford Ings SSSI.
- The trees on the site are a habitat for numerous pheasants, birds, owls, hedgehogs and bats. Tree felling would reduce wildlife on site and accessing the Ings.

3.23.6 Amenity of local residents

- The scale of the development is too great adjacent to the two storey Atcherley Close and would significantly overlook these properties, and use of rear gardens. Proposals to raise finished floor levels to a minimum of 10.82m AOD will result in 3 storey buildings looking over neighbouring properties, interfering with light. Play area between 11 and 26 Atcherley Close would be affected by pollution and loss of light from flats.
- Visually dominate Fulford Park and may cause ground disturbance, and causing overlooking.
- The proximity of the extra care apartments and the extension to Fred Crossland House would affect the privacy and amenity garden space on properties on Sir John J. Hunt Memorial Cottage Homes. Flats would tower over the homes.
- No windows should be inserted into the end elevation of the proposed housing nearest St. Oswalds Road facing into the Sir John J. Hunt Memorial Cottage Homes.
- Additional properties of a similar height or higher will reduce the open aspect across the site for residents.
- The development will reduce the ample green recreational space for residents. The elderly people in Connaught Court should not be subject to such upheaval at this time of their life, that would be created by the noise, traffic and increase in

population. Erosion of safe and secure environment for residents of Connaught Court, some very elderly frail.

- The development will add to the light and noise pollution to the area around it.
- The proximity of car parking for the flats would cause noise and disturbance for Atcherley Close residents.
- Proposed car parking will result in headlights directly reflecting into houses, causing light pollution.
- Any fencing would restrict light.
- 3 storey apartments on western boundary will destroy amenity and ambience of northern end of Fulford Ings SSSI, bringing harsh urban structures into an area that is essentially rural and semi-wild.
- Proposal to remove conifer hedge on boundary with Atcherley Close would result in visual, atmospheric and noise pollution.
- Increased traffic on St. Oswalds Road would destroy tranquil character.
- Views affected. Loss of long distance public views.

3.23.7 Affordable Housing:

- Lack of affordable housing provision
- The restriction of provision for the mentally frail and the sheltered housing to freemasons and their dependants across the north of England would not help the people of York.
- Affordable housing should be limited to persons supporting activities on the site, and should not become cheap investment opportunities.
- The proposed housing is of no help to young couples and first time buyers.
- None of development should be exempt from affordable housing as care unit places unlikely to be for York residents.
- Council should drop insistence for 25% affordable housing, as it is inappropriate in this site, which is one of few remaining high quality residential areas.
- Gatekeepers of affordable housing should be independent body, not Mason's or will not benefit general public of York.
- Inclusion of affordable housing in scheme is welcomed. Extra care sheltered accommodation should not be part of any calculation of the amount of affordable housing to be provided.

3.23.8 Drainage and Flooding:

- the lower section of the site slopes towards the floodplain and the bottom of the site forms part of the flood plain.
- The Government has been critical of Planning Authorities who allow development on/near floodplains.
- Higher levels of floods are likely in the future, and this must form an important consideration, particularly in high risk flood areas like York, especially with climate change.
- A 1:100 year flood risk is not considered acceptable, and is not considered acceptable by Insurers, rather a 1:200.
- In order to build properties at the lower section of the site, the ground level will need to be raised considerably, resulting in substantial civil engineering work, reducing the area which floods and raising the land which floods, which, with run off, would increase the likelihood of flooding of adjacent properties.

- Run off needs to be restricted to better at present, and figures need to be presented how the storage has been sized. Provision needs to be made to ensure stored water does not pond without localised flooding.
- Would also cause sewerage and water supply problems.
- Surface water drains are not able to cope with current downpours. Soakaways not recommended.
- Development would result in flooding to surrounding properties.
- Inappropriate to permit elderly persons dwellings so close to a floodplain.
- Cannot see how existing sewerage facilities will be able to cope without major odour problems and increased likelihood of river pollution problems.
- Provision was made for surface water run-off from Atcherley Close development to use grounds proposed for development. Any further use of area for disposal of surface water will make problems far worse.

3.23.9 Bowling green/play area provision:

- Loss of bowling green will be detrimental to the effect of the health and well being of the people who use it.
- Play areas are still inappropriately located and unwanted by community. Area at risk from several trees should ever blow over. Children have to cross busy road to access play area. Who will use enlarged play areas_
- Minor changes to bowling green not addressed problems of trees, lack of pathways and disabled access and location below or close to mature trees.
- Council should resist request to formalise use of Main Street frontage on public open space. Should remain responsibility of RMBI.

3.23.10 General:

- York has no adopted Local Plan or Green Belt.
- A new access will reduce security, particularly for the elderly residents.
- The existing arrangements for cyclists and pedestrians are already adequate, and do not need further encroachment into the site.
- No indication of fencing or landscaping is proposed.
- The plans are inaccurate as they do not show extensions on all the properties on Atcherley Close, and are therefore closer than shown. This may also be the case with Fulford Park.
- There will be no independent living facilities left on site with the demolishing of the independent living bungalows. Elderly residents should be rehoused.
- More modest, sensitively expanded development, achieved with the agreement of all stakeholders and with regard for the environmentally sensitive nature of the site could be achieved.
- The amount of time the disruption would occur would cause substantial disruption to the elderly residents of Connaught Court and the St. John Hunt Homes.
- Contractor's plant accessing Fulford Road will add congestion and create additional dangers for schoolchildren and the elderly.
- Presentation to Members by the applicant's agents was undemocratic and unfair.
- Upset at applicant's last minute submission to Committee, necessitating cancellation of meeting. Terrible that RMBI can keep on making minor amendments and make no attempt to address more fundamental concerns. Developers have been given time to readjust plans. Timescales to respond. Problems with CYC website preventing access and ability to make comments on line.

- The number of new developments in the Fulford/Fishergate area, including Germany Beck and numerous apartment blocks would put further pressure on facilities and schools in this area.
- Development of land will take away space for expansion of existing Connaught Court home and loss of semi-rural environment.
- Understand that money to fund sheltered development could easily be raised by Mason's themselves.
- Development not fall within the Fulford Village Design Statement. [in progress, but not adopted].
- Revisions are cosmetic apart from evident belated recognition of Council's affordable housing criteria.
- Jobs not more houses needed. Case for housing provision not been made. Enough speculative apartments.
- Revisions do nothing to lessen destructive impact.
- Problems of anti-social behaviour from playground area. Stops needed to secure open space fronting Main Street.
- All new build should have water butts and compost buckets.
- 'Village green' simply window dressing.
- Density too great.
- Forest of estate agent signs.

4.0 APPRAISAL

4.1 The main planning issues associated with this planning application are considered to be:

- principle of the development
- affordable housing
- effect on trees on the site
- effect on Fulford Conservation Area and Fulford Road Conservation Area
- recreation and open space
- highways considerations
- flood risk and drainage
- ecology
- education provision
- residential amenity
- crime prevention
- archaeology

4.2 POLICY CONTEXT

The following PPGs and PPSs are considered of most relevance to this application:-

PPS1: Delivering Sustainable Development - promotes sustainable development as well as mixed use development, offers guidance on the operation of the plan led system and considerations to be taken into account in determining planning applications.

PPG2: Green Belts - advises that the visual amenities of the Green Belt should not be injured by proposals for development conspicuous from the Green Belt, which

although they would not prejudice the purposes of including land within the Green Belt, might be visually detrimental by reason of their siting, materials or design.

PPS3: Housing - requires Local Planning Authorities to provide sufficient housing land in a sustainable manner and widen housing opportunities and choice. It advocates the use of previously developed land, and a sequential approach to housing which requires development to be assessed against the availability of previously developed land, location and accessibility, the capacity of existing infrastructure to absorb development, ability to build communities and environmental and physical constraints. Identifies the need for affordable housing as a material planning consideration, and is supplemented on this issue by Circular 06/98 Planning and Affordable Housing.

PPS9: Biodiversity and Geological Conservation - states that the aim of planning decisions should be to prevent harm to biodiversity. It also highlights that many wildlife species receive statutory protection, and that Authorities should ensure species are protected from the adverse effects of development. The companion Circular 06/2005 advises the necessity of establishing the presence or otherwise of such species prior to permission been granted. Developers should not be required to undertake surveys unless there is a reasonable likelihood of the species been present and affected by the development. This advice replaced PPG9 during the course of the application.

PPG13: Transport - seeks to promote more sustainable transport choices for people, and to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling, and seeks to reduce the need to travel, especially by the car in new developments.

PPG15: Planning and the Historic Environment - emphasises that new buildings should be carefully designed where they stand along side areas of special townscape, including the setting of conservation areas. States the desirability of preserving or enhancing a conservation area should also be a consideration when considering proposals which are outside the conservation area and affect its setting, or views in and out of the conservation area.

PPG16: Planning and Archaeology - offers guidance on the handling of remains and the weight to be attached to them in planning decisions

PPG17: Sport and Recreation - includes advice to adopt a strategic approach to the provision of sport and recreation facilities, to protect open space for the community, to resist the loss of such provision, unless an equivalent provision in terms of size, usefulness, attractiveness and quality, or better is proposed.

PPS23: Planning and Pollution Control - gives guidance on the relevance of pollution controls to the exercise of planning functions, including contaminated land and air quality. Advises it is not the role of local planning authorities to duplicate controls which are the statutory responsibility of other bodies.

PPS25: Development and Flood Risk - This aims to ensure that flood risk is taken into account in the planning process to avoid inappropriate development in areas at

risk of flooding and seeks to direct development away from areas at highest risk. Where new development is necessary in such areas, it aims to make it safe without increasing flood risk elsewhere and where possible, reducing flood risk overall. sets out the importance the Government attaches to management and reduction of flood risk in the planning process.

Revised Spatial Strategy for Yorkshire and the Humber (2004) based on a Selective Review of RPG12 provides a framework for strategic planning in the region to 2016. It sets out locational principles for development and encourages development to be located within urban areas. It reiterates the sequential approach to housing development, and provides policy advice on, amongst other planning issues, affordable housing, design, transport, historic and cultural resources, biodiversity, and development and flood risk

The North Yorkshire County Structure Plan (Alteration no. 3 Adopted 1995) forms the statutory development plan with the Regional Spatial Strategy. The following Structure Plan policies are considered of most relevance to this application:

Housing - H1 sets out housing requirement figures; H8 provides advice on density issues; H9 allows for the provision of residential use, particularly in and around the historic core through permitting suitable new developments.

Transport - T9 and T10 state that new developments will be required to provide car and cycle parking.

Environment - E4 and E5 seek to protect areas of townscape, architectural or historic interests and sites of archaeological importance. E6 aims to protect areas of nature conservation interest.

Relevant City of York Draft Local Plan policies are listed in section 2.2 of the report and are made reference to in the paragraphs below. The application was submitted prior to the 4th Set of Changes been approved by the Council.

4.3 PRINCIPLE OF DEVELOPMENT OF THE SITE

4.3.1 The site does lie in close proximity to local shops and services. It also lies close to regular bus routes along Fulford Road and close to the cycleway which runs along the east side of the river up to the city centre, and thus would also allow for journeys to be made using sustainable means of transport to facilities, services and employment in other parts of the city. The site is considered to be a sustainable location.

4.3.2 The site lies within the urban area and settlement limits of the city, and whilst it does clearly contain significant amounts of open space, the site would be defined as previously developed land under PPS3 (with the exception of the bowling green). The definition of previously developed land includes both buildings and the curtilage of such buildings. The site in question does form the curtilage of Connaught Court. The site does contain a significant amount of open land and is well maintained, though there is no public access to the site without permission and the site is not allocated as open space under the Local Plan. The site would be classified in

planning terms as a windfall site and it is considered that the principle of housing development on the site, per se would accord with the PPS3 objectives of using previously developed land for housing.

4.3.3 The site does however have significant visual amenity value and derives much of its character from the amount of open space, landscaping and trees on site, providing a green edge to Fulford from the Ings. The density of the housing development is consequently low at under the 30 to the hectare thresholds applied by the Local Plan policy at the time the application was submitted and PPS3. However, in terms of the impact this may have on the visual amenities and character of the site, this also needs to be considered in light of cumulative impact of the development as a whole, as significant parts of the open areas on the site would be lost to new development. The trees and open space on the eastern part of the site nearest to the Main Street frontage also contribute significantly to the setting of Fulford Conservation Area. It is important that such characteristics are reasonably maintained as part of any development of the site. The likely effects on the trees and conservation areas are discussed in 4.5 and 4.6.

4.3.4 The nearest part of the site to the boundary with the Green Belt along the river corridor would be an open space area, with nearest area to be developed the area indicatively shown to be developed as 2 and 3 storey apartments. This part of the site itself is located in between built areas at Atcherley Close to the north and Fulford Park to the south, which abut the Green Belt boundary. The built development as proposed would not be any closer to Green Belt than existing development in Fulford. It is that considered the development would not prejudice the visual amenities of the Green Belt.

4.4 AFFORDABLE HOUSING

4.4.1 Under Deposit Draft Local Plan policy H2, and Supplementary Planning Guidance- Planning and Housing Advice Note (October 2000) there is a requirement for affordable housing to be provided on sites of 1.5ha or 40 dwellings, thresholds which this development exceeds. The applicant does not contest that the provision affordable housing would normally be a requirement for a housing development of this size and with its good proximity to local services and facilities. Initially the applicant did contend however, in this case, that there was justification for no affordable housing to be provided for the general market housing or the extra care apartments.

4.4.2 Circular 06/98 Planning and Affordable Housing advises as relevant to the contentions made by the applicant, that in assessing the suitability of the site for affordable housing, the following needs to be considered:

- particular development costs (known as abnormal costs) associated the site and;
- whether the provision of affordable housing would prejudice the realisation of other planning objectives that need to be given priority in the development of the site.

4.4.3 The applicant did contend that the provision of affordable housing within the general market housing would compromise the ability of the applicant, the Royal Masonic Benevolent Institute (RMBI), to realise the value of their assets, i.e. the sale

value of their land, and thus their ability as a charity to improve or extend their care facilities at Connaught Court and at other RMBI sites. The financial appraisal submitted is in support of this contention, though limited details have been submitted in terms of the extent of refurbishment, materials, construction methods and management. A significant development contribution from the sale of the land would contribute to the RMBI's national build programme, rather than just this site. The RMBI also considers improvements to Connaught Court would relieve pressure on other local care providers, including the Council, to provide care to people in need. They also consider the low density of housing development proposed, provision of open space and limited developable areas of the site are also mitigating factors.

4.4.4 Whether the need for the RMBI to improve their existing facilities through fully realising the value of their assets is a planning objective that needs to be a priority over and above affordable housing objectives, needs to be balanced against the need for affordable housing in the city. This is evidenced through the 2002 Study of Housing Needs illustrating a significant need for affordable housing of 950 units per annum up to 2007, the Council's housing waiting list, and by Draft Local Plan policy and affordable housing advice note which seek the provision of affordable housing on sites of this size. The benefit to York in terms of improvements to Connaught Court is also limited by that the RMBI's status does not allow entry to elderly people from York, unless a Masonic connection can be demonstrated.

4.4.5 It is also difficult in truth to see how improving care facilities at Connaught Court or the development costs, in relation to site characteristics and planning requirements, considered to constitute abnormal development costs. These costs are known from the offset, and there is potential for sale value of the land to offset these costs, especially as some monies from the sale of the land would in part be diverted to other RMBI sites. The RMBI has offered to ring-fence a proportion of these funds to the site, though monies would still be lost to sites outside of York at the potential expense of affordable housing provision.

4.4.6 The applicants contend that the special care apartments are a sui generis use, rather than Use Class C3 dwelling or sheltered housing use, and thus should not be subject to the Council's affordable housing policy. The applicants state these apartments would provide independent living for elderly occupants, allowing them to be provided with a range of care facilities, how and when they need it. The applicants consider this goes beyond sheltered housing, though not convalescent type care, as is provided at the Connaught Court home itself. Rather they see it as providing a type of accommodation in between the two.

4.4.7 However Circular 06/98 does state that it covers to all types of new housing development. It states this includes, for example, special needs housing which is not affordable simply because it caters for a particular group. Thus, it is not considered there is substantive reason why the extra care apartments in principle should not be subject to affordable housing, especially as the intention of such accommodation appears to be to provide independent living for elderly persons for as long as possible, rather than a more institutionalised/convalescent type accommodation.

4.4.8 The extra care apartments would be run by the York Masonic Housing Trust, whom the applicant state intends to set itself up as Registered Social Landlord. The

operation of the Trust would be unlikely to accord with the Council's normal affordable housing provider requirements. There would be the restriction of nominations to people with Masonic connections, with no nomination rights available to the Council. The properties would be offered for sale, shared equity and rent, though the sale and rental levels will be set at market value, not according with normal affordable housing requirements. Whilst it is acknowledged any surplus would be reinvested, again this would not be limited to York. Whilst the provision of such accommodation may be laudable, it is not considered this is a priority over the provision of affordable housing, especially as the 2002 Housing Needs Survey also shows a need for affordable accommodation for elderly people in York.

4.4.9 It is acknowledged that in some appeal cases the practicalities of providing affordable and non affordable together in sheltered type accommodation, has been a determining factor, though in other appeals this has not been accepted by Planning Inspectors. PPG3:Housing itself does promote mixed communities. There is not sufficient planning reason why the two forms of housing cannot co-exist.

4.4.10 In sumamry, it is ocnsidered the general market housing areas and hte extra care sheltered apartments should be subject to normal affordable housing policies, and this is not outweighed by either abnormal development costs or the realisation of other planning objectives that would outweigh the need to provide affordable housing.

4.4.11 OFFICER UPDATE: Since the application was last reported to Committee in June, the applicant has confirmed that affordable housing will be provided at a level of 25% (the percentage required by policy when the application was first submitted) of the number of general market dwellings proposed in areas 1A, 2A and 3A. In addition, both Council Officers and the applicant's agent have been investigating further the issue of the extra care accommodation, in terms of the Use Class it falls within and any consequential need for a proportion of units to be affordable.

4.4.12 Extra Care accommodation is a relatively new concept being developed to meet the lifestyle and health expectations of the country's ageing popoulation. Whilst this is an outline application with no information submitted regarding design or external appearance of this building, the agent has submitted an indicative floor plan from a similar development in a nearby local authority. This shows self-contained apartments within a larger block with communal facilities. This is would be akin to a block of retirement apartments and usually considered by the Council to fall within C3 (dwellinghouses) use class.

4.4.13 However, in this particular case, the building is linked to the existing care home and the agent has confirmed that it will share facilities, services and management with it. In addition, the units would have a restricted lease in that they would revert back to the RMBI on vacation and not be available for sale on the open market. This case is similar to a development in Gloucester, where Counsel's opinion on the issue of use class was sort and subsequently published. Having reconsidered their position in light of the Counsel opinion and the requirement that prospective residents would be in need of care at the time of occupation, the agent has confirmed that the accommodation block is now considered to fall within Class C2 (Residential Institution). This is defined as 'use for the provision of residential

accommodation and care to people in need of care', with care being defined as 'personal care for people in need of such care by reason of old age, etc...'.

4.4.14 Following consideration of the information submitted by the agent and the written confirmation that regarding the intended operation of the 'extra care apartments', Officers conclude that there is no realistic argument to be made that the units in this case are in anyway 'housing' in any affordable sense. Therefore, no affordable requirement should be sought.

4.4.15 In summary, it is considered the general market housing areas should be subject to normal affordable housing policies, though not the extra care accommodation. The provision of affordable housing should be subject to a Section 106 Agreement requiring an Affordable Housing Plan to cover issues of tenancy, location, mix, parking provision.

4.5 EFFECT ON TREES ON THE SITE

4.5.1 Many of the trees on the site which contribute to the site's character and visual amenity qualities lie on the part of the site nearest to the Main Street frontage, and are subject to tree preservation orders. The supporting information submitted with the application only considers there would loss of nine trees, six of which are adjacent to the existing bowling green at the rear of the site, and are not protected. Three further trees are shown on the plans to be lost towards the Main Street part of the site. It is also likely however there will be further loss of trees in this part of the site, over and above those which have been identified by the supporting information submitted, which have been identified by the Council's Landscape Architect. An independent tree survey has been carried out on behalf of the Council to assess the health and welfare of the trees on the sit, which has also identified further trees on the site which may be worthy of retention.

4.5.2 Works associated with the new bowling green would also be likely to impact on a lime, chestnut, silver birch, maple and beech trees. The applicant has made some alterations during the course of the application, though it is still considered the proximity and associated works relating to the bowling green would be likely to compromise the future well being of these trees, with elements of this part of the development within recommended protection areas for trees. These trees have a good long term potential and are considered to contribute to amenity of the site, being visible from Main Street. Associated footways, and parking for the bowling green and the health centre, by been within tree protection zones, would compromise the trees in this part of the site.

4.5.3 Amendments have been made to the siting of this play area during the course of the application, to try to overcome concerns over the proximity to chestnut trees that would have threatened the longevity of these trees due to safety issues. It would still extend within the root protection areas of three mature trees, and thus is considered this would compromise the future well being of these trees.

4.5.4 The effect on trees in the rest of the site is more limited, and the layout of development in the St. Oswald's Road area of the site would now be likely to have an acceptable effect on protected trees in this part of the site.

4.5.5 Nevertheless, with the amount of development proposed on the site, there would be likely accumulative loss of trees that are subject to tree protection order, both in terms of trees the applicant's have identified and also further resultant tree loss. As these trees are considered worthy of retention, the detrimental impact is considered significant. No specific details of proposed tree replacement has been submitted, other than indicatively dotted through the site. It is not considered replacement tree planting would in any case be an acceptable alternative to the trees lost, or likely to be lost in the future as a result of the development, due to health and well being of these trees which are worthy of retention.

4.5.6 OFFICER UPDATE: Following several small revisions to the scheme, the Council's Landscape Architect Officer is now of the opinion that the risks to the majority of the protected trees has now been minimised. In total, approximately 14no. trees are proposed to be removed, 6no. of which are memorial trees that could be transplanted if desired, and 90no. new trees are proposed to be planted. With regards the protected Lime and Beech trees adjacent to the proposed bowling green, further indicative drawings have been submitted of the layout and construction of the bowling green and independent arboriculturist reports have been carried out on behalf of the Council. As a result, the Officer accepts that although not ideal the bowling green could be constructed, as shown on the indicative plans submitted including the raising of the land level, without harm being caused to these trees. This is providing that two of the vehicle parking spaces shown to serve the bowling green but which fall within the tree protection area be omitted.

4.6 EFFECT ON CONSERVATION AREAS

4.6.1 The development that would take place in Fulford Conservation Area itself relates to the creation of the new access onto Main Street. The relocated bowling green and clubhouse, internal access, car parking, associated footways and play area are located close to this conservation area, as to an extent would be the extra care apartments.

4.6.2 As stated in 4.5, the development would be likely to result in the loss of protected trees in this part of the site just beyond the conservation area boundary. These trees do contribute towards the overall open, green, spacious and attractive backdrop this part of the Connaught Court site, which substantially contributes towards the setting of Fulford Conservation Area, and views in and out of the conservation area. The trees also extend some way into the site from Main Street, adding some depth to this attractive setting to the conservation area. A reduction in the tree cover would also make other parts of the built development much more visible, in particular car parking and the extra care accommodation building, further detracting from the attractive setting the trees provide for this conservation area. The likely loss of trees is considered to significantly detract from the setting of the conservation area. Views

4.6.3 The Fulford Road Conservation Area on St. Oswalds Road presents a more built up form and pattern of development, with existing residential properties both outside and within the Connaught Court site close to where residential development that is proposed in this part of the site. The existing Connaught Court vehicular

access is also found in this part of the site. There are also far fewer protected trees on this part of the site.

4.6.4 The proposed layout of this part of the site sets the proposed dwellings in from the St. Oswalds Road frontage. The grassed areas in between the dwellings and the St. Oswalds Road frontage used as private gardens, with existing mature trees also retained on St. Oswalds Road. This would present a reasonably 'soft edge' from the development to St. Oswalds Road. The use of detached and semi detached dwellings and the spacing of the dwellings reflects the existing development on St. Oswalds Road. The scale and massing is now identified as two storey development to eaves, with potential use of roofspace through rooflights or sensitively designed dormers, which is considered acceptable. The siting and the design statement would allow for a form of development to occur that would have an acceptable effect on the setting of Fulford Road Conservation Area.

4.7 RECREATION AND OPEN SPACE ISSUES

4.7.1 Policy L1 of the Deposit Draft Local Plan divides the provision of open space for development into amenity open space, children's playspace and outdoor sports provision, to be provided to National Playing Fields Standards (NPFA). 'Sheltered housing' is only required to contribute towards amenity open space under Local Plan policy. It also sets the amount of open space for each category that should be provided per 1000 of population.

4.7.2 The amenity open space provides the majority of the open space on the site space. The amount provided would be in excess of the 0.4-0.9 hectares of amenity open space per 1000 population (pro rata). It consists of the land towards the front of the site, and land adjacent the lngs on the west side of the site. The aim of amenity open space is to provide a more informal recreation function than either the children's play space or outdoor sports, and it is considered these areas would adequately carry out this functions. Amenity open space use is compatible with the protected trees located in these parts of the site. The applicant has offered to pass amenity open space land at the Main Street frontage of the site over to the Parish Council.

4.7.3 The outdoor sports provision required under policy L1 is an additional requirement to the relocation of the bowling green. In order to provide a useable area of outdoor sport, and in accordance with the Sport and Active Leisure Strategy, which support a more strategic approach to sports pitch provision, this would be most appropriately be provided off site through a commuted sum through Section 106 Agreement in the south zone of Strategy. Based on the proposals equate to approximately £10,400 though the precise amount would be determined through reserved matters, in the event of an approval. The applicant is agreeable to this.

4.7.4 The amount of residential development proposed is though significant enough to require on site playspace provision. The justification for requiring playspace provision primarily relates to the needs of the people living on the development. There is an existing playspace on School Lane approximately 400m from the site. However, the playspace would be aimed at young children, and to access the School

Lane site would require the crossing of A19 Fulford Road and possibly Heslington Lane.

4.7.5 There were concerns over the compatibility over the location of the single childrens playspace as originally proposed, in relation to proximity to protected trees and associated potential bat roosts towards the Main Street part of the site. This playspace would have been provided to a Locally Equipped Area for Play. The agent now proposes the two smaller playspaces, one in the same part of the site, and the other between the proposed residential areas adjacent Atcherley Close and Fulford Park.

4.7.6 Whilst both playspaces would be accessible for future occupiers and local residents living close to the site, splitting the provision does result in playspace that would no longer meet NPFA standards. This has a minimum size of 0.04ha for a Locally Equipped Area for Play, and both playspaces would be below this in size. The total area size of playspace provision has also been reduced, and in all likelihood this would not be sufficient in size for the residential development proposed. The proposed playspace arrangements are thus not considered satisfactory. There would be scope for providing a playspace of sufficient size on the site, given the overall size of the site and because there are areas of the site that are free from protected trees.

4.7.7 The site does contain what has been termed on plans as a 'market garden', but in reality this a private facility which is used as a garden for the kitchen of the home, and would not in itself be afforded any special planning protection.

4.7.8 Planning policy advice aims that leisure facilities should not be lost to new development, thus the proposal to relocate the bowling green. Central Government planning guidance in PPG17 also aims that replacement provision should be of the same equivalent standard in terms of size, usefulness, attractiveness and quality, or better. The size of the green area itself is similar, and the relocation also involves a replacement bowling pavilion, and provision of dedicated car parking, which the current bowling green does not have. The replacement green however would not be commensurate in terms of usefulness and quality.

4.7.9 Unlike the existing bowling green however, it would not have a footpath running around its entire perimeter, due to the proximity to the boundary of the site and trees. This would limit access. It is also far closer to trees, causing potential shading and leaf fall issues. The Council's leisure officers advise that they do look for a perimeter footpath and try to avoid proximity to trees on Council facilities wherever possible. As the existing bowling green does not suffer from these potential problems, it is considered the replacement bowling green would not be of equivalent standard or better. The provision of car parking for the relocated bowling green is not considered offset these more direct concerns with its usefulness and quality.

4.7.10 OFFICER UPDATE: The scheme has been amended so that the two playspaces would meet NPFA standards, which requires a minimum size of 0.04ha for a Locally Equipped Area for Play. The Council's Leisure Section are now satisfied with this aspect of the proposals.

4.7.11 The siting of the bowling green is to be determined as part of this outline application, though its detailed design would be dealt with at reserved matters stage if the outline is approved. The applicant has submitted various indicative plans in order to demonstrate that an equivalent bowling green can be provided in the proposed location without affecting the protected trees.

4.7.12 However, the Council's Leisure Officer continues to object to the proposed siting for the aforementioned reasons set out in 4.7.9. Sport England documentation, 'Natural Turf for Sport', advises that the following points be considered when selecting the location for a new bowling green: Sufficient land to accommodate the green and immediate surrounds; allowance be made for a surround path and outer planting borders/grass verges; and, importantly, the green must be located away from tall buildings and trees. Given the concerns regarding its proposed location and, consequently, the effect of the tight space and presence of mature protected trees, Officers are still of the view that the replacement bowling green would not be commensurate in terms of usefulness and quality, in accordance with PPG17. Therefore, the issue remains a reason for refusal.

4.8 HIGHWAYS CONSIDERATIONS

4.8.1 Vehicular access to the development would take the form of two separate accesses from St.Oswalds Road and Main Street servicing distinct areas of the site. Most traffic generation would take place from the St. Oswalds Road access, though traffic from both accesses would ultimately join onto Main Street. The information provided in the Transport Assessment, which has been assessed by the Council's Highways Officers, states that the additional trips generated during peak hours would be 40-50 per hour, with percentage increases in traffic between 1-2% on the nearest Main Street junctions. This level of change in traffic conditions would not be considered to be material. The junctions are also shown to be operating within their capacity, when the development is in beneficial use. The comparatively low levels of traffic increase are considered acceptable in traffic generation terms.

4.8.2 In relation to highways safety issues, there are some difficulties in visibility at the St.Oswalds Road/Main Street junction, primarily due to on street car parking along the frontage of adjacent terrace properties to the north of the junction. In the event of a planning approval, a commuted sum of £5,500 would be sought through a section 106 agreement for improvements at this junction. This would cover a build out of the junction and the marking of a right hand turn lane on Main Street into St. Oswalds Road.

4.8.3 The proposed visibility splay at the Main Street junction would be at 2.4m x 90m, which is a lower standard than would normally be required at 4.8m. This is to reduce the setting back and realignment of the frontage boundary wall, or the need to lower its height. It is considered that as the traffic movements at the proposed Main Street junction are predicted to be low, that the proposed visibility splay at the Main Street would in this case be acceptable in highways terms. This bears in mind that more substantial alterations on the boundary wall would be likely to further impact on Fulford Conservation Area and possibly on the well being of other mature trees.

4.8.4 Nineteen car parking spaces are proposed for the extra care apartments, which is considered sufficient for residents and visitors, as actual car ownership levels would be expected to be low for such a use. No resident warden is proposed for the extra care apartments. Car parking standards for the 'sheltered housing', under the Council's Parking Guidelines, is one space per 4 units for residents. This level of car parking is considered acceptable.

4.8.5 The six car parking spaces provided on site with associated footpath link for the adjacent medical centre is considered of some benefit, as it would take some parking for the medical centre off Main Street and Fulford Park, to the south. The spaces also have the potential for dual use with the bowling green, due to their proximity on the opposite side of the access road, in addition to the ten dedicated car parking spaces for the bowling green. In addition, three for dual use are proposed.

4.8.6 Commensurate car and cycle parking can be provided for the general market housing areas within the site. Replacement adequate car parking for the existing Connaught Court home that would be lost by the development proposals would be provided to the north and west of the building and new covered and secure cycle parking facilities would also be provided.

4.8.7 The accessible location of the site would encourage the use of sustainable modes of transport. Fulford Road is serviced by regular bus services to the city centre, and the nearest city centre bound bus stop is found outside the adjacent medical centre. The location is within walking distance of services in Fulford, and a cycleway links the west end of St. Oswalds Road along the river to the Millenium Bridge and the city centre. An emergency link is proposed between the two access roads within the development. This also would serve as direct link for through the site into Fulford for pedestrians. There is scope for adequate levels of secure cycle parking to be provided throughout the development, which could be dealt with through condition in the event of approval been granted.

4.9 FLOOD RISK AND DRAINAGE

4.9.1 Policy GP15 of the Local Plan requires account to be taken of increased risk of flooding that development may cause. This is consistent with PPG25 advice. Approximately 30m of the site adjacent the Ings lies within the flood plain of the Ouse.

4.9.2 The Flood Risk Assessment as supplemented by further information during the course of the application has precisely defined where the flood plain lies in relation to the site, following advice from the Environment Agency. The land use proposed in that part of the site where the flood plain is found is open space, which is in accordance with advice in PPG25 that it may be possible to utilise parts of previously developed sites that are at a higher risk of flooding for open space. Adjacent proposed residential areas abut, but now lie outside the precise boundary line of the flood plain.

4.9.3 The Environment Agency recommend that no buildings or raising of ground levels takes place within 2m of the flood plain. This takes take into account future modelled changes associated with climate change This does infringe onto these

proposed residential areas. This is considered acceptable however because dwellings could easily be sited within these areas so as to avoid this constraint, with areas within 2m of the flood plain remaining free from buildings or raised ground levels. Siting of the dwellings that are proposed in these parts of the site does not form part of this application. Floor levels would be required to set 600mm the adjusted flood plain level.

4.9.4 The Flood Risk Assessment recommends that surface water is discharged via an outfall to the Ouse, which is acceptable to drainage consultees. On the advice of the Environment Agency, the means of surface water discharge would include the provision of storage on site that would be used when the Ouse is in flood, to prevent 'flood locking' of the drainage system caused by high levels of the river in the time of flood. This has been incorporated into the Flood Risk Assessment. Foul water would discharge to existing foul sewers in the area. Full details of the surface and foul water drainage works would form a conditions in the event of planning consent been granted.

4.10 ECOLOGY

4.10.1 The main ecological issues on the site relate to fungi, the adjacent SSSI and bats.

4.10.2 Rare (in regional terms) fungi have been found on the site on a raised bed under a removed beech tree, close to where it is proposed to site the extra care sheltered apartments. The building layout has been altered in relation to area of interest for the fungi, primarily by moving associated car parking further away from this area. An area of the raised bed would still be removed, but this is part where no fruiting species have been found. A new retaining wall for the raised bed and measures to protect the bed during construction would be required, as well a post development management plan.

4.10.3 The nearest part of the development to the SSSI is proposed as public open space, and the development is not likely to have a significant effect on the SSSI. There is scope for habitat creation and management on the site to take account of the SSSI.

4.10.4 A bat survey has been submitted during the course of the application. The bat interest in the site relates to use of the site as a foraging corridor, from Main Street across the site down towards the river, and whether there is a bat roost on the site. The development does propose to retain such a foraging corridor for bats, running through open space and trees at the front of the site and between the existing Connaught Court building and proposed housing to the south and west, and towards the river. It is considered this corridor is of a reasonable width for such a purpose.

4.10.5 There are trees on the site which potentially have been or could contain bat roosts. These trees are primarily located in the area of the site near to the play area proposed towards the Main Street area of the site. The reduction in size of the play area in this part of the site has taken the play area further away from these trees, the main point of conflict between the development and bat roost issues. The layout as now proposed is considered acceptable as regards bat issues.

4.11 EDUCATION PROVISION

4.11.1 The development would generate additional school children that need to be catered for within schools in the area. Education have identified that there is a surplus of primary school places in the area resulting from the St. Oswalds replacement primary school, though there is a deficit of places at Fulford secondary school and at foundation stage facilities. Thus related financial contributions would be required, through section 106 agreement. The applicant is agreeable to this.

4.11.2 Using Local Plan policy C6 and the Developer Contributions to Education Facilities Supplementary Planning Guidance, this is calculated to be £81,347 for secondary school places and £45,192 for foundation places (total £125,539) based on the 45 units, and the assumption all would be 2 bed or more, The exact amount would ultimately be determined through the detail of the reserved matters, in the event of an approval.

4.12 RESIDENTIAL AMENITY

4.12.1 The siting of the proposed dwellings nearest St. Oswalds Road is fixed under this application, as discussed. The dwellings would be set back 10m from the St. Oswalds Road frontage, and a similar distance away from the site boundary with properties to the west on St. Oswalds Road. The nearest dwellings themselves are the four existing dwellings within the site, though these would be separated from these new dwellings by the existing access road. In relation to amenity issues relating to exact heights and massing of these new dwellings, this would be determined through the detail of reserved matters, in the event of an approval. The design statements provides for these dwellings to be up to 2/21/2 storeys high, and with the distances to adjacent dwellings to the site, the likely impact of the amenities of these properties would be acceptable.

4.12.2 The siting of other proposed dwellings (excluding the extra care apartments) in the remainder of the site does not form part of this application. However, the provision of dwellings in the parts of the site identified for these dwellings could be achieved through reserved matters with normal amenity standards met, in terms of the impact on residents in Atcherley Close and Fulford Park. The indicative siting of the apartments and car parking nearest Atcherley Close may raise amenity concerns, if these details formed part of the application. Any reserved matters would have to address this issue.

4.12.3 The access roads would be a reasonable distance away from neighbouring residential properties. The play areas are separated from the nearest properties. The relocated bowling green is next to the boundary with the private outdoor amenity space on Sir John Hunt Homes but given the nature of this use and the boundary enclosure, the effect on the amenities of these properties, which are set 16m from the boundary at this point, would be acceptable.

4.12.4 The siting of the extra care sheltered apartments does show that this building would have a significantly sized footprint. The supporting information also indicates it would be mainly two storey. This building would be to the south of the nearest

neighbouring properties, the Sir John Hunt Homes. However the main part of the proposed building would be a significant distance at 15-17m in from this boundary, and 25-27m from the dwellings on this adjoining site itself. There is a further ancillary projection on the northern elevation that would extend to within 17m of the dwellings. However, this could be conditioned to be single storey in the event of an approval, as is indicated on sketch drawings provided. It is considered that, subject to this condition, the effect on the amenities of the Sir John Hunt Homes would be acceptable.

4.12.5 The extension to the mentally frail unit would be sited 6m in from the boundary of the site. However the applicant has confirmed the extension would be single storey. Also having regard to the 2.5m wall on the nearest part of the site boundary, this would have an acceptable effect on the amenities of neighbouring properties.

4.12.6 The development would significantly reduce the amount of open space been left around the remaining Connaught Court building that residents enjoy. However, they would still benefit from the proximity of the public open space to be provided on site, as well private open space areas left around the Connaught Court building. A reasonable level of amenity would also be provided for future occupiers of the general market housing areas on the site. The applicant has stated the occupiers of the three bungalows to be demolished to make way for the extra care sheltered apartments will not be evicted, though this is an issue between the applicant and the individuals concerned, rather than a planning issue.

4.13 CRIME PREVENTION

4.13.1 The existing Connaught Court building is set within its own reasonably secure and defined grounds, which provides security for its residents. With the introduction of further access and development into the site, there is potential for the erosion of this security. In order to address this the 'Design Brief for Security' has been submitted which is based on ODPM document "Safer Places - The Planning System and Crime Prevention":

4.13.2 The access route through the site are well defined from the two access points, with a linking footpath, allowing direct access and natural surveillance from the proposed development on both sides, and would focus movements on this access route. The natural surveillance is more limited on the Main Street side of the site, caused by the number of protected trees. A further access point to the health centre car parking would not be accessible, other than through the grounds of the health centre itself. The applicant is reluctant to provide a further access directly down to the river through Fulford Ings and direct from Fulford Park from an existing locked gate to the proposed play area, as this may compromise the design brief. Access from outside of the site can still be achieved relatively easily to these parts of the site, via St. Oswalds Road/Love Lane and Main Street, respectfully.

4.13.3 The uses themselves are predominantly various forms of residential and recreation, and are considered compatible, in particular with PPG3: Housing aims to encourage mixed communities. Enclosure will also be important internally to contribute to the security of the site. The brief does identify the importance of

planting to achieve this on this site, given its visual amenity and open character, as well as fencing and railings in appropriate locations. The brief also states that the development will meet 'Secured by Design' standards. The Police Architectural Liaison Officer is fully supportive of the crime prevention approach the applicant has taken through the brief.

4.14 ARCHAEOLOGY

4.14.1 An archaeological evaluation was required to be submitted during the course of the application, because a number of important archaeological finds in the Fulford area. The evaluation revealed evidence for Romano-British and possibly late prehistoric activity, primarily in the St. Oswalds Road area. They are of local and regional importance, and would be required to be recorded through an excavation prior to a development taking place, whilst an archaeological watching brief would be required on all other groundworks.

5.0 CONCLUSION

5.1 The development proposed as part of this outline planning application is substantial and consists of number of different proposed buildings and uses on the site. The development consists of general market residential development, extra care accommodation, an extension to the mentally frail unit, the relocated bowling green and pavilion, a new access off Main Street, car parking for the adjacent health centre to the site, two childrens play areas, as well as associate facilities, such as internal access roads and car parking.

5.2 The site is found in a sustainable location and would constitute previously developed land and in this respect the principle of some development on the site may be acceptable. A significant part of the proposals does relate to housing which exceeds thresholds where the Authority would expect affordable housing to be provided. Provision is proposed at a level of 25% for the general market housing on site.

5.3 The site does have significant visual amenity value, and any significant development of the site must have regard to this. The site itself borders onto two conservation area and contains significant numbers of protected trees. The substantial amount of development proposed would result in the loss of some trees on the site, though it is proposed to plant a significant amount of trees within the grounds.

5.4 The relocated bowling green is not considered equivalent compared to the existing bowling green, in terms of usefulness and quality, in the absence of a full perimeter footpath and the proximity to trees causing shading and leaf fall onto the green area itself. The lack of equivalent provision is considered contrary to advice in PPG17. In other respects, the development would be acceptable in terms of recreation open space provision, though this does not outweigh the concerns over the relocated bowling green.

5.5 The development would be likely to have an acceptable effect on Fulford Road Conservation Area (St. Oswalds Road), with the siting and design statement

provided with the application. The impact of the development in terms of traffic generation, highways safety issues and in relation to the potential for sustainable forms of travel to be utilised, would be acceptable. The site does in part lie on the flood plain of the Ouse, though no built development is proposed in this area. The drainage information submitted with the application confirms in principle the site could be drained adequately for the likely level of development proposed. The development would also be acceptable in relation to ecology, education, residential amenity, crime prevention and archaeology issues.

5.6 In light of the above, and on balance, it is considered that whilst the principle of some development of the site would be acceptable and irrespective of benefits of the proposed scheme, such as affordable housing, the replacement of the existing used bowling green with one which is not of equivalent standard, warrants refusal of the proposed scheme.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

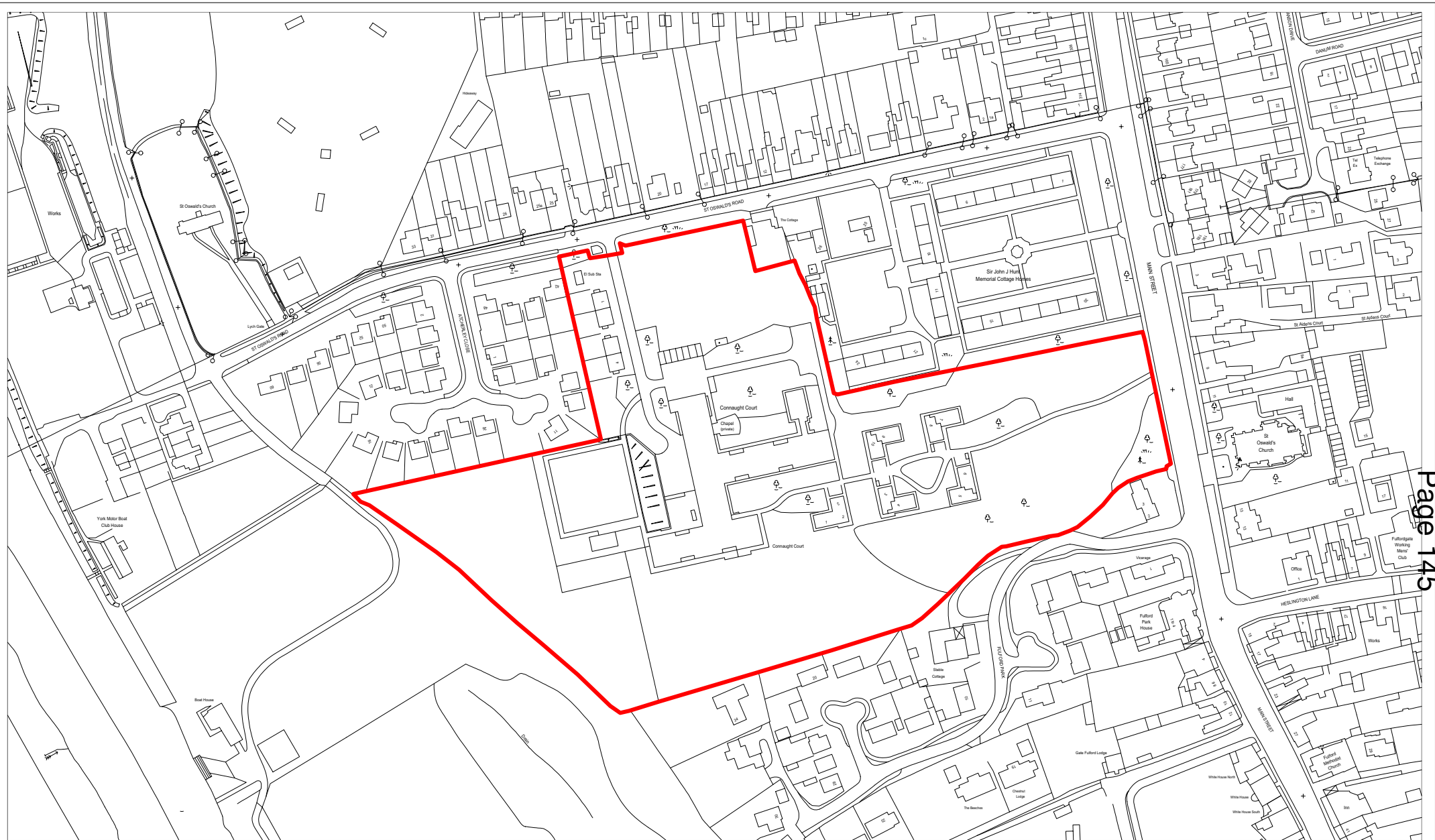
- 1 The proposed relocated bowling green is not considered to be of a commensurate standard compared to the existing bowling green on the site. It is considered it would not be equivalent in terms of usefulness and quality in the absence of a footpath around the entire perimeter of the green and because the proximity of tree(s) to the relocated bowling green would be likely to cause leaf fall and shading. This is considered contrary to advice in PPG17: Sport and Recreation.

7.0 INFORMATIVES:

Contact details:

Author: Hannah Blackburn Development Control Officer
Tel No: 01904 551477

This page is intentionally left blank



9, St. Leonards Place, York, YO1 2ET
 Telephone: 01904 551550

CONNAUGHT COURT, FULFORD - 05/00022/OUTM		
SCALE: 1:2500	DRAWN BY: PSL	
Originating Group: _____		DATE 15/6/2007
Project: _____		Drawing No. _____

Produced from the 1993 Ordnance Survey 1:2500 mapping with the permission of the Controller of Her Majesty's Stationery Office
 © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

This page is intentionally left blank

COMMITTEE REPORT

Committee:	Planning Committee	Ward:	Dringhouses And Woodthorpe
Date:	26 June 2007	Parish:	Dringhouses/Woodthorpe Planning Panel

Reference: 07/00752/REMM
Application at: York College Of Further And Higher Education Tadcaster Road Dringhouses York YO24 1UA
For: Reserved matters application for residential development comprising 360 dwellings after demolition of existing college (Resubmission)
By: George Wimpey Ltd, Shepherd Homes Ltd And Magna Holding Ltd
Application Type: Major Reserved Matters Application (13w)
Target Date: 2 July 2007

1.0 PROPOSAL

1.1 Outline planning permission for the erection of residential development on approximately 9.4 ha of land at the Tadcaster Road site of York College was granted by the Council in July 2005. The College occupies two separate sites, one at Tadcaster Road and one a short distance away at Sim Balk Lane, with associated playing fields on land to the east. The outline application for the redevelopment of the Tadcaster Road site for residential purposes was submitted in conjunction with a proposal to erect a new, single college building on the Sim Balk Lane site, together with the provision of new sports pitches on the land to the east. Planning permission has subsequently been granted for the new college building and associated sports pitches, and work is now well advanced on the development.

1.2 The application site has a relatively narrow frontage to Tadcaster Road, with access taken from the roundabout which also serves the Askham Bar Park and Ride site and Tesco's supermarket. The northern boundary of the site abuts the rear gardens of established residential properties in Middlethorpe Drive and Lycett Road, with the eastern and most of the southern boundary abutting open, undeveloped land, that to the east being within the ownership of the college. Part of the southern boundary, close to Tadcaster Road, abuts the curtilage of St. Leonard's Hospice and also the Yorkcraft workshop operated by the City of York Council.

1.3 Although only the means of access to the site was considered at the outline application stage, that application was accompanied by an indicative "master plan" layout comprising 360 dwellings with associated access roads, public open space and landscaping, giving a density of approximately 40 dwellings per hectare. The "reserved matters" application now submitted follows the basic principles laid down in the indicative master plan, and also relates to the erection of 360 dwellings on the site. As indicated on the master plan, all existing buildings on the site are to be demolished apart from Ashfield House, an unlisted building of some architectural

merit located on the Tadcaster Road frontage of the site, which would be retained and converted into five dwellings and two apartments. The overall layout adheres to the master plan by locating high density apartments at the Tadcaster Road end of the site, where the character of the area is more urban, with a medium density mix of town houses, semi-detached and detached properties in the centre of the site, and low density detached dwellings located on the open land at the eastern end of the site where the character of the area is more suburban/rural.

1.4 The layout includes two areas of public open space in the approximate locations shown on the master plan, one incorporating an attractive group of trees at the western end of the site, and the other formed around a pond occupying a landscaped setting to the east of the existing college buildings. A further area of public open space would be located on approximately 0.96 ha of land owned by the college immediately to the southeast of the development, the provision of which was included within a Section 106 Agreement forming part of the outline planning permission. As part of this area is occupied by car parking and temporary structures associated with the college, a separate planning application has been submitted for its change of use to public open space, which is also included on this agenda. The Section 106 Agreement also contained a number of other legal obligations, which are referred to in more detail elsewhere in this report. The site is not within a conservation area and there are no listed buildings in the immediate vicinity of the site.

1.5 This is the second "reserved matters" application relating to the site, the first of which was submitted on 1st November 2006. This application was subsequently withdrawn at the end of January 2007 after it became clear that a number of outstanding issues could not be addressed within the statutory 13 week period for determining the application.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYH1
Housing Allocations

CYGP1
Design

CYGP3
Planning against crime

CYGP9
Landscaping

CYNE1
Trees, woodlands, hedgerows

CYNE7
Habitat protection and creation

CYT2
Cycle pedestrian network

CYT4
Cycle parking standards

CYT7
Promotion of public transport services

CYH2
Affordable housing on housing sites

CYED4
Developer contributions towards Educational facilities

3.0 CONSULTATIONS

3.1 INTERNAL

HIGHWAYS

Cycle Parking Provision

It is noted that individual cycle storage units with capacity for 8 and 10 cycles are now to be provided. However, the proposed access arrangements, in the form of a roller shutter door, are likely to prove cumbersome for users of the facility and there is a strong risk of the door being left open at times, thereby significantly reducing security levels for the cycles. I would ask that a full height, single width door/gate be introduced at one end of each of the units, which is lockable by means of a keypad or swipe card.

Highway Layout

It is disappointing to note that the applicant has still not amended the staggered crossroads arrangements along the frontage of plots 69 - 72 which I believe introduces unnecessary extra risks for the safety of road users. The frequency of dropped crossings in this location also adds to my concerns. A speed table within

this area would also introduce less protection for pedestrians from moving traffic and make it more difficult to divert them to safe identifiable crossing points. I would wish to see this detail amended before any support could be offered by the Highway Authority to this application.

The details of the emergency access point to the estate off Tadcaster Road are acceptable from a highways point of view. however, some form of lockable bollard arrangement should be introduced at this point to prevent unauthorised access by motor vehicles.

Car Parking

It will be necessary to protect the first length of the access road into the site from extraneous parking, in the interests of highway safety and I will be looking for the developer to meet the Highway Authority's costs in advertising, making and the introduction of the relevant Traffic Regulation Order.

Sustainable Travel

I am comfortable with the lower provision of car parking than the maximum standards would allow, in connection with the apartment blocks at the front of the site which will assist in encouraging sustainable travel. The Authority is seeking to promote Car Clubs around the City in connection with this issue, and I would hope that in line with other recent residential developments, a contribution could be sought from the developer to create such a facility in this area of the City.

Conditions

Should planning permission be granted, conditions are recommended in relation to the following:

- (i) Cycle parking details to be submitted
- (ii) Car and cycle parking to be laid out prior to occupation
- (iii) Adoptable road layout to be agreed prior to commencement
- (iv) No gates to open over the highway
- (v) No mud on highway during construction
- (vi) Off-site highway works (Traffic Regulation Order)
- (vii) Dilapidation survey of surrounding highways
- (viii) Detailed method of works statement to be submitted
- (ix) Green Travel Plan to be submitted

CITY DEVELOPMENT

Policies:

GP1 (Design)
GP4a (Sustainability)
GP9 (Landscaping)
T4 (Cycle Parking Standards)
L1c (Provision of New Open Space in Development)

Analysis

This is a Reserved Matters application, the original outline being granted in July 2005, following completion of a S106 Agreement. Any development therefore should be in accordance with the outline permission and the Section 106 Agreement.

The outline application was accompanied by an indicative "master plan" layout comprising 360 dwellings with associated access roads, public open space and landscaping, giving a density of approx 40 dwellings per hectare. The reserved matters application now submitted follows the basic principles laid down in the indicative master plan also includes 360 dwellings.

This Reserved Matters application deals with the following aspects:

Siting, design, external appearance, means of access and landscaping.

In relation to these issues, attention is drawn to the requirements of Policies GP1(Design) and GP9 (Landscaping) of the Draft Local Plan.

The following issues should also be considered:

Open space: The outline planning permission requires the development to provide a minimum of 1.3ha of open space. The proposals appear to have met this requirement through a range of open spaces spread throughout the site.

Housing issues: In terms of the issues relating to affordable housing, this has been addressed in a separate response.

Sustainability: All development is required to take account of the principles of sustainability, as outlined in policy GP4a (Sustainability).

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

Conservation Officer

The layout has not changed much from what was submitted earlier, and there is little point in assessing the house types in great detail as they will not have much impact on the wider townscape and seem to be no better and no worse than one would expect in this context. But we ought to ensure that the units facing Tadcaster Road and immediately entering the scheme are suitably designed, and so external materials should be conditioned, i.e. masonry, balconies, roof coverings, rainwater goods etc.

The conversion of the existing house seems to be quite sensitive, and the retention of internal features is somewhat of a *¿bonus¿* as the main objective was to retain the shell and its external appearance. But we need reassurance that the exterior will not be altered too much e.g. by the replacement of windows (for double glazing or other reasons) or by extract vents and flues penetrating the walls and roof . These have

the potential to damage the external appearance quite drastically, and we need to ensure that the exterior is being handled sensitively.

Because of the relatively high density and scarceness of public open space the few spaces so allocated need to be of high quality and well designed. A guaranteed maintenance agreement for the areas of open space within the site needs to be established, to ensure that there are no pockets of land which end up as no-one's responsibility.

Sustainability Officer

The submitted report "Sustainable Construction" report (March 2007) is very welcome and incorporates the details of the BREEAM assessment undertaken so far. This indicates a 'very good' standard (58 points, 55 needed to achieve a 'very good' rating). This is acceptable but I would suggest there is a requirement for the submission to the LPA of the final report once the assessment is complete.

Countryside Officer

With regard to the layout of the public open space, I would only comment that the footpaths as proposed form a loop in the middle of the site. The footpaths would be better located on the southern and western edges so as to avoid a "line of sight" path being created to cut off the loop and so as not to create an obstruction in the middle of the field, thus allowing greater flexibility in use and management.

With regard to the trees to be retained in the gardens of plots 140 - 147, whilst it is accepted that sufficient space has been left to avoid concern with proximity to the proposed houses, there may be some pressure once the houses are occupied for the trees to be removed to allow more natural light to reach the rear of the properties. It has therefore been requested that a Tree Preservation Order is made to ensure that they have some measure of protection.

Landscape Officer

Summary of main issues as follows:

The quantity of development that was approved on this site at outline stage, plus the presence of a wide easement along the southern boundary of the site, places a considerable restriction on the quantity of existing trees that can be retained and the amount of open space that can be provided within the site boundary.

Since previous submissions, the setting of Ashfield House has been improved because the garden is now immediately in front of the house with garages and parking set back.

A cycleway through the site has been introduced along the southern boundary within a new strip of open space, which somewhat compensates for the lost green links shown within the outline scheme.

Unfortunately, the environment of the blocks of flats remains poor, due to a lack of immediate open space and insubstantial landscape setting. This layout also results in the removal of one category "A" Ash tree of high public amenity value, close to the junction with Tadcaster Road.

For information, the proposed development would result in the loss of approximately 3 category A trees (most desirable for retention), 37 category B trees (desirable for retention), and 81 category C trees (could be retained - but should not pose an unreasonable restriction on development), a total of 121 trees (excluding those that need felling for arboricultural reasons) - nearly half the trees on the site. It should be noted that these will be replaced with over 200 advanced nursery stock trees within the front gardens and open spaces, which in the long term would have a significant public presence. It would be necessary to reduce the number of units within the development in order to retain more of the better quality existing trees. It should be noted that the public visibility of most of the existing trees is limited; nonetheless their public amenity value would be increased through the development by way of their new locations within public open spaces.

Archaeologist

A watching brief condition was not attached to the outline planning permission. However, the Dringhouses Local History Group has drawn attention to a medieval ridge and furrow in the field adjacent to Lycett Road. The ridge and furrow is noticeable but it appears to have been deliberately levelled in the past, probably by ploughing. A photographic survey of this feature would be appropriate. If it is not possible to secure this by condition or by agreement with the applicant, then, exceptionally, the Council's Archaeologist has agreed to carry out this survey prior to the commencement of construction work.

The Dringhouses Local History Group also asks that a memorial stone to a horse which took part in the Crimean War is located, conserved and re-erected in an appropriate location. This proposal is supported, and it is suggested that the stone is identified and treated in an appropriate manner.

YORK NATURAL ENVIRONMENT PANEL - At the outline stage direct links were shown between the green areas whereas now the connectivity between them has been broken up by the insertion of houses. For example, the continuation of greenery from the pond area down to the LEAP has been severed, as has the copse of trees on the northern boundary in the west down to the south of the site. The lack of connection between these green areas is unacceptable and the inserted housing should be removed.

To ensure the trees on the eastern aspect are correctly managed, to preserve their integrity, they should be incorporated into the POS as opposed to being included in the private gardens. A commuted sum linked to the LEAP could provide finance for the tree's management. Although the trees can be protected by a TPO, being in different ownerships would likely lead to inconsistent management through uncoordinated works.

ENVIRONMENTAL PROTECTION UNIT

1. Monitoring data indicates that nitrogen dioxide levels at the Tadcaster Road roundabout are well within guideline values, thus no specific additional air quality mitigation measures are required.

2. The Noise, Vibration and Dust mitigation report is a general statement of intent rather than a detailed management plan. This will not be produced until site handover takes place and contractors have been appointed. As such, whilst the report is sufficient as a general statement of principal, it is not sufficient to allow the discharge of condition 9 of the outline planning consent.

LIFELONG LEARNING AND LEISURE

Field in southeast corner

The footpath north of the LEAP area would be better if it ran down the east side of the LEAP so that the open space is left as large as possible - it will be more usable as an informal games area and reduce the likelihood of a desire line developing.

LAP nearest Tadcaster Road

An additional footpath should be added to the linking the LAP to the properties to the north west e.g. plots 258, 259.

N.B. A revised layout has been submitted incorporating these amendments.

Future management

I can confirm that Parks and Open Space would be prepared to take over the ownership and maintenance of three additional areas of open space subject to a suitable payment which would be used to fund ongoing maintenance. These areas are the area either side of the cycle path which follows the easement, the area around the pond and the area including the LAP. Calculations for an appropriate maintenance payment (£200,000) have been made and a response from the applicant is awaited.

EDUCATIONAL PLANNING OFFICER - As the number of dwellings hasn't gone over 360 (i.e. the same as on the outline application), the S106 payment will remain at £372,606.

HOUSING SERVICES - It should be noted that the submission of an affordable housing plan is not a reserved matter and could be dealt with separately under the terms of the Section 106 Agreement. This requires 25% of the proposed dwellings to be affordable in both number and type. The initial affordable housing offer did not fully comply with this requirement, and officers are continuing to negotiate with the applicant with a view to this matter being resolved in parallel with the reserved matters application.

STRUCTURES AND DRAINAGE - No objections. The submitted Drainage Strategy and Flood Risk Statement addresses the concerns that have been raised previously. The proposed culverting of the ditch along the north-eastern boundary has been agreed with the Environment Agency. Measures to ensure that existing land drainage connections are picked up have been incorporated into the proposals.

The photograph provided by Mr. Elliston, taken on 13 February 2001, shows ponding in the south-east area of the site due to low-lying ground. The River Ouse level on that day was approximately 8.00m AOD, and was clearly not backing-up onto the site. This would also have been the case during the November 2000 flood, and shows that the observed ponding is not linked to River Ouse levels, and does not place the site within Zone 3 floodplain.

It is proposed to remove the ponding problem by raising ground levels and positively draining this area to public combined sewer, greatly reducing the existing "green-field" run-off.

Floodwater, exceeding the designed 1 in 100 year storage capacity of the piped drainage system, will be retained in the P.O.S. and will not run off to the adjacent watercourse.

The proposed flow attenuation and on-site storage will significantly reduce the peak rates of flow from the site, reducing the flooding risk.

3.2 EXTERNAL

DRINGHOUSES/WOODTHORPE PLANNING PANEL

Despite outline approval having been granted for this large development we have serious concerns at the impact it will have on the area as a whole. These are as follows:

Schooling: We doubt if sufficient places are available at primary schools within the local area to cater for the number of children produced by 360 dwellings. All schools must be within safe walking distance. The additional impact of the nearby Nixon development is an additional factor. The Local Education Authority must confirm the situation.

Doctors/dentists facilities: The nearest facilities are at Woodthorpe (limited) and The Mount. The developer should provide a building to accommodate these services and the NHS Trust instructed to staff them.

The development as planned is, in effect, the creation of a village community of over 1000 people. There is no community focal point within the site which we consider to be essential. The developer must provide limited small retail outlets (as exist in Middlethorpe Drive/ Middlethorpe Grove) which would attract a paper shop, hairdresser and coffee shop which would form a communal centre to the area.

Traffic: The additional traffic generated by the development will increase movements on an already severely congested local road system to intolerable levels.

Specific detailed objections/comments: Plots 207 to 212 - we are aware that there is a boundary dispute between the owners of nos. 12 to 38 Lycett Road and the developer. A Solicitor has been instructed by the residents to issue an injunction against any developments on these sites until the boundary line between the houses and the development have been resolved. This will effect plots 207 - 212.

Plots 212, 219 - It is considered that the siting of the dwellings on these plots should be altered to minimise the adverse visual impact on the owners of houses at nos. 8, 14 and 16 Lycett Road. As planned they have a side elevation facing them. Garden to garden layout is preferable as in plots 207 - 211.

POLICE ARCHITECTURAL LIAISON OFFICER

1. The layout includes a number of rear access alleyways, providing access and escape routes for potential criminals. These should ideally be removed from the plans, or alternatively provided with gates and robust key operated locks.
2. The circulatory route within the road layout causes some concerns as it creates less opportunities to create "defensible space" and "ownership", in comparison to a cul-de-sac. It could also create excess traffic within the estate, in addition to providing a potential escape route for criminals and opportunities for casual offenders to go undetected. The circulatory route should either be specifically re-designed as a cul-de-sac, or alternatively an emergency access link created at an appropriate point along the route.
3. Cul-de-sacs should be short and straight to allow visibility from one end to another. They must also remain secure and not be linked to other footpaths thus fostering criminal activity.

ENVIRONMENT AGENCY - The submitted Drainage and Flood Risk Statement addresses the issues which have been previously discussed. Therefore we have no objections to the application in its current form. The strategy sets out the measures to be included in the drainage system to limit the final run-off rate to no more than the existing rate (agreed previously at outline stage). It also assesses the impact of the drainage system surcharges and indicates that properties will not be at risk up the 1 in 100 year storm conditions, with an allowance for climate change

YORKSHIRE WATER - No objections are raised in principle to the drainage strategy proposed by the applicant, insofar as it affects the sewer network.

ADJACENT OCCUPIERS - 19 letters from local residents have been received, making the following points:

1. What provision has been made for access to schools and play facilities_
2. The additional traffic will have traffic flow implications during the peak morning and evening rush hours.
3. A new link road could be constructed to divert traffic from the Tesco/Park and Ride roundabout to alleviate pressure on the roundabout.
4. A number of residents claim possessory title of an area of land alongside the northern boundary of the site and consider that the existing boundary wall should not be removed.
5. It was established at the outline application stage that 3-storey dwellings on the northern boundary of the site would harm the amenity of adjacent properties in Middlethorpe Drive, yet large detached houses are proposed in this location, some

three storey, and some with attic windows which effectively makes them 3-storey. Genuine two storey dwellings should be built in this location.

6. The three storey dwellings incorporate kitchens and dining areas at first floor (as opposed to bedrooms) which will result in overlooking and loss of privacy.

7. The orientation and proximity of some of the houses adjacent to the northern site boundary will result in loss of light, overlooking (whether direct or oblique) and loss of privacy. Some of the dwellings will be extremely imposing, dominant and overbearing. The rear gardens of these dwellings should be increased in length or the houses built with gable ends facing the boundary to increase privacy and reduce overshadowing.

8. The "back to back" relationship of some of the dwellings would result in complete loss of privacy

9. Some neighbours would not object to a "garden to garden" development, allowing occupiers on both sides of the boundary more light and privacy.

10. Responsibility for the future maintenance of the drains installed by the college some years ago should be established.

11. The developer appears to be removing a number of protected trees, which should be retained.

12. Flooding has been a regular problem on this site due to the high water table. This will be made worse by all the tarmac, driveways and patios within the new development. When added to global warming predictions, adjacent properties will be flooded. The situation should not be allowed to be made any worse than at present.

13. The proposed treatment and future maintenance of the northern boundary is unclear. There is an existing substantial wall along part of this boundary which should be retained.

14. It is important that any retained trees are protected to prevent them being felled either during the development or by future occupiers.

15. Ponds that have been dug at the rear of Lycett Road in the adjacent field will be a magnet for local children causing disturbance and loss of privacy.

16. A cycle track is shown on the plans but there is no information relating to its continuation beyond the site.

17. The plans show the construction of a surface water drain along the northern boundary, and care must be taken during construction works not to damage the boundary wall and any retained trees in this location.

18. The outline application referred to "landscape planting to reinforce existing (northern) boundary". Not only are there plans to remove some of the existing trees, but the proximity of the houses to the boundary will result in the erosion or removal of what remains.

19. The siting of some of the dwellings along the northern boundary is much closer than on the indicative layout which has already been rejected.

20. A number of units have been squeezed in creating a form of backland development having an unacceptable impact on existing residents.

21. Hours of work should be restricted with no work on Sundays or during the evenings.

22. It has previously been agreed that there would be no increase in ground levels across the site through the importation of additional fill material.

23. A strip of land should be retained to the south of the existing ditch (on the northern boundary) in order to provide an adequate drainage system and to alleviate the impact of the height and proximity of the new dwellings.

24. There is a very obvious "creeping" of the dwellings closer to the properties in Middlethorpe Drive. This conflicts with the principles behind the existing college buildings which were set much further away with trees preserved to protect privacy. All the houses are technically three stories, contrary to the outline planning informatives.

25. The plots in front of Ashfield House should be removed in order to improve its setting and allow more trees to be preserved.

25. A mature sycamore tree is wrongly claimed to be within the development curtilage, thus the developers tree retention ratio is (slightly) flawed.

26. Ashfield House requires sensitive redevelopment. The existing windows should be retained and no flues or vents allowed to penetrate the walls or roofs.

27. New plantings are scant and mostly of ornamental varieties and require much reinforcement. No account seems to have been taken of the loss of wildlife of which there is an abundance at present.

28. The development is too cramped and intense at the Tadcaster Road end of the site.

29. No evidence was found of bats on the site so the inclusion of bat boxes in the new garage block for Ashfield House seems illogical. Many people are frightened of bats and they should not be encouraged into a residential area.

30. There is no indication of the maintenance arrangements for the open areas around Ashfield House, which are an important part of the setting of the building.

31. The existing brick boundary wall should be protected throughout the proposed development works.

Dringhouses Local History Group

1. We feel very strongly that not only Ashfield House, but also the remaining outbuildings to the south, should be retained.

2. There is a medieval ridge and furrow field pattern on the lowest part of the site (adjacent to Lycett Road), which should be photographed and investigated.

3. A memorial stone to a horse called "Nigger" with an inscription " Faithful servant of Major Jonathan Dixon" , who took part in the Crimean War, is located in a passage close to Ashfield House. It is requested that this memorial stone is conserved and re-erected in an appropriate location.

4. The weather vane (in the form of a running fox) on one of the outbuildings should be retained in the new development or, preferably, given to the Yorkshire Museum for safe keeping.

St. Leonard's Hospice

1. Concern is expressed that the drains will not have the capacity to cope with the new development.

2. If levels on the site are higher than the hospice, there is a significant risk of flooding of the hospice site and adjacent fields.

3. The additional increase in buildings and hard surfaced areas has significant implications for the drainage of the site.

4. Will landscape buffers and appropriate fencing be established before the development commences?

5. The landscape bund/buffer should be extended along the full length of the hospice boundary with security fencing and planting.

6. The proximity of the footpath along the southern boundary of the site to the perimeter of the hospice is likely to result in problems with noise.
7. The turning circle adjacent to plots 62 & 63 will result in additional noise.
8. Noise from construction operations is a concern, as many patient bedrooms are adjacent to the development. How will security be maintained along the southern boundary of the site adjacent to the hospice?

4.0 APPRAISAL

4.1 Key Issues

- layout and design of the development
- impact on adjacent occupiers
- planning out crime
- sustainability
- landscaping/tree loss
- nature conservation
- highway safety/car parking
- affordable housing/mix of house types
- public open space provision
- education provision
- drainage
- archaeology
- noise, vibration, dust, contamination

CONDITIONS ATTACHED TO THE OUTLINE PLANNING PERMISSION

4.2 The application relates to the erection of 360 dwellings on approximately 9.33ha of land, pursuant to an outline planning permission granted in July 2005. Only matters reserved by the outline planning permission can be considered at this stage. The reserved matters application should not be regarded as an opportunity to place additional requirements on the applicant, financial or otherwise, which are not referred to within the outline planning permission. Twenty conditions were attached to the outline planning permission, relating to the following matters:

1. Reserved matters application to be submitted within three years of outline planning consent.
2. Ashfield House to be retained as part of the development.
3. Layout to retain existing pond and provide not less than 1.3 ha of public open space, including an equipped children's play area.
4. Statement of sustainable design features to be submitted with first reserved matters application.
5. Surface and foul water drainage works to be submitted and approved prior to the commencement of the development.
6. Highway details to be submitted and approved prior to commencement.
7. Dilapidation survey to be jointly undertaken and approved by the Council prior to commencement.
8. Method statement for demolition and construction works to be submitted and approved prior to commencement.

9. Noise, vibration and dust mitigation scheme to be submitted and approved prior to commencement.
10. Contamination - details of site investigation to be submitted and approved prior to commencement.
11. Contamination - details of remedial works to be submitted and approved prior to commencement.
12. Any contamination discovered during site works to be reported and remediation methods submitted and approved.
13. All works to be carried out within specified hours.
14. All drainage routes through the site to be maintained.
15. No building within 4 metres of sewer which crosses the site.
16. Details of surface water drainage works to be submitted and approved, including discharge rate, prior to commencement.
17. Method of piling foundations to be submitted and approved.
18. No raising of ground levels without prior approval.
19. Scheme for protection of all retained trees and hedges to be submitted and approved prior to commencement.
20. Bat survey/mitigation measures to be submitted and approved prior to commencement.

It is open to the applicant to submit more than one application relating to different reserved matters. A number of the above conditions require works to be agreed "prior to the commencement of the development". Thus any matters referred to above which are not fully addressed by this application could form the subject of separate future applications, provided that they are submitted within a period of three years from the granting of outline planning permission.

INFORMATIVES ATTACHED TO THE OUTLINE PLANNING PERMISSION

4.3 The outline application was accompanied by an indicative "master plan" layout comprising 360 dwellings with associated access roads, public open space and landscaping, and was primarily intended to be an illustration of the density of development that could be achieved on the site. In granting outline planning permission, a number of informatives were included on the decision notice. Firstly, the applicant was advised that the reserved matters application would need to include details of the proposed drainage system for the site to demonstrate that there will be no adverse effect on adjoining land and gardens from surface water runoff from the site. Secondly, the applicant was advised that the indicative layout submitted with this application was not considered to be acceptable for the following reasons, which should be addressed by the reserved matters application:

- i) Three storey dwellings on the boundary with properties on Middlethorpe Drive would harm the residential amenity of occupants of Middlethorpe Drive properties;
- ii) A more sensitive treatment of the boundary with St Leonard's Hospice is required;
- iii) More space is necessary around existing trees to be retained;
- iv) The orchard and setting of Ashfield House should be retained;
- v) The layout should be less car dominated and include a low parking layout;
- vi) A Sustainable Urban Drainage System (SUDS) should be incorporated into the layout;

vii) Materials from the demolition of existing buildings on the site should be reused.

CONTENTS OF THE SECTION 106 AGREEMENT

4.4 The granting of outline planning permission was also subject to a Section 106 Agreement, covering a number of off-site requirements relating to the development of the site. These can be summarised as follows:

- i) The College has agreed to provide an area of public open space (0.96 ha approx and known as the "Green Land") on land immediately to the southeast of the application site. All buildings are to be removed from the Green Land and drainage works carried out in order to render it suitable for general recreational use.
- ii) EITHER: the Green Land shall be transferred to the Council prior to the occupation of not more than 50% of the open market dwellings on the site, and a commuted sum of £61,113 paid to the Council towards the future maintenance of the land as public open space, OR: the College will retain the land and submit a scheme for the future management of the land for the written approval of the Council. The land shall thereafter be maintained in accordance with the approved management scheme. (NB: It is likely that the first option will be followed)
- iii) A commuted sum of £372,606 shall be paid to the Council towards the improvement/provision of Primary School Education Facilities, in four equal instalments, following the occupation of 25%, 50%, 75% and 95% of dwellings with two or more bedrooms on the site.
- iv) The Council to construct a cycle way over land owned by the College between the Green Land and Green Lane to the east of the site (known as the "Green Lane Link"), linking with Bishopthorpe Road. The College to pay a commuted sum of £40,000 towards the construction of the Green Lane link, and £13,160 towards the future maintenance of the link, which shall be adopted as a highway maintainable at public expense.
- v) The College to include within the reserved matters application details of the route of a cycle way connecting the Green Lane link to Tadcaster Road, together with a planned programme for its construction, the cycle way to be adopted as a highway maintainable at public expense.
- vi) The College to implement a Newt Mitigation Strategy as described in the Agreement. This includes the removal/exclusion of newts from the existing pond on the site, and their translocation to three new ponds to be created on adjacent land. Newt hibernacula and appropriate terrestrial habitat are also to be created.
- vii) A proportion of affordable housing to be provided representing not less than 25% in number and type (including number of bedrooms, cycle and car parking space) of all dwellings to be built on the site. The affordable housing to be provided at the same rate as the private market housing (25%, 50%, 75% etc), with all affordable units to be transferred to the Housing Association upon completion of 95% of the private market housing.

POLICY BACKGROUND

4.5 The principle of the proposal has been clearly established by virtue of the granting of outline planning permission in July 2005, and this application relates to matters reserved by that outline permission, in addition to the requirements of the Section 106 Agreement, insofar as they affect the layout of the site. The site is

allocated for residential purposes in the City of York Draft Local Plan (Policy H1), with an estimated site capacity of 350 dwellings, giving a density of around 40 dwellings per hectare. This is in line with Policy H5a, which states that in urban areas, new residential developments should aim to achieve net residential densities of greater 40 dwellings per hectare. Thus the proposal to erect 360 dwellings on the site is in accordance with Policies H1 and H5a, in addition to being in accordance with the master plan submitted with the outline planning application.

4.6 There are a number of policy considerations, both national and local, that are relevant to the determination of this reserved matters application. The relevant national planning guidance is contained within Planning Policy Statements 1, 3 and 9. Planning Policy Statement 1 ("Delivering Sustainable Development") (PPS1) states that a number of key principles should be applied to ensure that decisions taken on planning applications contribute to the delivery of sustainable development. In particular, PPS1 promotes high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term but over the lifetime of the development. Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted. High quality and inclusive design should create well-mixed and integrated developments which avoid segregation and have well planned public spaces that bring people together and provide opportunities for physical activity and recreation. PPS1 also states that planning authorities should ensure the provision of sufficient, good quality new homes (including an appropriate mix of housing and adequate levels of affordable housing) in suitable locations, whether through new development or the conversion of existing buildings.

4.7 Planning Policy Statement 3 (Housing), published in November 2006, came fully into force on 1st April 2007. This states that in deciding planning applications, Local Planning Authorities should have regard to:

- achieving high quality housing;
- ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people;
- the suitability of the site for housing, including its environmental sustainability;
- using land effectively and efficiently;
- ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives.

Planning Policy Statement 9 ("Biodiversity and Geological Conservation") (PPS9) sets out the Government's vision for conserving and enhancing biological diversity, and includes the broad aim that planning, construction, development and regeneration should have minimal impacts on biodiversity and enhance it wherever possible. It also refers to the desirability of maximising opportunities for building in beneficial biodiversity features as part of good design.

DESIGN AND LAYOUT

4.8 The existing site is relatively densely developed with educational buildings dating from the 1960's onwards. The buildings consist of rectangular blocks with large footprints, interspersed with "green" areas incorporating a number of mature trees. Mature trees are also a feature along the northern boundary of the site adjacent to Middlethorpe Drive, along the south-eastern boundary of the site adjacent to open agricultural land, and around a pond abutting the rear gardens of properties in Lycett Road. The buildings range from two to five stories in height, with the tallest building (Business Studies) being in excess of 20 metres in height and occupying the centre of the site. This building also accommodates a number of telecommunications masts which are visible over considerable distances beyond the site boundary. In general, the buildings are of no particular architectural merit, the exception being Ashfield House on the Tadcaster Road frontage which it is proposed to retain as part of the development. The remainder of the buildings on the site would be demolished. The site incorporates extensive areas of car parking, including an area close to the main entrance to the site adjacent to Ashfield House, a large area alongside the southern boundary adjacent to St Leonard's Hospice, and a third area towards the eastern end of the site close to the pond and sports hall.

4.9 The development of the site closely follows the philosophy set out in the master plan that accompanied the outline application for the development of the site. Although the master plan layout was indicative only, it is considered to be a material consideration, being an illustration of how approximately 360 dwellings could be accommodated on the site in accordance with the estimated site capacity set out in Policy H1 of the Draft Local Plan, thus achieving a density of around 40 dwellings per hectare in accordance with Policy H5a. The outline planning permission also requires 1.3ha of public open space to be provided within the development, although a substantial part of this (approximately 0.9 ha) would be provided "off site", in the south-eastern corner of the college site.

4.10 Policy GP1 of the Draft Local Plan states that development proposals will be expected to respect or enhance the local environment and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate building materials. As indicated on the masterplan, the density of the proposed development decreases through the site from west to east. Thus the site entrance is defined by four storey "gateway" apartment blocks located on either side of the main access road, providing the highest density of development within the site. This part of the site is urban in character, being adjacent to the Askham Bar roundabout, where a high density of development is considered to be most appropriate. The central section of the site provides medium density housing, consisting of a mixture of two and three storey townhouses, semi detached and detached dwellings, but with the overall density decreasing from west to east. The eastern part of the development is characterised by two storey detached dwellings giving the lowest density and a more open feel, with a link through to the adjacent area of public open space. The majority of the dwellings incorporate additional rooms within their respective roof spaces. In addition to the off site provision, three areas of public open space have been provided within the layout, based around one of the existing "green" areas within the college complex, an area around the pond, and a linear feature (approx 20-30 metres in

width) running alongside the southern boundary of the site where a sewer easement has to be provided.

4.11 Although the road layout incorporates a continuous loop in its centre, the majority of the new dwellings would be served by a series of cul de sacs and private drives, creating a distinctive identity to different parts of the development. In addition to the apartments, seventeen different house types have been utilised and these have been mixed throughout the development providing a degree of variety and interest to the streetscene. The external materials to be used could be made a condition of any approval, and could be used as a means of adding further variety and interest to the finished development. It is considered that the overall density, layout, scale, mass and design of the development is acceptable, particularly bearing in mind the constraints of the site, its existing character and appearance, and the need to make efficient use of the available land. A number of residents in Lycett Road have claimed possessory title of a narrow strip of land, running parallel to the northern boundary, which is shown to form part of the application site. This area of land is defined by a brick boundary wall and has been used as garden by the individual property owners for a number of years. Although this matter (which is essentially of a civil nature) has yet to be resolved, a revised layout has been submitted which omits the disputed area of land from the developed area of the site. Thus the proposed development could be accommodated on the site irrespective of whether this area of land forms part of the gardens of the adjacent properties.

4.12 The submitted layout provides for the retention of Ashfield House, which was a specific condition of the outline planning permission (condition 2), providing a total of seven residential units. The application is accompanied by a report highlighting the conservation of interior features within the building as part of the conversion works. The layout also retains the garden setting in front of Ashfield House, a matter which was referred to in an informative on the outline planning consent. A new single storey block of twelve garages would be erected beyond the area of retained garden to serve the new properties. The former stable block adjacent to Ashfield House would be demolished and replaced by two of the new apartment blocks. Again, this follows the pattern of development shown on the original master plan, which did not show the building as being retained. Neither this building, nor Ashfield House, are listed or located within a conservation area and thus have no statutory protection. However, Ashfield House itself is clearly of some local interest and its retention would assist in maintaining some of the original character of the area in a prominent location on the Tadcaster Road frontage.

IMPACT ON ADJACENT OCCUPIERS

4.13 Policy GP1 seeks to ensure that when considering development proposals, residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. The principal areas of conflict are along the northern boundary, where the site abuts the rear gardens of properties in Middlethorpe Drive and Lycett Road, and along part of the southern boundary adjacent to St. Leonard's Hospice. In this respect, informatives on the outline planning consent stated as follows:

- three storey dwellings on the boundary with properties on Middlethorpe Drive would harm the amenity of the occupiers of those properties.
- a more sensitive treatment of the boundary of St. Leonard's Hospice is required.

4.14 The submitted layout incorporates ten three storey dwellings along a relatively short section of the northern site boundary in the form of two terraced blocks of four properties and a pair of semi-detached dwellings. However, these dwellings would be provided with rear garden depths of between 12 metres (minimum) and 20 metres, giving total separation distances of between 39 metres (minimum) and 48 metres. In addition, there are a number of mature trees along this part of the boundary providing a significant degree of screening, which would be retained. It is recognised that the internal layout of the three storey dwellings adjacent to this boundary incorporate kitchen/breakfast areas at first floor level, and that a greater degree of overlooking might occur in comparison to bedrooms. However, so far as the privacy and amenity of the adjacent occupiers is concerned, it is considered that the proposed three storey dwellings are acceptable along this part of the site boundary, particularly bearing in mind the separation distances involved and the degree of screening provided by the existing trees.

4.15 Of the seventeen other dwellings that would be located along this boundary, six would be two-storey, seven would be two- storey with attic accommodation, and four would be two-and-a-half stories in height. Seven of the dwellings would present gable walls to the boundary, the majority of which would contain only small bathroom/WC windows at first floor level. Conditions could be attached to ensure that these windows are obscure glazed, and that no additional windows are inserted without prior consent. Although some oblique overlooking of adjacent rear gardens would occur as a result of the orientation of these dwellings, it is considered that they are located a sufficient distance from the boundary (approximately 3-5 metres) for any adverse impact to be minimised , particularly bearing in mind the generous separation distances involved.

4.16 The remaining 5 dwellings would have rear elevations "face on" to the boundary, but with garden depths of between 11 and 17 metres, resulting in adequate separation from neighbouring properties. Rear garden depths of existing properties in Middlethorpe Drive and Lycett Road are for the most part fairly generous, and the minimum separation distance of 27 metres is considered to be satisfactory and sufficient to maintain an adequate level of privacy and amenity. Where garden depths are at their minimum distance (plots 148-150, facing nos. 56-64 Lycett Road)), tree planting has been incorporated along the boundary in order to reduce the impact of any overlooking. Although garden levels would be slightly raised above existing ground levels, particularly towards the eastern end of the site, it is considered that adequate separation distances would be provided and that the proposal would not impact unduly on the amenity and privacy of adjacent occupants.

4.17 In terms of the general treatment of boundaries throughout the site, the applicant has indicated that existing boundary treatment would be inspected and retained/made good where appropriate. This would apply, for example, to the existing brick boundary wall at the rear of the Middlethorpe Drive properties. Elsewhere, any boundaries in need of securing would be provided with 1.8 metre high screen fencing. In some locations, such as where dwellings abut the open

countryside, the provision of screen fencing may not be a specific requirement. It is proposed, therefore, to attach a condition to any approval requiring boundary treatment to be agreed in detail and provided prior to the occupation of any of the dwellings.

4.18 Part of the southern boundary of the site abuts St. Leonard's Hospice and the Yorkcraft workshop operated by City of York Council. The master plan submitted with the outline planning application incorporated three storey apartment blocks in close proximity to the boundary with the hospice, and an informative included on the decision notice indicated that a more sympathetic boundary treatment was required in this area. The application now submitted incorporates an area of public open space in this location, part of a linear feature which runs the full length of the southern boundary of the site and which would also accommodate part of the cycleway link between Tadcaster Road and Green Lane, the provision of which is a requirement of the Section 106 Agreement. The area also includes a 10.5 metre wide sewer easement. The area of public open space is at its widest (approximately 30 metres) where it abuts the hospice, and it is proposed that the cycleway itself would be separated from the boundary at this point by a landscaped bund/buffer. Whilst the proximity of the cycleway link to the boundary could raise concerns over security, it is considered that this could be negated by appropriate boundary treatment, the precise form of which could be controlled by condition.

4.19 The Noise Mitigation Statement submitted on behalf of the applicant includes an undertaking to provide temporary acoustic screening along the boundary with St. Leonard's Hospice during the construction works. In addition, it is intended to construct the dwellings closest to the hospice at the earliest opportunity in order to provide a more permanent screen against the effects of site operations. The eastern boundary of the Yorkcraft workshop would abut the area of public open space, with the southern boundary being adjacent to a car parking area serving three of the apartment blocks, and bearing in mind the commercial use of the building no particular privacy or amenity issues would arise.

PLANNING OUT CRIME

4.20 Policy GP3 requires new development, where deemed appropriate, to incorporate crime prevention measures to achieve natural surveillance of public spaces and paths from existing and proposed development, and provide secure locations for any associated car and cycle parking, in addition to the provision of satisfactory lighting. With regard to the comments of the Police Architectural Liaison Officer, a revised layout has been submitted which reduces the number of rear access alleyways within the development. Whilst a number still remain, it is considered that security concerns could be addressed through the provision of gates and key operated locks at appropriate locations. This could be made a condition of the approval.

4.21 Whilst the development incorporates a relatively small circulatory loop within the layout, the majority of the dwellings would be served by private drives and cul-de-sacs. It is considered unrealistic for a development of this size to be served wholly by cul-de-sacs, as this would be likely to result in lengthy detours for residents and could encourage more car journeys. Likewise, it is considered that access from

the estate to the adjacent footpath/cycleway along the southern boundary is, on balance, a positive feature as it will be likely to encourage more sustainable means of travel by the new residents.

SUSTAINABILITY

4.22 Policy GP4a requires proposals for all development to have regard to the principles of sustainable development, and sets out the criteria by which this will be assessed. The application is accompanied by a Sustainable Construction report which sets out the approach taken to ensure that sustainability and sustainable construction techniques are incorporated into the development. The report incorporates the details of the BREEAM assessment undertaken so far. This indicates a "very good" standard (58 points, 55 being the minimum required), which is considered to be acceptable. However, it is recommended that a condition is imposed requiring the final report to be submitted for approval once the assessment is complete, in order to ensure that the very good standard has been maintained.

TREE LOSS, TREE RETENTION AND LANDSCAPING

4.23 Policy GP9 requires development proposals, where appropriate, to incorporate a suitable landscaping scheme which must be planned as an integral part of the proposals, include an appropriate range of indigenous species, and reflect the character of the locality and the surrounding development. Policy NE1 states that trees, woodlands and hedgerows which are of landscape, amenity, nature conservation or historical value will be protected by refusing proposals which would result in their loss or damage, and by requiring any retained trees or hedgerows to be adequately protected during site works. In addition, tree preservation orders will be made for individual trees and groups of trees which contribute to the landscape or local amenity. The policy also states that appropriate replacement planting with locally indigenous species will be required to mitigate against the loss of any existing trees or hedgerows.

4.24 The application is accompanied by separate reports relating to (i) tree retention and protection, and (ii) landscaping proposals. The overall philosophy for tree retention and landscaping of the development has been influenced to a large extent by the topography of the site and by the existing layout of buildings. In general terms the topography of the site is characterised by a gentle slope with levels gradually descending from the Tadcaster Road frontage towards the south eastern boundary. However, within the interior of the site this general pattern is complicated by localised terracing which has evidently been undertaken to provide level building platforms for the principle buildings. As a consequence of this arrangement a number of the trees within the site are located on the steep slopes which mark the changes in level between adjoining terraces. When the site is developed, a regrading exercise would be undertaken in order to even out these variations and to avoid significant differences in levels between individual dwelling plots. The work is also necessary in part in order to comply with the proposed drainage regime for the site, which generally flows from west to east/south east within the site. In these situations the regrading of existing levels will inevitably result in some loss of existing trees. In addition, the existing site is characterised by buildings with large footprints, a situation which will inevitably change when the site is developed into smaller plots for

residential purposes. In such situations, it is not always possible, or indeed desirable, to incorporate every existing tree within the new layout.

4.25 In order to measure the true extent of any tree loss, the submitted reports include an assessment of the quality and condition of the existing trees on the site. 260 trees have been identified, of which only 7.31% (19) fall within the "High" category, where retention is considered most desirable. 28.85% (75) of the trees are ranked within the "Moderate" category, where retention is desirable, with by far the largest percentage, 61.15% (159), falling within the "Low" category, where retention is not considered desirable. The remaining 2.69% (7) fall within the "Fell" category, which relates to trees that ought to be removed irrespective of any development proposals.

4.26 The proposed development would result in the loss of 126 of the existing trees on the site. Although this represents a large number of trees, only 3 are from within the "High" category, with 37 being from the "Moderate" category. By far the largest number (81) fall within the "Low" category, with the remaining 5 being in the lowest "Fell" category. The layout does, however, provide for the retention of major elements of structural planting, as follows:

- (a) The majority of the trees forming the setting of Ashfield House in the north western corner of the site.
- (b) The hedgerows and trees along the northern boundary to the rear of existing residential properties in Middlethorpe Drive. For the most part these trees will be retained within rear gardens of the new dwellings, the dimensions of which have been designed to be consistent with this objective.
- (c) The trees, including a number of mature oaks, along the south eastern boundary.
- (d) The hedgerows, trees and groups of trees along the south western boundary
- (e) The trees within the existing courtyard in the west/centre of the site. These trees would be contained within one of the areas of public open space forming part of the development.
- (f) The trees and tree groups, predominantly mature willows, associated with the pond in the north/east of the site.

The submitted report includes a method statement for the protection of the retained trees during construction works, including the establishment of protective zones and the erection of protective fencing so that all activities are excluded from the zone.

4.27 A comprehensive landscaping scheme has been submitted as part of the reserved matters application, providing replacement trees at a ratio in excess of 2:1, i.e. more than two replacement trees for each tree to be lost. New structural planting would be provided along the site frontage to Tadcaster Road and around the proposed apartment blocks, along the north eastern boundary of the site to supplement existing planting, and within the new areas of public open space in order to improve bio- diversity and to enhance the landscape setting and quality of the development as a whole. A significant amount of planting would also be provided within the interior of the site to provide a landscaped setting for individual properties, and to assist in to defining boundaries and providing privacy. In addition, screen

walls and fences would be provided where appropriate, particularly on corner plots, in order to ensure an acceptable level of privacy and amenity.

4.28 In conclusion, it is considered that the tree retention and landscaping proposals represent a reasonable compromise bearing in mind the radical change in the nature of the built environment and occupation which would take place. The retention of major elements of structural planting would provide maturity to parts of the development, whilst the new structural/secondary planting would, over a period of time, provide a planting framework based around the new layout of roads, buildings and spaces within the site, thus providing an attractive residential environment.

NATURE CONSERVATION ISSUES

4.29 Policy NE7 states that where a proposal may have a significant effect on protected species or habitats, applicants will be expected to undertake an appropriate assessment demonstrating their proposed mitigation measures. From a nature conservation standpoint, the most significant feature identified on the site is a pond adjacent to the northern boundary at the rear of properties in Lycett Road. The pond has been identified as supporting an isolated colony of Great Crested Newts, a species protected under European Legislation. Although the pond is to be retained as part of the site layout (condition 3 of the outline consent refers), it is likely that the newt population would be vulnerable during construction works and indeed could be lost altogether. In order to address this issue, the section 106 Agreement forming part of the outline consent contains a newt mitigation strategy which includes the provision of a new habitat, including the construction of three new ponds, on an area of adjacent land. Work has already commence on the construction of the ponds, and it is anticipated that newt capture, exclusion (from the present site) and translocation to the new site will take place during spring 2007, all in accordance with the approved mitigation strategy.

4.30 No evidence of bats has been identified on the site, however, the mature trees on the south eastern boundary of the site may be suitable as a roosting site. These trees would be retained as part of the development, and it is intended that they will ultimately be protected by means of a Tree Preservation Order along with other retained trees within the application site. In terms of habitat creation, it is proposed that the new garage block serving the Ashfield House properties will incorporate three bat boxes. Although one letter of objection expresses concern at this proposal, such measures are encouraged by Central Government advice in Planning Policy Statement 9 ("Biodiversity and Geological Conservation), which states "Development proposals provide many good opportunities for building in beneficial biodiversity or geological features as part of good design. When considering proposals, local planning authorities should maximise such opportunities in and around developments, using planning obligations where appropriate" (paragraph 14).

HIGHWAY ISSUES, CAR AND CYCLE PARKING, PEDESTRIAN/CYCLE LINKS

4.31 Policy T2b requires all new built development (on sites of 0.4 hectares or more) to contribute towards the development and improvement of consistent, well connected and dedicated pedestrian and cycle route networks. In all new developments, Policy T4 requires cycle parking to be provided in accordance with

the standards set out in Appendix E of the Draft Local Plan (one covered space per 1/2 bedroom dwelling, two spaces per 3 bedroom dwelling or above, can be provided within garage depending on garage size).

4.32 The submitted layout makes incorporates a cycleway link through the site, as required by the Section 106 Agreement. This would be located within the linear area of public open space along the southern boundary of the site, and would eventually form part of a continuous link between Tadcaster Road and Bishopthorpe Road. No planning conditions are required in relation to this link as its provision is controlled by the terms of the Section 106 Agreement.

4.33 The Highways (Network Management) Section have raised a number of concerns in relation to the proposal. So far as the "staggered crossroads" arrangement within the site is concerned, the applicant points out that the layout meets the standards set out in the Council's own Residential Design Guide and would act as a traffic calming measure by reducing the speed of vehicles as they pass through the estate. Revised drawings have been submitted in relation to the cycle parking provision, disabled parking and the emergency access details, and further comments are awaited.

AFFORDABLE HOUSING, HOUSING MIX

4.34 Policy H2a states that the Council will seek to ensure, through negotiation and agreement, that proposals for all new housing development of 15 dwellings/0.3 ha or more in the urban area will include a proportion of affordable housing. The policy states that the affordable housing should be distributed throughout the housing development, rather than concentrated in one area, and should be considered as part of the development rather than a separate entity. In the case of the York College site, the Section 106 Agreement forming part of the outline consent stipulates that a minimum of 25% of the dwellings in both number and type (including number of bedrooms, cycle and car parking spaces) shall be "affordable", with 70% of that total being offered for rent and the remainder for discounted sale. It should be noted that the submission of an affordable housing plan is not a reserved matter and could be dealt with separately under the terms of the Section 106 Agreement. The initial affordable housing offers made on behalf of the applicant have not been considered acceptable, and officers are continuing to negotiate with the applicant with a view to this matter being resolved at the earliest opportunity. An update on this issue will be provided at the meeting.

4.35 Policy H3c requires a mix of house types, sizes and tenures to be provided on all new residential developments where appropriate to the location and nature of the development. The development provides for a mixture of house types and sizes, as follows:

Dwelling Type	Number	Total	
Detached	129	129	(35.83%)
Semi detached	11	22	
3 block	7	21	

4 block		9	36
5 block		1	5
6 block		2	12
Apartments	128	128	(35.55%)
Ashfield House		7	7
			360

Split by number of bedrooms (including Ashfield House)

1 bed	2	(both Ashfield House)	0.56%
2 bed	128	(all apartments)	35.55%
3 bed	46		12.78%
4 bed	99		27.50%
5 bed	76		21.11%
6 bed	9		2.50%
	360		100%

4.36 It is considered that the development would consist of a good mix of house types, 65% of which would consist of larger family homes. Approximately 35% of this total would be detached properties, with 30% being made up of semi-detached and terraced dwellings. The remainder of the development (approximately 35%) would be made up of two bedroom apartments.

OPEN SPACE PROVISION

4.37 Condition 3 of the outline planning permission requires the development to provide a minimum of 1.3 hectares of public open space, including the retention of the existing pond. The condition also requires the provision of an equipped children's play area within the site. The requirements of this condition would be addressed through the provision of four principal areas of public open space, as follows:

- (a) 0.9 ha (approx) of land in the south-eastern corner of the site. This area did not form part of the original outline planning application but is owned by the college and is included within the Section 106 Agreement relating to the development. Under the terms of the Agreement, once the land has been made suitable for use as public open space, it will be transferred to the Council and a commuted sum paid towards its future maintenance.
- (b) An area of land based around the existing pond. This area includes a number of trees, which would be retained.
- (c) An area forming part of a "green" courtyard area within the college complex, at the western end of the development. This area also includes a number of mature trees which it is intended to retain.
- (d) A linear area running alongside the southern boundary of the site, which includes a sewer easement. It is proposed to incorporate the cycleway link between

Tadcaster Road and Green Lane within this linear area, the provision of which is a requirement of the Section 106 Agreement.

A further small area of open space would be provided on the Tadcaster Road frontage of the site, in front of the proposed apartment blocks. The layout also retains the garden setting to the rear of Ashfield House, which would be available for use by the occupiers of this part of the development.

4.38 The applicant proposes to provide two play areas to serve the development, one within the open space in the south-eastern corner of the site (to a "LEAP" specification) and one within the western courtyard area ("LAP" specification). The development therefore provides a range of open space areas spread throughout the site, in addition to cycle access to the wider cycleway network. It is also intended that public access will be available to new sports pitches which the college is providing as part of its relocation proposals.

EDUCATION PROVISION

4.39 Policy ED4 states that where additional education provision is necessary as a direct result of new residential development, developers will be required to enter into a Section 106 Agreement to make a financial contribution towards the provision of these facilities. The Section 106 Agreement forming part of the outline planning permission made provision for a commuted sum payment of £372,606 to be made towards the cost of improving and/or providing primary school education facilities within the City of York. That payment was based upon the development consisting of 360 dwellings as indicated on the master plan, and provision was made for the sum to be increased in the event of the number of dwellings proposed exceeding 360. However, as the number of dwellings remains at 360, the payment will remain as originally calculated. The Section 106 Agreement provides for one quarter of the payment to be made after the occupation of 25%, 50%, 75% and 95% of the dwellings respectively.

DRAINAGE

4.40 Condition 5 of the outline consent requires details of foul and surface water drainage to be submitted and approved. Condition 16 requires details of any surface water drainage works to be agreed, including details of any discharge rates. Condition 18 states that there shall be no raising of ground levels on the site without the prior approval of the local planning authority, in order to ensure that there is no adverse impact on the amenity of neighbours and that there will be no additional surface water run off from the site onto adjacent land. An informative included on the decision notice advised that the reserved matters application would need to include details of the proposed drainage system for the site to demonstrate that there will be no adverse effect on adjoining land and gardens from surface water run off. A further informative advised that the proposal should incorporate the use of Sustainable Urban Drainage Systems (SUDS). The application is accompanied by a Drainage Strategy and Flood Risk statement which seeks to address these matters. The report states that from a preliminary site investigation, it is unlikely that soakaways or other ground infiltration methods can be made to work. Thus it is intended to drain the site to the existing public sewerage system, using storage and

attenuation (i.e. sustainable drainage methods) to maintain parity with the existing situation.

4.41 Surface water storage will be provided for a 1 in 30 year return period, including a 20% allowance for climate change, in oversized sewers within the estate roads. Storm water will be stored within the "green land" area in the south east corner of the site, and will comprise oversized pipes constructed as part of the adoptable surface water sewerage system. Once the system has been installed, the ground will be reinstated to approximately the same level as existing. This strategy, along with the proposed discharge rates, has been agreed in principle with Yorkshire Water, who will be adopting the mains site drainage system. The Section 106 Agreement forming part of the outline consent requires drainage works to be carried out to render the green land fit for general recreational use prior to the first occupation of any of the dwellings. However, the drainage strategy recognises that during extreme storm events, up to 1 in 100 years, the system has been designed to flood onto and be contained within the open space area, away from residential properties.

4.42 Reference has been made by local residents to photographic evidence of historic flooding in the south-eastern corner of the site in February 2001, following the November 2000 flood event. The developer is proposing to raise ground levels in this area of the site to enable surface water to drain in a south-easterly direction, away from residential properties. Both the Environment Agency and the Council's Structures and Drainage Section are satisfied that the drainage proposals are satisfactory and would not result in flooding of adjacent land or properties. In particular, through an analysis of river levels during February 2001, it has been established that the flooding in the south-eastern corner of the site was most likely as a result of localised ponding and was not related to flooding from the River Ouse. It is proposed to remove the ponding problem by raising ground levels and positively draining this area to the public combined sewer, greatly reducing the existing rate of "green field" run-off. Floodwater that exceeds the designed 1 in 100 year storage capacity of the piped drainage system will be stored within the public open space area and thus will not run off into the adjacent watercourse. The proposed flow attenuation and on-site storage will significantly reduce the peak flow rates from the site, thus reducing the flooding risk.

4.43 Concerns have also been expressed in relation to the proposed land drainage system along part of the northern boundary of the site, designed to take any excess water accumulating within rear gardens of properties in Middlethorpe Drive and Lycett Road. The applicant has confirmed that the existing land drains serving 26 - 34 Lycett Road will be retained, and the existing drainage ditch along the boundary will be culverted and a new 450mm land drain provided to take excess water in an easterly direction to a new outfall at the existing ditch along the eastern boundary of the site. The majority of surface water from the site will drain away from existing properties in Lycett Road as a result of the raising of the ground levels, and it is considered that the applicants' proposals will deal adequately with localised drainage issues along the northern boundary of the site.

ARCHAEOLOGY

4.44 A watching brief condition was not attached to the outline planning permission and thus is not a reserved matter. However, the Dringhouses Local History Group has drawn attention to a medieval ridge and furrow in the field adjacent to Lycett Road. The Council's Archaeologist has commented that the ridge and furrow is noticeable but it appears to have been deliberately levelled in the past, probably by ploughing, and considers that in the circumstances a photographic survey of this feature would be an appropriate course of action. If it is not possible to secure this by condition or by agreement with the applicant, then, exceptionally, the Council's Archaeologist has agreed to carry out this survey prior to the commencement of construction work.

4.45 The Dringhouses Local History Group also asks that a memorial stone to a horse which took part in the Crimean War is located, conserved and re-erected in an appropriate location. This proposal is supported by the Council's Archaeologist, and recommends that an appropriate condition is attached to ensure that the stone is identified and treated in an appropriate manner.

NOISE, VIBRATION, DUST, CONTAMINATION

4.46 The Environmental Protection Unit have referred to monitoring data which indicates that nitrogen dioxide levels at the Tadcaster Road roundabout are well within guideline values, and thus no specific additional air quality mitigation measures are required in this instance.

4.47 The application is accompanied by a Noise, Vibration and Dust mitigation report, which is general statement of intent rather than a detailed management plan. The report recognises that this is insufficient to allow the discharge of condition 9 of the outline planning consent at this stage, and states that a detailed method statement will be submitted once site handover takes place and a contractor has been appointed, with a view to the condition being fully discharged prior to the commencement of any works on site. In addition to referring to matters such as hours of working (as referred to in condition 13 of the outline consent), the control of site traffic, dust mitigation, wheel washing and road sweeping, the report also includes an undertaking to provide temporary acoustic screening along the boundary with St. Leonard's Hospice. In addition, it is intended to construct the dwellings closest to the hospice at the earliest opportunity in order to provide a more permanent screen against the effects of site operations.

4.48 Likewise, it is intended that conditions 10, 11 and 12, relating to the identification and treatment of contaminated land, will be addressed prior to the commencement of the development or, in the case of condition 12, during the development itself. Thus these matters do not form part of this application.

5.0 CONCLUSION

5.1 The layout of the site is affected by a number of constraints and parameters, including the need to achieve the "target" yield of 350 dwellings on the site, as set out in the Draft Local Plan (the master plan submitted with the outline application included 360 dwellings and this has been followed through to the reserved matters application now submitted), the need to provide a fixed area of public open space within the development, the requirement to provide a cycleway link through the site, the sewer easement running close to the southern boundary, and the desirability of providing a mix of house types on a development of this size, including a reasonable proportion of dwellings designed for family occupation.

5.2 The layout of the site closely follows the master plan submitted with the outline application, but takes into account a number of concerns that were raised at that time. It is considered that the layout and design of the development, as an overall package, is reasonable bearing in mind the above constraints. In particular, the development achieves a good proportion of detached and family homes (approximately 35% and 65% respectively), set within an environment providing four principal areas of public open space, each with a different character and function. The relationship of the new properties to adjacent occupiers is considered to be acceptable, providing separation distances that comply with accepted standards. It is concluded that the proposed development would provide a satisfactory living environment for the new residents, whilst fulfilling the more general obligations and requirements set out in the original outline planning permission and accompanying Section 106 Agreement.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 VISQ8 (Samples of exterior materials to be approved)
- 2 The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

Drawing no. 1950-100 rev S (site layout plan) received on 11 June 2007

Drawing no. FF428/02 rev D (existing trees to be removed) received on 14 June 2007

Drawing no. 27684/003 Rev G (Drainage Strategy Plan) received on 15 June 2007

Drawing no. 27684/004 Rev G (Site Levels) received on 15 June 2007

Drawing no. 27684/005 Rev F (Storm Water Attenuation System) received on 15 June 2007

Drawing no. 27684/009 (Existing Ditch along North East Boundary) received on 14 June 2007

Drawing no. 27684/010 Rev A (Proposed Pipe System along North East Boundary) received on 14 June 2007

Drawing no. 4132/08 (Proposed Site Plan - Ashfield House) received on 2 April 2007

Drawing no. 4132/05 (Proposed Plans - Ashfield House) received on 2 April 2007

Drawing no. 4132/06 (Proposed Plan and Elevation - Ashfield House) received on 2 April 2007

Drawing no. 4132/07 (Proposed Elevations - Ashfield House) received on 2 April 2007

Drawing no. 4132/09 (Proposed Garage Elevations - Ashfield House) received on 2 April 2007

Scheme for Tree Retention and Protection received on 2 April 2007

Sustainable Construction received 2 April 2007

Drainage Strategy and Flood Risk rev D received on 1 June 2007

- 3 Details of all means of enclosure to the site boundaries (including details of any features that are to be retained) shall be submitted to and approved in writing by the Local Planning Authority before the development commences, and shall be provided before the development is first occupied.

Reason: In the interests of the privacy and amenity of existing and future residents.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no additional openings to those shown on the approved plans shall at any time be inserted in the north/north east elevations of the dwellings on plots 148, 152, 166, 212, 219, 220, 228 and 229, without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenity and privacy of occupants of adjacent residential properties.

- 5 All windows to be inserted in the north/northeast elevations of the dwellings on plots 148, 152, 166, 212, 219, 220, 228 and 229 shall be obscure glazed and thus maintained at all times.

Reason: In the interests of the amenity and privacy of occupants of adjacent residential properties.

- 6 HWAY18 (Cycle parking details to be agreed)

- 7 HWAY19 (Car and cycle parking laid out)

- 8 HWAY27 (Adopted road layout to be agreed)

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

Reason: To prevent obstruction to other highway users.

- 10 HWAY31(No mud on highway during construction)
- 11 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with the approved plans, or arrangements entered into which ensure the same.

Traffic Regulation Order to prevent parking along the access road into the site.

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

- 12 HWAY40 (Dilapidation survey)
- 13 Prior to the commencement of any works, a detailed method of works statement shall be submitted to and agreed in writing with the Local Planning Authority. This statement shall include the precautions to be taken to ensure the safety of the general public, the method of securing the site and the route to be taken by vehicles transporting the demolition and construction material, and the hours during which this will be permitted.

Reason: To ensure that the works are carried out in a safe manner and with minimum disruption to users of the adjacent public highway.

- 14 The scheme of landscaping and tree planting shown on Drawing No. FF428/01 Rev D received by the Local Planning Authority on 14 June 2007 shall be carried out in its entirety within the period of twelve months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be adequately maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason: In the interests of amenity and the provision and maintenance of landscaping measures on the site.

- 15 Not later than twelve months following the date of commencement of the development, or within such longer period as may be agreed in writing with the Local Planning Authority, screen walls, fences and hedges shall be provided in the locations shown on the approved layout plan (Drawing No. 1950-100 Rev S) and in accordance with the submitted details.
- 16 Prior to the commencement of work on the conversion of Ashfield House, details of all extract vents, flues and soil pipes shall be submitted to and approved in writing by the Local Planning Authority. All work shall be carried out in accordance with the approved details, and no variation shall be

permitted to take place without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity.

- 17 All works and ancillary operations during construction and demolition including deliveries to the site shall only be carried out between the hours of 08.00 and 18.00 Mondays to Fridays and 09.00 to 13.00 on Saturdays and not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of nearby residents.

- 18 At the soonest available opportunity, and in any event prior to the completion of the development, the developer shall submit a completed BREEAM (Building Research Establishment Environmental Assessment Method) assessment for the development. The developer shall aim to achieve a BREEAM assessment standard of at least "very good" for the development, and if this is not achieved, the developer shall demonstrate the changes that will be made to the development in order to achieve this standard.

Reason: In the interests of sustainable development.

- 19 Prior to the occupation of any dwelling on the site, details of security arrangements for the rear access alleyways shown on the approved layout drawing no. 1950-100 Rev S shall be submitted to and approved in writing by the local planning authority. The approved arrangements shall be incorporated into the development in their entirety.

Reason: In the interests of adequate security and the prevention of crime.

- 20 Prior to the commencement of the development, a scheme shall be submitted for the written approval of the Local Planning Authority to secure the identification, conservation and re-erection/preservation of the following on-site features:

- the memorial stone to a horse which took part in the Crimean War
- the weather vane on the outbuilding adjacent to Ashfield House

Reason: In order to ensure that the features of local historic importance referred to are adequately preserved.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to:

- layout and design of the development
- impact on adjacent occupiers
- planning out crime
- sustainability
- landscaping/tree loss
- nature conservation
- highway safety/car parking
- affordable housing/mix of house types
- public open space provision
- education provision
- drainage
- archaeology
- noise, vibration, dust, contamination

As such the proposal complies with Policies H1, H5, GP1, GP3, GP9, NE1, NE7, T2, T4, T7, H2 and ED4 of the City of York Local Plan Deposit Draft.

2. INFORMATIVE:

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

Consent for highway works

- adoption of highway - Section 38 - Stuart Partington (01904) 551361/Michael Kitchen (01904) 551336
- works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

3. 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.

4. In addition the attention of the developer should be drawn to the following to minimise noise and dust nuisance from construction works, to nearby residents.

- (i) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1:

1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

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

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

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

v) Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.

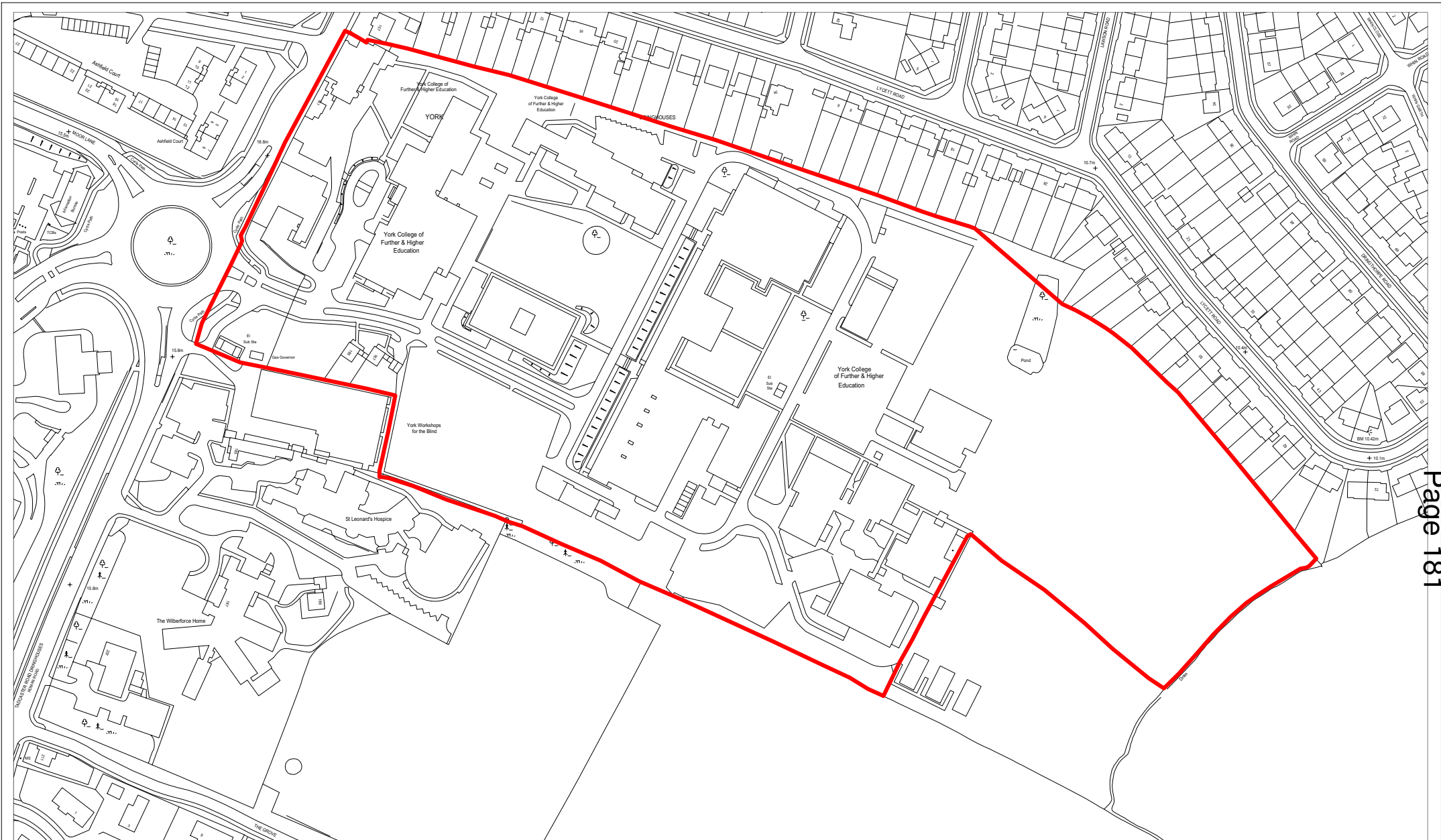
vi) There shall be no bonfires on the site.

5. The developer is urged to work in partnership with the Police and Local Authority in trying to reduce crime by considering the Police "Secured by Design" Award Scheme for this site. Full details and an application form for the scheme can be found on www.securedbydesign.com.

Secured by Design is primarily an initiative to encourage the building industry to adopt crime prevention measures to assist in reducing the opportunity for crime and the fear of crime, creating a safer and more secure environment. Secured by Design supports one of the Government's key planning objectives - the creation of secure, quality places where people wish to live and work

Contact details:

Author: Simon Glazier Assistant Area Team Leader
Tel No: 01904 551351



9, St. Leonards Place, York, YO1 2ET
 Telephone: 01904 551550

YORK COLLEGE - 07/00752/REMM

SCALE: 1:2500	DRAWN BY: PSL	DATE 15/6/2007
Originating Group:	Project	Drawing No.



Produced from the 1993 Ordnance Survey 1:2500 mapping with the permission of the Controller of Her Majesty's Stationery Office
 © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

This page is intentionally left blank