



## Notice of meeting of

### Planning Committee

- To:** Councillors Crisp, D'Agorne, Firth, Funnell, Galvin, Horton, Hudson, Jamieson-Ball, Moore, Pierce, Potter, Reid, Simpson-Laing, Vassie, R Watson (Chair) and Wiseman
- Date:** Thursday, 2 October 2008
- Time:** 4.30 pm
- Venue:** The Guildhall, York

### AGENDA

**The Site Visit will commence at 12:40pm on Wednesday 1 October 2008 meeting at Grays Wharf at the front entrance to the site, adjacent to Navigation Road.**

#### **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 - 20)**

To approve and sign the minutes of meetings of the Planning Committee held on 29 May and 28 August 2008.

#### **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 5.00pm the 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) Grays Newsagent Ltd, Navigation Road, York YO1 9UN (08/01780/FULM) (Pages 21 - 58)**

Erection of student accommodation comprising 232 bedrooms and associated facilities in 1 no. part five/part seven storey building (with rooms in roof) and 1 no. three storey building. New sub-station, bin storage, cycle parking and landscaping. [Guildhall Ward] **[Site Visit]**.

**b) Proposed University Campus Lying Between Field Lane, Common Lane, A64 Trunk Road and Hull Road, York (08/01751/REMM) (Pages 59 - 74)**

Reserved matters application for the erection of Theatre, Film and Television building following previous approval of outline application 04/01700/OUT [Heslington Ward].

#### **5. Fulford Village Conservation Area Appraisal - Results of Consultation and Proposed Final Draft (Pages 75 - 140)**

This report presents the results of a public consultation exercise on the draft Fulford Village Conservation Area Appraisal which includes a boundary review.

The report recommends that, following minor revisions to the report and to the boundary, the document be adopted.

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

Democracy Officer:

Name: Jill Pickering

Contact Details:

- Telephone – (01904) 552061
- E-mail – [jill.pickering@york.gov.uk](mailto:jill.pickering@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.

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**PLANNING COMMITTEE****SITE VISITS****Wednesday 1 October 2008**

**No bus – meet outside the front entrance of the site  
(adjacent Navigation Road).**

<b>TIME</b> <b>(Approx)</b>	<b>SITE</b>	<b>ITEM</b>
<b>12.40pm</b>	<b>Grays Wharf, Navigation Road 08/01780/FULM</b>	<b>4 a</b>

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- 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);
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## **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

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City of York Council

Committee Minutes

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MEETING	PLANNING COMMITTEE
DATE	29 MAY 2008
PRESENT	COUNCILLORS R WATSON (CHAIR), CRISP, FUNNELL, GALVIN, GILLIES (AS SUBSTITUTE FOR HUDSON), HORTON, MOORE, MORLEY (AS SUBSTITUTE FOR JAMIESON-BALL), ORRELL (AS SUBSTITUTE FOR FIRTH), PIERCE, POTTER, REID, SIMPSON-LAING (VICE-CHAIR), TAYLOR (AS SUBSTITUTE FOR D'AGORNE), VASSIE AND WISEMAN
APOLOGIES	COUNCILLORS D'AGORNE, FIRTH, HUDSON AND JAMIESON-BALL

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**1. INSPECTION OF SITES**

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
Former NER Headquarters, Station Rise, York	Councillors Crisp, Galvin, Horton, Moore, Morley, Orrell, Pierce, Potter, Reid, Vassie, R Watson, Wiseman	To familiarise Members with the site.

**2. DECLARATIONS OF INTEREST**

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

Councillor Gillies declared a personal non-prejudicial interest in Plans Items 4b and 4c (Former NER Headquarters, Station Rise, York) as he was a Director of Visit York.

**3. MINUTES**

RESOLVED: That the minutes of the meeting held on 24<sup>th</sup> April 2008 be signed by the Chair as a correct record.

**4. PUBLIC PARTICIPATION**

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

**5. PLANS LIST**

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

**5a Hungate Development Site, Hungate, York (08/00300/FUL)**

Members considered a full application, submitted by Hungate (York) Regeneration Ltd for the erection of a pedestrian/cycle bridge over the River Foss (resubmission).

Representations were received in support of the application, from the architect who said that the site was very constrained from an engineering point of view. The southside of the river bank had many services which caused difficulty and the northside of the river bank was constrained by the proposed new buildings. A number of different bridge designs were considered but due to various constraints a suspension bridge was the only option.

The agent for the applicant was in attendance to answer questions.

Members asked what the gradient of the bridge's deck would be and the architect responded 1:14. It was noted that 1:20 was the recommended gradient for wheelchair use but this was unobtainable due to various constraints on the surrounding land.

Members noted that the Countryside Officer had raised concerns regarding the possibility of bats and birds flying into the cables. Members asked the architect how he had addressed these concerns. He responded that the scheme had been changed to reduce the girth of the mast and that as much as possible had been done to address the Countryside Officer's concerns.

Members agreed to delegate to the Chair, Vice-Chair and opposition spokesperson the feasibility of whether it would be appropriate for the lighting on the bridge to be dark-sky compliant.

**RESOLVED:** That the application be approved subject to the conditions detailed in the report and the following amended condition:<sup>1</sup>

Amended Condition 7: Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

- Scheme for lighting the bridge (to be dark sky compliant) and surrounding area to highway standards
- The surface treatment including friction strips
- Measures to prevent vehicular access across the bridge including siting
- The design of the area where the bridge ramp meets Navigation Road including a package of surface treatment/signage and lining

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

REASON: The proposal, subject to the conditions detailed in the report and the amended condition above, would not cause undue harm to interests of acknowledged importance, with particular reference to visual and residential amenity, wildlife preservation, highway safety and access to the river corridor, navigational capacity of the river and flood risk. As such the proposal complies with Policies GP1, T3, NE2, NE8 and L4 of the City of York Local Plan Deposit Draft.

Action Required

1.To issue the decision notice and include on weekly planning decision list within agreed timescales.

JB

**5b Former NER Headquarters, Station Rise, York, YO1 6HT (08/00289/FULM)**

Members considered a major full application submitted by Acropolis Hotels Ltd for the change of use of offices (Class B1) to hotel (Class C1) including the erection of a 6 storey and single storey rear extension, formation of decking over the car park, placement of external ventilation equipment and internal and external alterations.

The case officer presented Members with the following recent history in connection with the site:

The building was previously owned by York Investors LP who purchased the building in 2005. At that time tenants were moving out of the building, which could not compete with other office space on offer in the City. A firm of architects were appointed to look into enhancing the office space to make the building more competitive. After discussions with City of York Council's conservation officers and English Heritage it was concluded that more open plan space could be accommodated above the ground floor. The building would then be able to provide around 68,000 sq ft of space. Lawrence Hannah Skelton were approached to aid in marketing the premises and in their opinion, despite the upgrading, it would be probable

that the interest in the building would predominantly come from small users and it was unlikely that there would be a taker for a large open plan office.

The case officer updated that condition 7 in relation to landscaping and external lighting had been amended. This is detailed in the resolution below.

A representative of Visit York presented his comments to Members and these were as follows:

- The opportunity for a top quality, five star hotel in York is an exciting one for the York economy, which the key tourism stakeholders in the City strongly support.
- A top quality hotel will add further strength to the City's tourism product offer. Currently there is no five star hotel in York or North Yorkshire.
- In terms of economic benefits, the hotel is expected to create 250-300 jobs. There will be a significant skills and training requirement for such an establishment which would be addressed through colleges and other local sources.
- An additional 50-60 jobs will be created due to the multiplier effect.
- The hotel would open up opportunity for high spending British and overseas visitors particularly in relation to conference events.
- In a City location, close to a railway station, there is a great opportunity to attract the higher spend European visitors via the Channel Tunnel link from St Pancras international.

Representations in support of the application were received from the architect who said that the building would lend itself very easily to the proposed change of use. The applicants were proposing to focus on retention, restoration and replication of the existing building details.

Representations in support of the proposals were also received from the agent to the applicant who said that the building was architecturally important. In recent years many of the office tenants had left due to an increase in maintenance costs and the difficulty in adapting the building for the requirements of a modern office. The hotel would create approximately 250-300 new jobs and would help promote York's international image.

Members asked whether the proposed new jobs would be cover all levels of employment and whether they would be drawn from the York area. In response the applicant's agent said that certain key jobs would be imported but the majority of staff would be employed at a local level.

A question was asked in relation to staff accommodation and the applicant's agent responded that, where necessary, staff would be accommodated in local properties rather than in the hotel itself.

Members asked how the applicant could be sure that the hotel would receive five star accreditation and they responded that they had been researching this for a long time and were confident of achieving five star status.

Discussions were had concerning noise, dark sky compliant lighting for the terraced area, use of public transport, sustainability, car parking facilities and valet parking.

Members said that Condition 12, as set out in the report, was inappropriate in these circumstances and it was therefore suggested that this be removed.

Members agreed that the change of use for this building was justified and thought that the proposals were imaginative, innovative and a benefit to the City.

Councillor Vassie proposed and Councillor Potter seconded a motion to amend the recommendation and attach a condition that secondary glazing be fitted to all windows. When put to the vote the motion was lost.

RESOLVED: That the application be approved subject to the conditions detailed in the report (removing Condition 12 in relation to the use of the ground floor roof garden) and the following amended condition:<sup>1</sup>

Amended Condition 7

No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme for the garden area which shall illustrate hard and soft measures, including lighting, the number species, height and position of trees and shrubs to be planted.

This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

REASON: That the proposals, subject to the conditions detailed in the report (excluding condition 12 in relation to use of the ground floor roof garden) and the above amended condition, would not cause undue harm to interests of acknowledged importance, with particular reference to the loss of office space, the special historic interest of the listed building, the character and appearance of the conservation area, highway safety and the promotion of sustainability. As such the proposal complies with Policies E3b, V3, HE4, HE3, T4 and GP4a of the City of York Local Plan Deposit Draft.

Action Required

1. To issue the decision notice and include on weekly planning decision list within agreed timescales. JB

**5c Former NER Headquarters, Station Rise, York, YO1 6HT (08/00292/LBC)**

Members considered an application for Listed Building Consent , submitted by Acropolis Hotels Ltd, for internal and external alterations in connection with the conversion of a building to an hotel including the erection of a 6 storey and single storey rear extension, formation of terrace over a car park and placement of external ventilation equipment.

RESOLVED: That the application be approved subject to the conditions detailed in the report and the following amended condition.<sup>1</sup>

No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme for the garden area which shall illustrate lighting, hard (including confirmation of brickwork to the retaining wall) and soft measures, including the number, species, height and position of trees and shrubs to be planted.

This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the special historic interest of the listed building. As such the proposal complies with Policy HE4 of the City of York Local Plan Deposit Draft.

Action Required

1. To issue the decision notice and include on weekly planning decision list within agreed timescales. JB

**6. FULFORD VILLAGE CONSERVATION AREA APPRAISAL:  
CONSULTATION DRAFT.**

Members considered a report which requested them to approve a draft appraisal of the Fulford Village Conservation Area for public consultation.

The village is experiencing increased pressures, such as traffic travelling into York through the village from the south and increased development pressure, which conflict with its village character. It is therefore considered appropriate to fully appraise the area to ensure that its special character is not compromised.

Local authorities also have a duty (under Section 69) to review their conservation areas from time to time. An important part of the review process is a reassessment of the conservation area boundary.

Members agreed to e-mail any further consultees to the report author so that these could be incorporated into the consultation process. Suggestions for further consultees included the Fishergate Ward and Heslington Ward Councillors.

**RESOLVED:**

1. That Members approve the Draft Fulford Village Conservation Area Appraisal for use as a consultation document.
2. That Members approve the consultation method proposed in paragraphs 12 and 13 of the report.<sup>1</sup>

**REASON:**

The document has adopted a rigorous approach to the assessment of the Fulford Village Conservation Area and it is in accordance with relevant guidance documents. The boundary review has been carried out in accordance with the Planning (Listed buildings and Conservation Areas) Act 1990 and it has adopted relevant criteria as set out in PPG15 and the latest guidance documents from English Heritage. The proposed consultation is based on previous practice.

**Action Required**

1. To administer the consultation process as agreed.

JB

R WATSON, Chair

[The meeting started at 4.30 pm and finished at 6.20 pm].

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MEETING	PLANNING COMMITTEE
DATE	28 AUGUST 2008
PRESENT	COUNCILLORS R WATSON (CHAIR), CRISP, D'AGORNE, FIRTH, FUNNELL, GALVIN, HORTON, MOORE, PIERCE, POTTER, REID, SIMPSON-LAING, VASSIE, R WATSON (CHAIR), WISEMAN, HYMAN (SUB FOR CLLR JAMIESON-BALL) AND GILLIES (SUB FOR CLLR HUDSON)
APOLOGIES	COUNCILLORS HUDSON AND JAMIESON-BALL
IN ATTENDANCE	COUNCILLOR FRASER AND GUNNELL

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**17. SITE VISIT**

The following site was inspected before the meeting:

Site	Reason for Visit	Members Attended
Factory, Bishopthorpe Road, York YO23 1NA (06/02560/OUT and 06/02562/CAC)	Due to comments received and to allow Members to familiarise themselves with the site.	Cllrs R Watson, Crisp, D'Agorne, Funnell, Galvin, Gillies, Horton, Moore, Pierce and Wiseman

**18. 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.

Councillor Hyman declared a personal non-prejudicial interest in agenda items 4a and 4b (Factory, Bishopthorpe Road York) as a member representative of Science City York.

Councillor D'Agorne declared a personal non-prejudicial interest in agenda items 4a and 4b (Factory, Bishopthorpe Road York) as an employee of York College and as a regular user of the Sustrans cycle track adjacent to the site.

Councillor Fraser declared a personal non-prejudicial interest in agenda items 4a and 4b (Factory, Bishopthorpe Road York) as a Governor of Knavesmire Primary School situated on Campleshon Road adjacent to the site.

**19. MINUTES**

RESOLVED: That the minutes of the last meeting of the Committee held on 24 July 2008, be approved and signed by the Chair as a correct record.

**20. PUBLIC PARTICIPATION**

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

**21. PLANS LIST**

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

**21a Factory, Bishopthorpe Road, York YO23 1NA (06/02560/OUT)**

Members considered an outline application, submitted by GHT Developments LLP, for the redevelopment of the former Terry's site for a comprehensive mixed use scheme. These uses were to include: - Business use (Classes B1a, b and c), Hotels with ancillary leisure (Class C1), Community Facilities including a Health Centre/Doctor's surgery (Class D1), a Nursery (Class D1) and a Children's Gym and play centre (Class D2), galleries and Museum (Class D1), Leisure uses (Class D2), Retail (Class A1), food and drink (Classes A3 and A4), Assisted Living Accommodation and Residential Institution (Class C2) and residential units (Class C3) with new means of access, associated servicing, car parking and highways works.

The application also included full details of: conversion, alterations and extension of the former Main Factory building as residential units; business uses, retail units, workshop/studios or galleries and café uses; erection of two 4 storey office buildings (Buildings C4 and C10); conversion, alterations and extension of the former Headquarters Building for use as a hotel with ancillary leisure facilities; Change of use of the Former Liquor Store to retail, food and drink, leisure or community uses and the Clock Tower to management and security suite, sustainable energy generation plant and or a museum. Full details of Phase 1 Highways Infrastructure works including basement car parking were also proposed.

Officers referred to two planning updates that had been prepared relating to additional details/information submitted and additional correspondence received since the report had been published. The following documents were circulated at the meeting:

- 2 Planning updates including proposed amended conditions;
- Email in support from york-england.com;
- Copy of Masterplan 21 detailing the redevelopment proposals;

- Letter from Cllr Merrett, Local Member, requesting the Committee to reject the application;
- Letter from residents of Trentholme Drive expressing concerns regarding traffic at the junction of Knavesmire Road and Mount Vale/Tadcaster Road;
- Document from residents of Mount Vale regarding their concerns at the suggested mitigation measures proposed by the developer for additional traffic generated by the scheme;
- Copy of comments to be made by the speaker, on behalf of the residents of Mount Vale.

Officers explained that this was a 'hybrid' application as the applicant was applying for outline planning permission but that they were also seeking consideration of some detailed matters. The application had been submitted in this manner to enable consideration of the general principle of development with respect to the whole site and at the same time to give detailed approval of particular elements of the scheme.

The Highway Officer referred to the highway issues, which constituted the majority of the objections. He went on to highlight a number of key issues, which included the proposed development putting a strain on a road network that was already at net capacity, that Officers were seeking a more sustainable approach and that although some mitigation measures had been secured Officers still had a number of concerns. Officers were also disappointed that the applicants had been unable to secure an increase in the frequency of the No 11 bus service that ran along Bishopthorpe Road.

Representations were then received from the Chair of the Conservation Area Advisory Panel who pointed out that their comments on the application had been made in September 2007. At that time the representatives from the North Yorkshire Chamber of Trade and the City of York Council had not been members of the Panel and she asked that they be disassociated from the comments made. She confirmed that the Panel had no objections to development of the site but objected to what they felt was overdevelopment and the overloading of the highway network. She also expressed concern at the harm that would be caused to the Tadcaster Road Conservation Area and the trees along its length and on site. Reference was also made to the layout of the buildings which they felt could be improved by moving the housing to the southern end of the site closer to the existing main residential area. The Panel also suggested that a model of the scheme would have been particularly useful.

Representations were also received from the Church Warden of St Chad's Church who stated that if parking were to be restricted along both sides of Campleshon Road this would have major implications for the Church. He explained that the Church had a small car park and that their facilities were very well used by playgroups, mother and toddler groups, wine circle, karate, slimming groups, children's parties

and Brownies with no other car park available in easy walking distance.

Representations in objection were received on behalf of Mount Vale residents who referred to the affect of the development on the junction of Mount Vale and Knavesmire Road and the mitigation measures proposed. The residents stated that they had no confidence that the mitigation measures were fit for purpose. They requested that the application be rejected on the grounds of overdevelopment of the site.

Representations were then received from the Clerk to the Micklegate Planning Panel who fully supported the concerns of local residents regarding the scale, density and massing of the development. With regard to the traffic issues he stated that it was proposed to provide three times the amount of parking on site compared to that available when Terry's was fully operational with an access opposite Knavesmire Primary School. He also urged the Committee to reject the application.

Representations were also received on behalf of residents of Bishopthorpe Road who raised concerns regarding the impact the traffic mitigation measures would have on trees, increased noise pollution and the reduction in residents parking on Bishopthorpe Road. She stated that there was a need for increased community and leisure facilities in the area and that further consultation should be undertaken with residents prior to approval being granted.

Representations were also made on behalf of Bishopthorpe Parish Council. Their representative indicated that the Parish Council supported the objections and comments made by Cllr Merrett, as Local Member, and that their main concern related to traffic generation. This particularly related to Sim Balk Lane, which led into Bishopthorpe village as no traffic mitigation measures were proposed to protect the village from additional traffic. The Parish Council therefore fully supported the objections raised to the development and requested that consideration should be given to the construction of a new road linking the site to the A64.

Representations were then heard in support of the application from the Managing Director of Grantside, the applicants. He reminded Members that they had purchased the site in April 2006 with the intention of providing a prestigious scheme on the site. A substantial investment had been made in the scheme at regional and national levels which would enable them to generate 2500 quality jobs on site. He confirmed that they had spent some time with Officers of the Council producing the mixed use scheme and overcoming numerous challenges. The scheme involved the bringing back of a listed building into viable use. He also confirmed that they had engaged with the local community through meetings, presentations and leaflet drops. He urged the Committee to support the scheme, which would be a major employment site.

Representations in support of the scheme were also made by the Development Director of Grantside, who confirmed that the scheme would benefit the site and the city and that they had undertaken a significant amount of consultation prior to submitting the application. They felt that the scheme would deliver transport solutions and that it provided sustainable travel with support given to public transport, cycling and jogging. He confirmed that there was a need to change people's behaviour with regard to travel and with this in mind a Travel Plan Officer would be employed to ensure that the measures contained in the Green Travel Plan were fully implemented. He went on to detail their proposals in relation to sustainability measures to be used in the design and construction, which they hoped, would provide a greener and healthier living environment for residents.

Cllr Fraser, as Local Member, expressed his support for employment led development of the site but he considered this proposal as overdevelopment. He did however stress that any development should meet a number of criteria and be in accordance the Planning Brief, which included the protection of the listed buildings, be a high quality development and provide innovative solutions to the transport issues. He went on to refer to the number of objections received particularly from the statutory consultees and stated that he felt that the proposals before the Committee were disappointing and unambitious.

Cllr Gunnell, also as Local Member, confirmed her objections to the application and her support for Cllr Merrett's letter. She stated that Local Members had met with a large number of local residents and attended various meetings in relation to residents concerns. It was felt that the proposal for predominantly B1 office use did not meet the Planning Brief, that the proposed leisure facilities would not benefit local residents, that the housing mix was not in line with the Housing Market Assessment and the traffic implications would have a major detrimental impact on the surrounding area. They had no wish for the site to remain derelict but agreed that it was important that the site was be improved for all residents.

Regarding some of the major points raised by speakers Officers made the following comments:

- Full design proposals had been submitted for buildings C4 and C10;
- The site was not listed in the Local Plan as a premier employment site, but as requiring employment led mixed use development, which met the Planning Brief;
- That the parking restrictions proposed along the northern side of Campleshon Road and the western side of Bishopthorpe Road would be part of a separate Traffic Regulation Order which would be advertised and consulted on with any comments being reported back to members.

Members expressed their support for the development of the site and their concerns regarding the following aspects of the application:

- It had been indicated at the site visit the previous day that a plan would be available at the meeting detailing the trees that it was proposed to fell and retain;
- The reference by the applicant's transport consultant that "they had sought to create a situation where the operation of a junction following the introduction of development traffic was no worse than would be the case if compared with the fall-back situation, i.e. when Terry's was operating at full capacity";
- The applicants traffic consultants had used 90% saturation levels on the road network as their upper level in their traffic study which was higher than the 85% level used by this Authority;
- The omission of the community hall from the scheme;
- Location of residential area isolated from existing residential development on Campleshon Road;
- Proposed service charge to be levied on all houses on the site would impact on their affordability;
- Impact on air quality arising from increased traffic levels;
- Proximity of the housing development to the existing tree belts;
- Details required in relation to access points for pedestrians and cyclists into the site;
- Details of the proposals for the Health Centre
- Shuttle bus proposed during peak hours linking the site with York Railway Station and the Askham Bar Park and Ride site only being provided for a five year period;
- No increase had been agreed in the frequency of the No 11 bus service, which passed the site;
- Architectural Liaison Officers concerns raised regarding access and security on the site.

Members thanked Officers for all their work over a long period of time in relation to this complex application and thanks were expressed in particular to the case officer.

Following further discussion it was unanimously

RESOLVED: That the application be refused for the following generic reasons and that the Assistant Director (Planning and Sustainable Development), in consultation with the Chair and Vice Chair be delegated authority to agree the final wording of these reasons:

### **1. Overdevelopment**

Overdevelopment of the site with consequential impact on the surrounding highway network

Inadequate mitigation measures

- Engineering solution
- Sustainable alternatives (cycling, walking)

- Bus service (400m)

**2. Detrimental impact upon Racecourse/Terry's Conservation Area (No.10)**

Detrimental impact of the development on the Conservation Area on site and the setting of the Conservation Area.

**3. Detrimental impact upon Tadcaster Road Conservation Area (No.9)**

detrimental impact of the development on the Conservation Area on site and the setting of the Conservation Area.

**4. Detrimental impact upon landscaping**

Detrimental impact upon existing on-site landscaping, in particular proximity of development to mature trees

**5. Inappropriate location of housing**

Location of housing on site in relation to racecourse and isolated from established surrounding communities.

**6. Insufficient information provided regarding design elements**

Insufficient information has been provided regarding the design elements of the scheme, the LPA cannot therefore properly assess the proposed scheme.

**7. Secure by Design**

The proposed scheme fails to adequately address secure by design principles. In particular the play area and footpath (which joins to the cycle route on the south side) would create vulnerable areas and do not satisfy secure by design principles.

**8. Detrimental impact upon the setting of the listed buildings**

The proposed scheme would have a detrimental impact upon the setting of the listed buildings, in particular the former factory building (R1) due to obstructing important views from the north side of the site.

Action Required

1. Following agreement with the Chair and Vice Chair on the wording of the reasons for refusal, issue the decision notice and include on the weekly planning decision list within the agreed timescales.

SL

**21b Factory, Bishopthorpe Road, York YO23 1NA (06/02562/CAC)**

Consideration was also given to a Conservation Area Consent, submitted by GHT Developments LLP, for the selective demolition of

utilitarian modern extensions to some of the listed buildings within the Conservation Area (Amended Masterplan 21).

Officers confirmed that, in view of the refusal of the previous application, it would not be possible to determine the conservation area consent at this stage.

Members expressed concern that the buildings concerned adding nothing to the site and that delay would lead to their further deterioration.

**RESOLVED:** That consideration of the Conservation Area Consent be deferred pending receipt of a further application for the redevelopment this site.

**REASON:** That it would be inappropriate to consider the demolition of various attachments to listed buildings without an acceptable scheme for the redevelopment of the whole being agreed by the Council.

R WATSON, Chair

[The meeting started at 4.30 pm and finished at 8.40 pm].

**COMMITTEE REPORT**

**Committee:** Planning Committee      **Ward:** Guildhall  
**Date:** 2 October 2008      **Parish:** Guildhall Planning Panel

**Reference:** 08/01780/FULM  
**Application at:** Grays Newsagent Ltd Navigation Road York YO1 9UN  
**For:** Erection of student accommodation comprising 232 bedrooms and associated facilities in 1 no. part five/part seven storey building (with rooms in roof) and 1 no. three storey building. New sub-station, bin storage, cycle parking and landscaping.  
**By:** Mr Chris Hale  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 10 October 2008

**1.0 PROPOSAL**

1.0.1 This proposal seeks planning permission for the redevelopment of this vacant site to create student accommodation. The accommodation is divided into 2 blocks and contains associated living and dining facilities.

1.0.2 It is envisaged that this development, if approved, will complement and operate in synergy with the recently opened student accommodation adjacent. The applicants propose to integrate both sites, as a consequence management functions, access and other associated functions will operate as one. Disabled vehicle parking is provided as part of the overall development with cycle parking and associated ancillary services such as refuse storage provided on site.

1.0.3 The accommodation comprises of 2 separate buildings. These are positioned in distinct parts of the site. The siting of these buildings is a response to the constraint imposed by the surface water sewer crossing the site near Navigation Road. This sewer splits the site into 2 distinct segments. However as the sewer does not split the site evenly, the resulting developable areas lend themselves to the provision of a small block at the front of the site (Block 2 - adjacent to Navigation Road) and a larger building adjacent Wormalds Cut (Block 1). The buildings and external spaces are arranged to integrate this site with the recently developed student accommodation adjacent (at the old Pullman Bus Depot site and 3 Percy's Lane).

1.0.4 Block 1 consists of 46 student flats containing 223 'standard' en-suite study bedrooms. These are arranged in groups of four or five rooms with associated living and dining facilities in each 'flat'. Therefore, four or five students will live as a single household in each 'flat'. One flat for a senior student warden is also proposed

1.0.5 Block 1 of the student accommodation is similar in size and massing to the previously approved office building. An 'L' shaped footprint creates frontages to the York and County Press boundary and Wormalds Cut. As such the building does not infringe the underground sewer or easement. A

landscaped courtyard is to be created within the enclosing blocks (Block 1) and the existing student accommodation (denoted as Block A on the accompanying site layout plan).

1.0.6 Block 2 consist of 8 'studio' study bedrooms. These are larger than a 'standard' study bedroom and incorporate more generously proportioned study accommodation with integral cooking and en-suite facilities within each room.

1.0.7 The smaller block (Block 2) is to be sited where a sub-station was to be erected as part of the previous permission granted in 2006. The applicants now propose to erect the sub-station, which is required for the redevelopment of this site, adjacent the existing sub-station which serves Navigation Wharf at the head of Wormalds Cut.

1.0.8 The sub-station is to be sited adjacent the existing substation. The design incorporates an exaggerated overhanging eaves with seating beneath. The applicants hope this will provide a quiet sheltered area at the head of Wormalds Cut.

## **1.1 THE SITE**

1.1.1 The application site consists of approximately 0.31 hectares of land with a frontage of 62.0 m adjacent Navigation Road, north of the junction with Percy's Lane and opposite Rosemary Place. The northern boundary of the site abuts Wormalds Cut, an open watercourse which terminates at Navigation Road. Beyond Wormalds Cut is the five storey Rowntree Wharf, a landmark Grade II listed building which is now in mixed residential/commercial use and its associated multi-storey car park. The eastern boundary of the site faces directly towards residential properties fronting Navigation Road, forming part of Rosemary Place/Rosemary Court residential estate. The southern boundary abuts the former Pullman bus depot, which was used as a covered car park. Planning permission was granted for the erection 231 student study bedrooms in two separate blocks on 28 April 2006. The building was recently completed and students have recently moved in. To the west of the site are the offices of the York and County Press.

1.1.2 The site is within York's Central Historic Core Conservation Area. The application site is vacant, derelict and in a generally unsightly condition. The buildings which previously occupied the site, which were of no architectural merit, were demolished some time ago. The site is also within York's, City Centre Area of Archaeological Importance. Previously approved scheme (04/00885/FULM) included the removal of eight self seeded trees (alder, sycamore and willow) from the waterside frontage of the site, with the new building directly abutting, and rising directly from, the waters edge. 04/00885/FULM and 06/01675/FULM approved an office block of contemporary design, with the external walls erected in facing brick with artstone detailing and incorporating a pitched, tiled roof. The taller part of the building, which was granted additional permission to change from residential use to office accommodation incorporated a "square hip" arrangement.

## 1.2 History

1.2.1 Members may recall that in February 2005 planning permission was granted for the erection of a four and six storey block of offices together with two apartments and associated external works on an area of unused land adjacent Navigation Road and Wormalds Cut (04/00885/FULM). At that time it was proposed to accommodate approximately 4,950 m<sup>2</sup> (gross) of office accommodation within a four storey "L" shaped building, together with two "penthouse" apartments located on a fifth and sixth floor in the northwest corner of the new block.

1.2.2 In September 2006 an amendment to the previously permitted scheme was also approved by Committee (06/01675/FULM). The amended scheme principally related to the change of use of the previously approved apartments to offices, no changes were proposed to the footprint of the building. In essence an additional 578 m<sup>2</sup> (gross) of office accommodation was approved to replace to 2 penthouse apartments. In order to accommodate commercial floor to ceiling heights, the eaves height of the six storey section of the building was increased by approximately 0.80 m to a total of 20.70 m. The difference in eight was compensated for by a corresponding reduction in the roof pitch, resulting in the overall height of the building being contained within the height restriction imposed by the original planning permission of 26.81 m.

1.2.3 The application included elevational changes reflecting the proposed commercial use of the two upper floors of the six storey building. The four storey section of the new block remained as previously approved. Minor changes were also made to the layout and configuration of the refuse storage area and electricity substation, the latter as a result of the statutory requirements of the electricity supplier. The submitted layout made provision for 41 car parking spaces and secure cycle storage for 60 cycles, together with a landscaped area (17.0 x 17.0 m approx) at the head of Wormalds Cut, all in accordance with the originally approved layout.

## 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

2.2 Policies:

CYGP1  
Design

CYGP4A  
Sustainability

CYGP6  
Contaminated land

CYGP9  
Landscaping  
CYGP15

Protection from flooding

CYNE1

Trees, woodlands, hedgerows

CYE3B

Existing and Proposed Employment Sites

CYED5

Further and Higher Education Institutions

CYED10

Student Housing

CYHE2

Development in historic locations

CYHE3

Conservation Areas

CYHE10

Archaeology

CYT16

Long stay car parks

CYT4

Cycle parking standards

INTERNAL

### 3.1 HIGHWAYS (NETWORK MANAGEMENT)

3.1.1 The officer commenting upon this scheme recognized that the proposal is to construct student accommodation facilities with a capacity of 232 students. Also that 3 car spaces are proposed to be provided, which will be regulated by the university and only available for use by disabled students. The officer recognises that vehicular traffic movements relating to this site will be limited to occasional servicing traffic and emergency vehicles when necessary.

3.1.2 Information supplied by the applicants identifies that the peak periods in terms of traffic generation will be the term change over times. A Traffic Management Plan has been submitted to support this application. The travel plan identifies the measures that will be undertaken by the University and site management team to stagger the periods over which vehicles will arrive and depart and thus the impact of traffic on the highway. During these periods traffic will be allowed to enter the site via the adjacent Pulman bus depot development and stay on site for up to 1 hour to enable students to load/unload vehicles. This will be managed by the university and once the

prescribed time expires, students will be required to vacate the site and park their cars to public car parks, if necessary.

3.1.3 The officer notes that the surrounding highway network is protected by various parking restrictions which will prevent indiscriminate on-street parking. The site also falls within the a residents parking scheme (R18). Students residing in the halls will not be eligible to apply for permits and thus no additional pressure will be placed upon the surrounding area.

3.1.4 The officer concludes by observing that the site is located in a sustainable location and close to a number of facilities. The city centre and public transport routes are within a short walk. As a consequence of these factors the officer advises that the principle of a car free development is acceptable.

### 3.2 URBAN DESIGN AND CONSERVATION

3.2.1 The officer comments that although the site is within the Central Historic Core Conservation Area and adjacent to Wormald's Cut it occupies part of the outer fringe of the walled city where there was previously a C19th glassworks. A large post-war Local Authority housing scheme (mentioned in Pevsner) is interspersed between the site and the city walls. Two significant listed buildings close to the site are the former St Margaret's Church (grade I), which occupies the corner of an urban block 100m to the south, and the former Leethams Mill (grade II) 40-50m to the north-west.

3.2.2 The officer notes that planning permission was granted in 2004 for an office block on the site. The scheme was for an L-shaped building rising to 6 floors in height at the knuckle which was towards the rear of the site and away from adjacent housing. The scheme adopted an industrial rather than domestic scale with a large pyramidal roof form over the central area and there was a forecourt car park. The student accommodation scheme on the former Bus Depot site adjacent followed-on from this approval. Its figure-ground connected to the plan form of the office block, the two new blocks being divided by the large drain running across both sites. The rear block took advantage of the additional height in the centre of the urban block whereas new perimeter blocks of 3 and 4 storeys assisted in restoring the domestic massing of the adjacent housing blocks.

3.2.3 The main block would adopt the massing and form of the two previously approved schemes. The officer notes that an additional floor would be accommodated within the previous envelope of the building. This is due to the difference in floor to ceiling heights for residential accommodation compared to the higher floor to ceiling heights required for office accommodation. A smaller road-side building would replace the previously proposed sub-station and the sub-station would be relocated at the head of the Cut. This latter building would provide a scale transition between the line of housing approx 20.0m across the road.

3.2.4 Although the main block will still appear large from Navigation Road and from the amenity space adjacent to Rowntree Wharf, the immediate

foreground will be greatly enhanced over previous proposals by replacing the car parking with landscaping (of grass, shrubs and trees). In addition, setting Block 1 back from the edge of the Wormalds Cut will allow a low green edge to be restored to the water. Boundary railings and shrubs will assist in maintaining privacy and security between the site and its neighbourhood. Access and egress will also be limited to the extreme edges of the whole site.

3.2.5 The officer recognises that whilst the overall massing of the Block 1 is similar to the previously approved scheme (06/01675/FULM), improvements have been made to its design. The large exposed gable facing Navigation Road has been split into two mono-pitch forms, one extruded beyond the other. The common areas have been expressed with different windows and twinned rooms project beyond the face of the elevations to articulate the long facades. These measures will introduce a hierarchy of forms which will provide interest and assist in reducing the apparent scale of the building.

3.2.6 The officer concludes by stating that the proposed scheme would not undermine the dominant form of Rowntree Wharf, which is 9 stories in height. The massing of the new buildings would be part of the more recent industrial landscape of the area which continues along the River Foss and is set at a lower level than the historic street of Walmgate. Improvements to the setting of the complex and to the design of the buildings represent an enhancement over previous schemes. Proposals would not appear to harm the character and appearance of the conservation area or the setting of the listed former warehouse/mill.

### 3.3 ARCHAEOLOGIST

3.3.1 The Council's Archaeologist recommends that an archaeological watching brief condition be imposed should committee grant approval.

### 3.4 ENVIRONMENTAL PROTECTION UNIT (EPU)

3.4.1 Initially the Council's Environmental Protection Unit sought further information concerning noise impact upon the proposed student residents. Following further clarification by the applicants noise consultant, the EPU officer is satisfied that it is no longer necessary to complete a further noise survey. The Environmental Protection Unit does not object to this application, however they still have concerns regarding noise having a detrimental effect on the amenity of the occupants of this development. The applicants noise consultant has made recommendations for minimum specifications for the building envelope to achieve a satisfactory acoustic environment. The environmental protection officer recommends that these are implemented. The officer recommends that should planning permission be granted for this scheme a condition is attached to protect the amenity of students and seeks adequate sound protection for residents.

3.4.2 The Council's Contaminated Land Officer recommends that additional site investigation works are required to assess the risks from organic based contamination and ground gases. The Environmental Protection Unit would

therefore recommend that the conditions below be imposed if planning permission is granted.

### 3.5 CITY DEVELOPMENT

3.5.1 The officer notes that is application relates to development on currently cleared brownfield land off Navigation Road. It is adjacent to another student accommodation scheme, currently nearing completion, on Navigation Road (former Pullman Bus Depot site) and it is proposed that the two schemes can be linked to form a significant student accommodation area within the City.

3.5.2 It is understood that the site was previously a B8 storage and distribution use. However, more recently, the site has 2 extant planning permissions for offices under reference 06/01675/FULM, approved 21<sup>st</sup> July 2006 and 04/00885/FUL, approved 18<sup>th</sup> April 2004. It is argued by the developers that the current development market has made the implementation of these permissions unviable and hence an alternative use is sought.

3.5.3 The officer comments that the supporting evidence submitted with the application (Analysis of York Office Market on behalf of Grays Wharfe Ltd) by King Sturge gives evidence that the site has been marketed since 2004 and that there has generally been little interest in the proposed accommodation.

3.5.4 Additionally, the Council has commissioned consultants to undertake an Employment Land Review for the City, which will provide the employment evidence base for the Local Development Framework. Stage 1 has been produced and Stage 2 looks at sites and the need within the City. Stage 2 is currently being drafted and it is envisaged that this will be submitted to the Council around the end of September this year. Therefore, whilst this work will provide an up to date position of employment land supply and demand, it is not advanced enough to be used to assist the determination of this application.

3.5.5 The officer also draws attention to other policy issues such as:

- Need for student accommodation;
- Affordable Housing issues;
- Amenity issues;
- Impact upon the Central Historic Core Conservation Area; and
- Sustainability issues.

These issues are addressed in section 4 (officers report).

3.5.6 The one area of concern raised by the officer concerned flood risk. The officer commented that only following the consideration of additional city centre sites should the Gray's Newsagent site be considered for student accommodation.

3.5.7 Following the application of the Sequential Test the officer noted that if it can be proved that the Gray's Newsagent site cannot be located in areas of lower probability of flooding then the Exception Test needs to be applied. The

three criteria that make up the Exception Test have been looked at by the applicant. It has been shown that the site is on previously developed land and a site specific Flood Risk Assessment has been completed. Comments on the Flood Risk Assessment completed by Faber Maunsell should be sought from the Engineering Consultancy and the Environment Agency to fully understand if the assessment is appropriate. Criteria a) of the Exception Test requires that it be demonstrated that the development provides wider sustainability benefits to the community which outweigh the flood risk. The Planning Support Statement indicates that criteria a) of the Exception Test is covered by the sustainability report prepared by Martin Design Associates (MDA). After looking through the MDA report it was felt that it primarily concentrated on energy efficiency and renewable energy aspects of sustainability. The Exceptions Test should look specifically at the sustainability of the site so that centrally located brownfield sites which are close to services and amenities are kept in use, further information should be sought from the applicant to fully understand the sites sustainability benefits. In relation to this it needs to be demonstrated that the development will contribute to the Core Strategies Sustainability Appraisal set out in Table 5.1 of the SFRA.

## EXTERNAL

### 3.6 GUILDHALL PLANNING PANEL

3.6.1 The Panel objected to this proposed scheme for 3 reasons. Firstly, that it (Block 1) is too large and sits uncomfortably with the modest social housing adjacent the site. Secondly, the proposed use of the site will have a detrimental impact upon the existing residents amenity. Thirdly the proposed building (Block 1) will have a detrimental impact upon the setting of Rowntree Wharf.

### 3.7 ENGLISH HERITAGE

3.7.1 English Heritage has commented on the development of this site previously. The earlier proposals for a commercial/office scheme were broadly acceptable to Eh, although they considered that there was a lost opportunity in terms of a designated relationship between the wharf/waters edge and the proposed building. Eh also considered that the location of the car-parking to the front of the site presented the approach to this area very poorly and that a car-park was not a sympathetic hard landscaping proposal.

3.7.2 This revised scheme has changed as the site will now be put entirely to student housing and there will be no car-parking on the site. EH welcome this fundamental change as the appearance of the site now has scope to improve dramatically. The architecture of the blocks proposed is related to but appreciably different from that at the currently on-site adjacent units by the same architects. The design difference is also welcome.

### 3.8 ENVIRONMENT AGENCY

3.8.1 The Environment Agency raise no objections provided that the Council are satisfied that the sequential test has been carried out in an open and

transparent way, in full accordance with Planning Policy Statement no.25 and its practice guide and that it has passed.

### 3.9 YORKSHIRE WATER

3.9.1 Comments have not been received from YW. An update will be given at committee concerning their comments.

### 3.10 RIVER FOSS SOCIETY

3.10.1 The society commented that the site is part of what was formerly an industrial zone. However, the conversion of the Rowntree warehouse to apartments, the provision of houses and flats in the Hungate development and now the proposal to superseded the planned office block with student accommodation means that the character of the area is changing from industrial to predominately residential.

3.10.2 The society believe that the landscaping should reflect the future rather than the past and incorporate greener, softer aspects that would be provided by the proposed trees enclosed within a courtyard and the narrow fringe of willow planting on the water's edge. A more sympathetic treatment would also contribute to the function of the river Foss as a green wildlife corridor.

### 3.11 NEIGHBOUR LETTERS, SITE AND PRESS NOTICE

#### Support

3.11.1 1 letter of support has been received from a resident at Rowntree Wharf. The supporter is Vice Chancellor of York St. John. She comments that York St. John is a university which is committed to community links and the development of students as good citizens and good neighbours. She also states that she is confident that the development of a student community integrated with local residents will be good for the social and economic well-being of Walmgate. She also comments that the design of the scheme complements the newly completed Percy's Lane development.

3.11.2 An objection letter stated that there may be some benefits from this development by virtue of creating more pedestrian traffic and activity in the area which ought to then prove a deterrent for criminal activity, as well as the significant amount of wanton vandalism and prevalence of graffiti in this particular area of the city.

#### Objection

3.11.3 Letters from or on behalf of 11 local residents have been received raising objections to scheme on the following grounds:

- Further high density development would be excessive for the area and the site;
- The recently completed development of the adjacent site for student housing was long and drawn out. Adjacent residents amenity was affected due to noise disturbance, dirt of the road and dust;

- Further intensive exploitation of this site should be ruled out and limited to the erection of the previously approved office block. If the site is not developed for a while this will allow the absorption of the new student accommodation into the local community. There is no certainty that the additional students can be absorbed into the community;
- Loss of view. A wait and see approach should be adopted to gauge the impact of the recently finished scheme for student housing adjacent;
- The high rise building (Block 1) is not in keeping with the area and will allow the develop maximum profit from a relatively small site;
- The proposed scheme will have an adverse effect on property values;
- A doubly of the student numbers on this site will have an adverse impact upon the area and is excessive;
- Navigation Road will become congested on a daily basis, risky and noisy from early morning into the late hours as a result of students visiting Morrison's and cycling to and from classes. These likely trends will be reinforced when Hungate bridge is brought into use. Furthermore there is no way authorities can prevent friends and relatives of students using cars in the vicinity of the student accommodation, despite the fact there is no on streetcar-parking available;
- The Council should close Rowntree Wharf walkway to all but residents from Rowntree Wharf. Additional students using this walkway will have an impact upon residents and the police;
- No information has been submitted regarding letting of the student accommodation during holiday periods. Residents are concerned that if the accommodation is let during these periods, it will further add to nuisance etc. within the area;
- The previously approved office block would have far less of an impact upon the surrounding neighbourhood than this proposed scheme. The hours of use will change from 9 – 5 to 24 hour occupation and possibly year round occupation as well;
- It is not a convincing argument to state that no-one has been interested in the site when articles in the Press state that there is a lack of grade A office accommodation in York. There is also office accommodation proposed in Hungate which is close by;
- Mixing such a large number of students with a predominantly elderly neighbourhood is a recipe for disaster;
- The development will be imposing and too large for a conservation area;
- Noise from the development will cause a 'canyon effect' due to the infilling of all gaps abutting Wormalds Cut. Residents at the Tower end of Rowntree Wharf are already experiencing noise disturbance from the residents of Foundry square. The area is at present peaceful and younger people (students) will create an abhorrent intrusion into this hitherto peaceful backwater. Increased footfall from the walkway alongside Rowntree Wharf will also create a noise nuisance;
- This scheme will drastically reduce the quality of life of residents in the area, especially with the decimation of the existing trees and the inadequate planting scheme;
- Residents in Rowntree Wharf will suffer due to loss of privacy;

- The silhouetted outline of the tower of Rowntree Wharf, included as part of the Joseph Rowntree trail will be lost which may affect tourism and is another example of planners cutting off their noses to spite their faces;
- If the scheme is approved, residents to the eastern end of Rowntree Wharf will suffer from loss of light and feeling of space;
- The Council should meet prior to the application being decided to consider the effect of the application from ground level as the plans are deceptive;
- How will the Council feel when beleaguered citizens begin to demand rate reductions en masse due to decimation of everything they prize in their neighbourhood?;
- The previous approved scheme required an otter tunnel and a wildlife area, this should be a stipulation of this development;
- The provision of wardens will not alleviate anxieties about noise nuisance. The provision of wardens is a tacit acknowledgment that problems are anticipated. They are also not practical or realistic measure to ensure quiet or good behaviour in a residential area;
- The increase of students in the area will increase the risk of theft, criminal damage, assaults, burglaries and graffiti. The idea of a Safer Neighbourhood Team office on the site will hardly solve the problem;
- Windows in Rowntree Wharf are single glazed, residents should not have to pay for their upgrading to mitigate against noise nuisance. Noise suppression measures should be introduced to mitigate against this new development;
- No staff are employed on site to monitor the students;
- It would be appropriate to build a wharf adjacent Wormalds Cut as the site is called Navigation Wharf. Such a wharf would maintain a feeling of wharfage and also provide a useful external amenity for occupiers of the units within the proposed development; and
- The development should be higher nearer to the middle of the site and tier down in height towards Wormalds Cut. This would reduce impact upon the residents of Rowntree Wharf.

## **4.0 APPRAISAL**

### **4.1 KEY ISSUES**

- Principle of the development;
- Design issues - impact on character and appearance of conservation area;
- Impact on local residents;
- Sustainability;
- Highway and parking issues
- Flood Risk;
- Affordable housing/occupancy; and
- Other issues.

### **4.2 PLANNING POLICY**

4.2.1 PPS1: Planning for Sustainable Development sets out the Government's national policies on different aspects of land use planning in England. PPS1 sets out the overarching planning policies on the delivery of sustainable development through the planning system. 'The planning System: General Principles', the companion document to PPS1, advises the importance of amenity as an issue. Enhancement of the natural and historic environment, the quality of and character of existing communities is also encouraged through this document.

4.2.2 PPG13 – Transport. The note 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 car in new developments. It offers guidance on the location of housing in town and city centres to promote more sustainable patterns of development and to make better use of previously developed land. Additional guidance is offered in relation to mix of uses on sites, design and safety.

4.2.3 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.

4.2.4 PPG 15 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.

4.2.5 PPG 16 – Archaeology and Planning. This PPG sets out the government's policy on archaeological remains on land and how they should be preserved or recorded both in an urban setting and in the countryside.

4.2.6 PPG 24 – Planning and Noise. This policy statement gives guidance on the use of planning powers to minimise the adverse impact of noise. It outlines considerations to be taken into account, introduces the concept of noise exposure categories and recommends appropriate levels for exposure to different sources of noise and advises on the use of conditions to minimise the impact of noise.

4.2.7 PPS 25 – Development and Flood Risk. This guidance explains how flood risk should be considered at all stages of the planning and development process in order to reduce future damage to property and loss of life. It sets out the importance the Government attaches to the management and reduction of flood risk in the land-use planning process, to acting on a precautionary basis and to taking account of climate change. The planning system should ensure that new development is safe and not exposed unnecessarily to flooding by considering flood risk on a catchment-wide basis. It should seek where possible to reduce and certainly not to increase flood risk. It should help ensure that flood plains are used for their natural purposes, continue to function effectively and are protected from inappropriate development. The guidance also outlines how flood risk issues should be addressed in regional planning guidance, development plans and in the consideration of planning applications.

4.2.8 Sustainable Communities: Building for the Future (February 2003) – sets out the Government's wider drive to raise the quality of life in our communities through increasing prosperity, reducing inequalities, more employment, better public services, better health and education, tackling crime and anti-social behaviour, and much more is set out in this document.

4.2.9 It sets out a long-term vision flowing from the Government's strong commitment to sustainable development. The way our communities develop, economically, socially and environmentally, must respect the needs of future generations as well as succeeding now. This is the key to lasting, rather than temporary, solutions; to creating communities that can stand on their own feet and adapt to the changing demands of modern life. Places where people want to live and will continue to want to live.

4.2.10 The Yorkshire and Humber Plan, Regional Spatial Strategy to 2026 was published in May 2008. It defines York as a main urban area which should, in accordance with policies YH4, YH5, YH7, Y1, E1 and H2 be the focus for economic and housing development in the sub-region. York is highlighted in the guidance as being of regional significance and development should be accommodated to build on the success of its economy in a sustainable way which respects its historic character.

4.2.11 Policy Y1 (York Area sub area policy). This policy lists 7 key areas for the development of York. The 7 key areas are: (1) Roles and functions of places; (2) Economy; (3) Environment; (4) Transport; (5) Strategic patterns of development; (6) Regionally significant investment priorities; and (7) Joined up working. Of particular relevance to this application are the following points:-

- (Economy) Diversify and grow York as key driver of the Leeds City region economy by encouraging the business and financial services sector, knowledge and science based industries, leisure and retail services and the evening economy and further developing its tourism sector;
- (Environment) Protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas;

- (Environment) Improve air-quality;
- (Environment) Protect and enhance the particular biodiversity, landscape character and environmental quality of the York sub-area;
- (Transport) Develop York as a key node for public transport services in the sub-area;
- (Transport) Implement stronger demand management in York and in relation to the strategic highway network;
- (Transport) Improve accessibility to and within York, particularly by improved facilities for walking and cycling, increased capacity and quality of public transport;
- (Strategic patterns of development) Focus most development on the sub-regional City of York, whilst safeguarding its historic character and environmental capacity;
- (Regionally significant investment priorities) Develop the sub area economy with major new development and initiatives including Science City York; and
- (joined up thinking) Promote partnership approaches to economic diversification, regeneration, housing distribution, development and flood risk management through the York sub area.

4.2.12 Policy E3 (Land and Premises for Economic Development) states that plans, strategies, investment decisions and programmes should make use of appropriately located previously developed land and current allocations, and ensure the availability of sufficient land and premises in sustainable locations to meet the needs of a modern economy and in particular take account of:

- The need for additional floorspace for office, retail and leisure uses and the considerable scope for this to be focussed on city and town centres;
- The ongoing restructuring and modernisation of the manufacturing sector and the guidance on land for industrial uses;
- The need for land and extended premises to support the development of public services, health, sport, leisure, tourism, cultural industries and education as key employment generators and the contribution of
- mixed use development to employment supply.

4.2.13 Other relevant policies include:

- YH4 Regional Cities and Sub-Regional Cities and Towns;
- YH5 Principal Towns;
- ENV9 Historic Environment;
- ENV10 Landscape;
- E1 Creating a Successful and Competitive Regional Economy;
- E2 Town Centres and Major Facilities;
- E3 Land and Premises for Economic Development;
- E5 Safeguarding Employment Land;
- T1 Personal Travel Reduction and Modal Shift;
- T2 Parking Policy; and
- T3 Public Transport.

## 4.2.14 Relevant Local Plan policies

- Policy SP6 'Location Strategy' of the City of York Local Plan Deposit Draft sets out a location strategy for developing brownfield land within the urban area of the city sequentially before urban extensions; surrounding settlements; selected public transport corridors; and lastly Greenfield sites.
- Policy GP1 (Design).
- Policy GP3 'Planning Against Crime' of the City of York Local Plan Deposit Draft requires that new development should, where deemed appropriate, to incorporate crime prevention measures to achieve: a) natural surveillance of public spaces and paths from existing or proposed development; and b) secure locations for any associated car and cycle parking; and c) satisfactory lighting; and d) provision of CCTV, where the proposal would include the consumption of alcohol or the congregation of large crowds or would contribute to a significant increase in traffic, pedestrian activity, or the parking of significant numbers of vehicles. Supporting text of this policy further states that the principle of reducing opportunities for crime by means of careful design of buildings and the spaces between them is widely acknowledged (e.g. PPG1) and is capable of being a material planning consideration. Circular 5/94 (Planning Out Crime) outlines that the type of environment created by development can be closely related to the causes of crime and violence. Attractive, well-managed and vibrant environments that are designed to take into account the security of residents and property can help to reduce the potential for crime. The variation and mix of different land uses in the same vicinity can also go some way to create environments that are lively and well used, especially in the evenings.
- Policy GP4a (Sustainability)
- Policy GP9 (Landscaping)
- Policy GP15a (Development and Flood Risk)
- Policy NE1 (Trees, Woodlands and Hedgerows)
- Policy T4 (Cycle Parking Standards)
- E3b (Existing and Proposed Employment Sites)
- ED10 (Student Housing)
- GP15a (Development and Flood Risk)
- HE2 (Development in Historic Locations)
- HE3 (Conservation Areas)
- The City of York Council's Strategic Flood Risk Assessment (SFRA), September 2007
- Interim Planning Statement: Sustainable Design and Construction (approved by Planning Committee on 22<sup>nd</sup> November 2007).

## 4.3 PRINCIPLE OF DEVELOPMENT

4.3.1 The application relates to an amendment to two previously approved applications for office accommodation on this site. The original planning permission 04/00885/FULM granted permission for 4 and 6 storey office accommodation including two penthouse apartments, planning permission for

which was granted on 10 February 2005. The second planning permission 06/01675/FULM, related to 3/4/5 storey office accommodation. Although this is a new application, the starting point for its consideration is the fact the original planning permission remains extant and could still be implemented. Thus only the proposed changes to the originally approved scheme can realistically be considered, rather than the proposal as a whole. However, any significant policy changes which have taken place since the original granting of planning permission can reasonably be taken into account when considering the proposed amendments. It is now proposed to erect a 5/6 storey building to accommodate students. There are changes to the footprint of the originally approved building, and changes to the design of the building, reflecting the proposed residential use of the building.

4.3.2 The floor plan of the extant planning permission office building (06/01675/FULM) measures 23.80 m x 16.30 m for the larger of the 'L' shape of the building and 8.60 m x 10.00 m for the smaller of the 'L' shape of the building. The proposed scheme measures 27.30 m at its longest section and 25.0 m at its shortest section of the largest section of the of the building x 8.20 x 7.50 m for the smaller of the 'L' shaped sections of the building.

4.3.3 The height of the extant planning permission office building (06/01675/FULM) measures 25.60 m at its highest section (5 storey section), 19.50 m at the 4 storey level and 19.50 m at the 3 storey section of the building. The proposed student accommodation building measures 25.60 m at its highest section (6 storey section), 20.00 m at the 4 storey level with accommodation in the roof and 19.00 m at the 4 storey section of the building adjacent the existing student accommodation (denoted as Block b of the site plan).

4.3.4 Regional Planning Guidance(RPG) is contained within the Yorkshire and Humber Plan, which was approved in May 2008. One of the fundamental objectives of this document is to diversify and grow York as a key driver of the Leeds City Region economy by encouraging the business and financial services sector, knowledge and science-based industries, leisure and retail services and the evening economy, and further developing its tourism sector. In particular, Policy E1 states that one of the principal keys to generating a competitive and successful regional economy which by supporting the potential of higher and further education institutions, hospitals and research institutions and other knowledge-intensive industries. Policy E2 states the centres of Regional Cities and Sub Regional Cities and Towns should be the focus for offices, retail, leisure, entertainment, arts, culture, tourism and more intensive sport and recreation across the region. The centres of Principal Towns, and District Centres within Regional and Sub Regional Cities and Towns, should be the focus for local services and facilities.

4.3.5 Policy E3 of the Regional Spatial Strategy for the Yorkshire and Humber 2008 (RSS) advises that plans/policies should direct development towards centres, by making use of appropriately located previously developed land and current locations. Sufficient land and premises in sustainable locations to meet the needs of a modern economy should be available. The amount of land required should take account of the projected growth, as set

out in the RSS, be informed by local employment land reviews, which should monitor and review employment sites and provide a range and choice of employment land, sites and premises. The RSS recognises that uses such as tourism can also generate employment.

4.3.6 Policy E5 advises that where considered necessary local policy should protect employment sites from falling into other uses when a review of employment land has been carried out and sites are deemed worthy of retention in employment use. This approach is required to provide local job opportunities and reduce people's need to travel to work.

4.3.7 The RSS sets out the potential annual job growth in the region from different land uses as of 2006. For York it advises that 480 jobs each year will be in B1 uses, i.e. offices/business whereas 450 jobs will be in retail and leisure.

4.3.8 Stage 1 of City of York Council's Employment Land Review (ELR) was released in 2007. Stage 1 reports the current situation and future economic prospects for York. The second part of the study will identify sites to meet the demand for employment land and may include a further land review. It is set to be completed by the end of 2008. The ELR advises there is demand for between 12,500 to 15,000 m<sup>2</sup> of (mainly high quality) office space per year. This could rise if high quality sites were available within the city centre. The review advises there is a shortage of high quality space in the city, and in 2007 most of the completed developments, or those under construction were occupied. Supply in relation to demand is described as limited, and depends mainly upon the refurbishment of existing buildings. This may change in future when sites such as Terry's (Bishopthorpe Road), Holgate Park and York Central are developed, although York Central will not be available in the short term. Demand for secondary office space is described as "patchy".

4.3.9 Draft Local Plan policy E3b states that any sites or premises either currently or previously in employment use, will be retained within their current use class. This policy lists 4 key criterion which should be addressed if a proposal is to be considered which would change the use from employment. Planning permission for other uses will only be given where there is a sufficient supply of employment land to meet both immediate and longer-term requirements over the plan period in both quantitative and qualitative terms. In addition either unacceptable environmental problems should exist, or the development of the site for other appropriate uses will lead to significant benefits to the local economy, or the use is ancillary to an employment use.

4.3.10 Policy ED5 recognises that adequate student housing will be needed to support amongst a number of educational facilities, York St. John. The policy states that where a dual use can be provided which would provide a community benefit this will be encouraged.

4.3.11 Policy ED10 addresses the issues of student housing for both the University of York and York St John's. The policy allocates two sites for student accommodation (one of which is the adjacent Former Bus Depot site). The policy lists a number of criteria which windfall student accommodation

must meet - it notes that such developments must be easily accessible to the relevant educational establishment and a range of local services and facilities must lie within 5 minutes walking distance of the site. Any proposal for student accommodation must be sympathetic to the amenity and character of the surrounding area.

4.3.12 To support the application King Sturge have compiled an assessment, on behalf of the applicants, of the office market in York. It concludes that considering vacant space at present and that which will emerge through proposed developments within the next 12 months, there is some 20,937 m<sup>2</sup> available in and around the city centre in offices of comparable size to the application site. They mention such sites as;

#### Currently available

- Heworth Green;
- Alliance House - Holgate Road;
- Holgate Villa – Holgate Road;
- The Edge – Fulford Road;
- Albion Wharf – Skeldergate,

#### Proposed refurbishments

- Ryedale building – Piccadilly;
- West Offices – Station Rise;
- Hudson House – Toft Green;

#### Future development sites

- Centrum – Blossom Street;
- The Chocolate works Former Terry's site;
- Quartz point – Stonebow;
- York Northwest; and
- Nestle - Wigginton Road

#### Out of town office accommodation

- Monks Cross – South;
- Monks Cross – North;
- York Eco Business Centre
- Link Road Court

4.3.13 Based upon the findings of the ELR, reports from the applicants and data from York England there is a lack of high quality office space presently available within the city centre (of a size comparable to that at the application site) as none of the city centre sites currently available offer such space. The status of the sites within the city centre are as follows -

Site	Space available (sq m)	Status
Hudson House*	up to 4,000	To be refurbished
Quartz Point	up to 1,054	Construction about to commence
Hungate	1,800	Yet to be built
York Northwest	(around) 970,000	Yet to be built
Albion Wharf		Occupied
West offices		Not high quality space
Ryedale building		Future uncertain due to Castle Piccadilly redevelopment.

4.3.14 York England advise much of Hudson House is mostly occupied, only around 500 m<sup>2</sup> is available. Within the city centre the sites that potentially could provide high quality office space are either yet to be built (Quartz Point) or require upgrading (Hudson House). It is uncertain when the other sites will be available. Of the current office supply in the wider urban area (i.e. edge of centre) there is Heworth Green (which is already part occupied as only 2 of the 6 units are available) and The Edge in Fulford that are completed and offer high quality office space.

4.3.15 The application site has planning permission to be redeveloped and potentially offers a significant amount of office space reasonably close to the city centre (considering accessibility, being in a desirable area - within city centre and Central Historic Core Conservation Area). Generally such a site is one which would preferably be retained for office/employment use, as the ELR identifies a strong requirement for, and limited availability of such land. To allow the proposed change of use would be contrary to the RSS which advises that employment land supply should be based upon on a local evidence base and policy E3b of the local plan which seeks to retain employment sites in that use when there are not adequate alternative sites, in terms of quality and quantity.

4.3.16 However, on balance, by providing student accommodation in an actively managed environment and in a central, sustainable location, the proposal could reduce the pressure on private housing in established residential areas (such as The Groves and South Bank), where significant numbers of dwellings have been purchased by landlords and rented to students, reducing the supply of first time buyer/family houses in these areas. Anecdotal evidence provides evidence that there is still a significant proportion of students housed within the City's private rented sector. Also the proposed scheme will almost certainly bring benefits to area in terms of additional business for the area and will hopefully, in conjunction with the other student accommodation, help to regenerate this area further. In addition it is envisaged that future permissions for such sites Terry's, Nestle and York Central will fulfil the employment requirement. It is also noted that due to current economic climate, the market for such developments has dropped significantly.

4.3.17 When the original application was considered, concern had been expressed by the Environmental Protection Unit in relation to the proximity of

the proposed apartments to the York and County Press offices to the west of the site, and the associated night time noise nuisance. However the applicants have accepted a condition requiring levels of sound insulation to be adequate.

#### 4.4 DESIGN ISSUES - IMPACT ON CHARACTER AND APPEARANCE OF CONSERVATION AREA

4.4.1 Policy GP1 is a general policy relating to design. This policy includes the expectation that development proposals will: respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, using materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area. The site is within a designated conservation area (Central Historic Core). When determining planning applications within conservation areas, the Council has a statutory duty to consider the desirability of preserving or enhancing the character or appearance of the area. Draft Local Plan Policy HE2 relates to development within historic locations and states that within or adjoining conservation areas, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. The policy also requires proposals to maintain or enhance existing urban spaces, views, landmarks, and other townscape elements, which contribute to the character or appearance of the area.

4.4.2 Policy HE10 of the Draft local Plan relates to sites within the York City Centre Area of Archaeological Importance and the need to ensure that archaeological remains are properly recorded, and that minimal disturbance takes place, when developments are carried out.

4.4.3 The overall size, scale, footprint, massing and design of the building and external areas has been accepted by virtue of the previous granting of planning permissions. The 2006 permission remains extant. Thus in relation to these matters, the applicant has an extremely strong "fallback" position in that the approved scheme could be implemented at any time.

4.4.4 In terms of the scale, massing, design and external appearance of the building, the location of the site within the Central Historic Core conservation area is an important consideration. However, the overall appearance of the proposed building is not significantly different from that which was previously approved, the principal variation being the slight increase in the plan form. The proposal also incorporates amendments to the originally proposed elevations reflecting the proposed change to residential student use. Other amendments include the 2 storey studio flat accommodation and the re-siting of the electricity substation.

4.4.5 The previously approved scheme included the removal of eight self-seeded trees (alder, sycamore and willow) from the waterside frontage of the site, with the new building directly abutting, and rising directly from, the waters

edge. The scheme did, however, incorporate new planting along the western boundary of the site, within the site itself, and also within a landscaped/seating area (17.0 m x 17.0 m approx) at the head of Wormalds Cut. The revised application goes further than this and as 41 car-park spaces are being removed further landscaping will be provided. As a consequence of the above, it is considered that the scheme is appropriate in terms of design and impact upon the central core conservation area.

#### 4.5 IMPACT UPON LOCAL RESIDENTS

4.5.1 The site is enclosed by a number of commercial uses, including the York and County Press headquarters. The former Pullman Bus Depot (which is also being developed for student housing) to the north and also 3 Percy's Lane which is also being developed for student accommodation, the car park of an electrical contractors (Herbert Todd & Son) to the east, and a motorcycle dealership (Infinity Motorcycles) to the south. There are no residential properties in the immediate vicinity of the site, the nearest properties being approximately 43 meters in Rowntree Wharf and 66 metres away in Navigation Road.

4.5.2 A common cause of concern with developments of this nature, especially bearing in mind the existing planning permissions granted adjacent for student accommodation, is that it would introduce a large number of students with different lifestyle patterns into an established residential area. The proposal would add a further 232 student rooms to the 231 (former Pullman site) and 39 at 3 Percy's Lane, that have already been approved on the adjacent sites, an increase close to double. In effect, all developments will operate as a single entity and would share the same management arrangements. Surrounding residents have been consulted on the application. One letter of support and eleven letters of objection have been received. It is not considered that the proposal would have an unduly harmful impact on adjacent occupiers, particularly bearing in mind that it would effectively form an integral part of the managed student accommodation that has previously been approved on the adjacent site.

4.5.3 It is also considered that the revised scheme will not have a significant additional impact on the occupiers of adjacent residential properties, particularly bearing in mind that the overall height of the building would be contained within the previously imposed height restriction. The section of the building that would be altered is approximately 43 metres away from the nearest residential properties in Rowntree Wharf (across Wormalds Cut) and approximately 66 metres from the nearest properties in Navigation Road. As a consequence the additional visual impact is likely to be minimal. Car parking spaces on the site been omitted, thus the number of vehicle movements associated with the site is likely to be minimal (except at the beginning and end of each semester). It is accepted that there may be an increase in the number of pedestrian/cycle movements to and from the site. However, this is only likely to improve the vitality of the area and increase levels of security and surveillance for the benefit of the whole population.

4.5.4 As a consequence it is considered that the proposed scheme is acceptable in terms of impact upon the local community. Whilst the author of this report has some empathy with residents requests for a wait and see approach to the development of this site, it is not considered that such an approach would be robust should the applicants appeal such a decision or legal. The applicants have gone to great lengths to provide a strategy for the site, which should have a minimal impact upon existing residents.

## 4.6 SUSTAINABILITY

4.6.1 RSS Policy ENV5 (Energy) seeks new development to include on-site renewable energy as part of the building/sites overall energy use/consumption. Policy GP4a (Sustainability) requires a sustainability statement to be submitted with applications of this nature. The Council's Interim Planning Statement (Sustainable Design and Construction) requires developments to provide 10% of their energy through the use of renewable energy.

4.6.2 Condition 27 of this planning application requires a statement on sustainability, which should conform to the sustainability principles contained within the submitted sustainability statement. The applicants or future applicants should demonstrate how the principles and policies within the sustainability statement can be achieved.

4.6.3 The report submitted covers most of the essential sustainability considerations required for a sustainability statement. Such required considerations are outlined in the Council's Interim Planning Statement: Sustainable Design and Construction (approved by Planning Committee on 22<sup>nd</sup> November 2007). In particular the report demonstrates a commitment to the following:

- Energy efficient design – with a strategy to reduce demand and generate energy where possible from sustainable sources;
- Achieving BREEAM very good/targeting excellent for all buildings/Eco-homes standard for residential housing;
- Achieving where possible reductions in CO2 emissions and reduced energy consumption for occupants above Parts L1 and L2 of Building Regulations 2006;
- Use of renewable energy, and in particular, the proposed use of solar collectors and geothermal systems (linked in with possible biomass boilers to supply additional energy requirements) which will link all major buildings and allow efficient transfer of thermal energy;
- Use and involvement of the local community as a labour force and wherever possible for locally sourced of materials;
- Use of renewable or recycled sources;
- Minimising pollution;
- Targeting excellent in BREEAM standards;
- Heat pump based system for heating and cooling and reuse of heat in other buildings by the geothermal system;
- Use of solar shading considerations in the design; and
- Use of rainwater harvesting

4.6.4 The Council's Sustainability officer noted that the assessment could provide greater detail regarding the total amount of energy to be generated onsite from renewable sources and could also provide additional details on the use of green roofs, sustainable transport considerations and site waste management plans. It is therefore proposed to impose the Council's BREEAM condition and a further condition to ensure that 10% of the total energy generation of the site is provided by renewable energy.

4.6.5 However with the imposition of appropriate conditions, it is considered that this scheme meets the requirements of policy GP4a, the Council's IPG regarding Sustainable Design and Construction and policy ENV5 of the Yorkshire and the Humber Regional Spatial Strategy.

#### 4.7 HIGHWAY AND PARKING ISSUES

4.7.1 Policy T4 requires all new developments to provide cycle parking in accordance with standards set out in Appendix "E" of the Draft Local Plan. The majority of highway and traffic issues relating to the development of the site were considered as part of the previous applications. In terms of parking, Planning Policy Guidance Note 13 "Transport" (PPG13) states that minimum parking standards should not be imposed, and that developers should not be required to provide more spaces than they themselves wish other than in exceptional circumstances. PPG13 also promotes the widespread use of travel plans in order to secure reductions in car usage and to increase public transport use, in addition to walking and cycling. The proposed development does not provide any car-parking for this particular scheme. 3 disabled car-parking spaces are provided as part of the existing student accommodation. Although this figure falls below the theoretical maximum, the site is considered to be in a highly sustainable location with good access to public transport services. Bus stop facilities are available within 300 metres on Walmgate, which are served by a number of high frequency services. Alternatively, the city centre is within walking distance with wide access to a number of bus services and York St. John's is within 15 minutes walk.

4.7.2 The development would provide a largely car free environment, with only a small number of parking spaces being provided on site for disabled people and for operational needs. The proposal would result in a loss of 41 car parking spaces, which is considered to be a positive benefit in terms of reducing the number of private vehicles entering the centre of York. This is in accordance with Policy T16 of the Draft Local Plan which states that the Council will seek to reduce the level of private commuter parking spaces in or adjacent to York City Centre through negotiation with site owners as redevelopment proposals come forward. This is clearly a positive factor in assessing the sustainability of the proposed development.

4.7.3 The development provides covered and secure cycle parking to a high standard for students and any visitors. A traffic management plan and transport statement have been submitted with this application and would form the basis of a comprehensive traffic management plan. It is proposed, that should this application be approved these matters can be secured by

condition. The transport statement and traffic management plan have been assessed and officers are confident that it can be enforced and will work to actively reduce car travel to and from the site. The site would be served by an existing access from Navigation Road, which offers adequate visibility and is of a suitable design to serve the proposed development.

#### 4.8 FLOOD RISK

4.8.1 Policy GP15a provides guidance on development and flood risk. The site lies within Flood Zone 3a(ii). The City of York Council's Strategic Flood Risk Assessment (SFRA) states that in this zone, student halls of residence are classified as being a 'More Vulnerable Use' and consequently a Sequential Test will be required to prove there is no other appropriate site in Flood Zone 1, 2 or 3a(i). The developers have provided a Sequential Test as part of the application. This looked at an appropriate area of search of a 13 minute walk time from St John University. The sites that were assessed as part of the Sequential Test for this application included:

- Gillygate Car Park
- Museum Gardens
- City Hospital
- The Grove Working Men's Club, The Grove
- Land between Whitecross Road and Ashville Street (The Co-op Site)

4.8.2 The availability and appropriateness of these sites are questionable, the Sequential Test must be robust in terms of the sites that are being assessed. There maybe more city centre sites in lower flood risk zones which could be assessed such as the housing sites stipulated within the Draft Local Plan 4<sup>th</sup> Set of Changes document.

4.8.3 PPS 25 states that the overall aim of decision-makers should be to steer new development to Flood Zone 1. Where there are no reasonably available sites in Flood Zone 1, decision-makers identifying applications for development at any particular location should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2, applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should decision-makers consider the suitability of sites in Flood Zone 3, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required.

4.8.4 The application is accompanied by a comprehensive Flood Risk Assessment due to the location of the site within an area at high risk of flooding. The Environment Agency are satisfied that the development can be protected from flooding by ensuring that floor levels are set at least 600mm above the highest known flood level of 9.98 metres above Ordnance Datum (AOD). Accordingly, the proposed floor slab for the development is set at an elevation of 10.58 metres AOD. The finished floor level of the development can be controlled through the imposition of an appropriate condition.

#### 4.9 AFFORDABLE HOUSING/OCCUPANCY

4.9.1 The proposal would consist of 8 "studio" rooms and 46 student flats containing 223 'standard' en-suite study bedrooms, the latter being arranged in groups of five rooms with shared facilities. Thus four or five students would live together as a single household in each "flat". There are 46 "flats" (or groups of rooms) in the development, bringing the total number of units to 54. The accommodation proposed is capable of being occupied by single households, both in terms of the individual studios which are fully self contained, and the "flats" which each have their own entrance and facilities designed to be shared by four or five people. This could enable the development to be used in the future for open market housing without planning control. The number of units proposed would normally require a proportion of affordable housing (nominally 50%) to be provided as part of the development.

4.9.2 However, as the proposed accommodation is specifically designed for occupation by students, and provided the occupancy is controlled by condition, it is not considered that there is a requirement for affordable housing on this site. Such a condition would secure the occupation of all of the accommodation in perpetuity by full time students enrolled in further or higher education within the City of York. An occupancy condition would also ensure that a fresh application would be required in order for the accommodation to be let or sold on an open market basis, at which time the issue of an affordable housing contribution could be fully addressed. An identical condition was attached to the planning permission for the development of the adjacent site in order to achieve similar objectives.

#### 4.10 OTHER ISSUES

4.10.1 The site is within the City Centre Area of Archaeological Importance, and the Council's Archaeologist has recommended that an archaeological watching brief condition be imposed on any planning permission that may be granted. A contaminated land report submitted with the previous application indicated that there could be localised areas of contamination as a result of previous use(s) of the site, and appropriate conditions were imposed in order to address this issue. Although I understand that some preliminary work in this respect has been carried out, involving the removal of old fuel tanks, none of the conditions have been formally discharged and thus it will be necessary for them to be re-imposed in the event that planning permission is granted. The issue of flooding was fully considered in relation to the previous application and was addressed through the imposition of a minimum floor level condition. Again, this could be re-imposed, and it is not considered necessary to re-consider this matter bearing in mind the extant nature of the original planning permission.

4.10.2 The Council's Countryside Officer has pointed out that there are opportunities to incorporate bat roosting sites within the fabric of the building at very limited cost and without any future conflict with future occupants. This can be achieved through the inclusion of an appropriate condition on any planning permission that may be granted.

4.10.3 Policy GP6 relates to planning applications for development on, or adjacent to, land which may have been contaminated by previous uses, and the need to address any issues that arise by means of an assessment of potential impacts and/or the imposition of planning conditions. The applicants have submitted adequate technical data/mitigation measures to address this issue.

4.10.4 The Police Architectural Liaison Officer has verbally stated that the scheme would provide a safe and secure environment and has no comments to make on the application in relation to "Designing Out Crime".

4.10.5 An open space contribution is required for this site. A contribution towards sport facilities may also be required. Further details of the exact figure/s required will be updated at Committee.

## 5.0 CONCLUSION

5.0.1 The site occupies a sustainable location with good access to public transport and is within easy walking distance of a wide range of facilities within the city centre. The scheme seeks to achieve an integrated design response respectful of surrounding sites and conditions, and could act as a catalyst for further regeneration of the area. In comparison to the condition of the site at present, it is considered that the development overall would have a beneficial impact on the character and appearance of the conservation area. The response of English Heritage towards the scheme is generally positive.

5.0.2 Provided the occupancy of the development is controlled by condition, it is not considered that there is a requirement for affordable housing on this site. An occupancy condition would ensure that a fresh application would be required in order for the accommodation to be let or sold on an open market basis, at which time the issue of an affordable housing contribution could be fully addressed. It is considered that the proposal is respectful of the amenity of existing adjacent properties bearing in mind its urban location, and that it would not result in unacceptable impacts in terms of overlooking, overshadowing or loss of light. In terms of the nature of the occupation of the development, advice in Planning Policy Guidance Note 3: "Housing" states that the Government believes that it is important to help create mixed and inclusive communities which offer a choice of housing and lifestyle. It does not accept that different types of housing and tenures make bad neighbours.

5.0.3 The Environmental Protection Unit are satisfied that acceptable living conditions can be provided for the occupants through the provision of mechanical ventilation, a solution that has been adopted on other residential schemes elsewhere within the city centre as a means of overcoming environmental problems associated with noise and air pollution. The development would provide a largely car free environment, with only a small number of parking spaces being provided on site for disabled people and for operational needs. The proposal would result in a loss of 41 car parking spaces from within the existing building, which is regarded as a positive benefit in terms of reducing the number of private vehicles entering the centre of York.

5.0.4 The Environment Agency are satisfied that the development can be protected from flooding by ensuring that floor levels are set at least 600mm above the highest known flood level. No objections are raised to the proposal by the Council's Archaeologist or Countryside Officer, or by the Police Architectural Liaison Officer. It is considered that the proposal is acceptable subject to the imposition of appropriate planning conditions.

5.0.5 The principal concern with this scheme is the loss of employment land and in particular office accommodation. However due to the existing student accommodation which is adjacent the site and the existing and proposed office accommodation which will most likely be provided within the near future, it is not considered that this scheme will have a detrimental impact upon the city's future employment needs.

5.0.6 It is also considered that the design changes required to achieve this, which are relatively minor, would not detract from the character or appearance of the conservation area. Car parking provision has been deleted from the scheme and it is not considered that the amenity or living conditions of local residents would be significantly affected by the proposed amendments to the original proposal.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve

1 TIME2

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

- D-401- B Block 1 Front Elevation - received 11.07.08
- D-402- B Block 1 Rear Elevation - received 11.07.08
- D-403- B Block 1 Side R Elevation - received 11.07.08
- D-404- B Block 1 Side R Elevation - received 11.07.08
- D-405- B Block 1 Side L Elevation - received 11.07.08
- D-406- B Block 2 Elevations - received 11.07.08
- D-407 Site Section - received 11.07.08
- D-409- A Block 1 Colour Elevations - received 11.07.08
- D-410 Block 1 Colour Elevations - received 11.07.08
- D-411- A Block 2 Colour Elevations - received 11.07.08
- D-412 - Sub Station Elevations - received 11.07.08
- D-601- A Aerial Perspective 1 - received 11.07.08
- D-602- A Aerial Perspective 2 - received 11.07.08
- D-603-A Sketch Perspectives 1 - received 11.07.08
- D-604- A Sketch Perspectives 2 - received 11.07.08
- D-605 Artists Impression - received 11.07.08
- D-1201- D Ground Floor Plan - received 11.07.08
- D-1202- D First Floor Plan - received 11.07.08
- D-1203- D Second Floor Plan - received 11.07.08
- D-1204- D Third Floor Plan - received 11.07.08

D-1205- D Fourth Floor Plan - received 11.07.08  
D-1206- D Fifth Floor Plan - received 11.07.08  
D-1207- C Sixth Floor Plan - received 11.07.08  
D-1208- C Roof Plan - received 11.07.08  
D- 250-001 Landscape Masterplan - received 11.07.08  
D-408- A Comparison of Proposed and Approved Buildings – received  
11.07.08  
D-2201- B Block 2 GA Floor Plans - received 11.07.08  
1071-017-001 Rev C - Proposed Site Plan - received 10.04.08  
1071-017-200 Rev D - North and South Elevations - received 10.04.08

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 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 development shall be carried out using the approved materials.

Reason: The area below each buildings eaves level and the area at the top of the articulated dormers are not specified. It is important these materials are controlled so as to protect the character and appearance of the Central Conservation Area and nearby listed buildings.

Informative: 'honey-coloured' bricks not agreed at this stage as the site needs to mediate between the earlier industrial red-brown bricks and the newer housing

4 Sample panels of the brickwork and render panels to be used as part of this development shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork/ stonework and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. These panels shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

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

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 the development and the works shall be carried out in strict accordance with the approved details:-

(a) Boundary walls, gates and railings;

- (b) Sections at 1:20 and 1:5 through the external walls at key places to include eaves and gable details of both buildings;
- (c) Entrance canopies, columns and exposed soffits;
- (d) Windows and external doors;
- (e) Ramps and steps including plinth walls and balustrades; and
- (f) New sub-station;
- (g) Cycle shelters; and
- (h) The roof vents and other external apparatus.

Full details should be provided of external lighting.

Reason: In the interests of visual amenity and to protect the amenities of occupants of adjoining properties.

Informative: The main entrance to the main block should have high levels of lighting under the canopy. Elsewhere light pollution should be restricted to a minimum.

6 LAND1

7 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 25.60m at the highest section and 19.50m at its lowest section, 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.

8 Prior to the commencement of development, details of any associated soil and vent stacks, heating and air conditioning plant etc, with details of any external ducting, shall be submitted to, and approved in writing by, the Local Planning Authority (LPA) before. Development shall then be carried out in strict accordance with the written approved details from the LPA.

Reason: In the interests of visual amenity and to protect the amenities of occupants of adjoining properties.

9 The development shall proceed in accordance with the approved Flood Risk Assessment incorporating the accepted mitigation measures into the construction of the development. Finished floor levels of all habitable accommodation should be set no lower than 10.58m AOD. Flood water should be able to enter the undercroft car parking area unrestricted.

Reason: To minimise the impacts of flooding.

10 Flood warning notices shall be erected in numbers, positions and with wording all to be agreed with the Local Planning Authority. The notices shall be kept legible and clear of obstruction. The notices should outline the Evacuation Plan for occupants.

Reason: To ensure that owners and occupiers of premises are aware that the land is at risk of flooding and know what to do in the event of a flood.

11 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

Informative: From 1st march 2002, the Environment Agency should be informed of any instance where the following is proposed:- more than 3500 litres of oil stored at any single private dwelling - more than 200 litres of oil at an industrial, commercial or institutional site. The above activities are regulated by the Council of Pollution (Oil Storage) (England) Regulations 2001. These guidelines are intended to help reduce pollution caused by inadequate storage of oil in fixed tank installation. For further information, please refer to the Agency web page:[www.environment-agency.gov.uk/business](http://www.environment-agency.gov.uk/business).

12 Prior to the commencement of any works on site, a settlement facility for the removal of suspended solids from surface water run-off during construction works shall be provided in accordance with details previously submitted to and approved in writing by the LPA. The approved scheme shall be retained throughout the construction period.

Reason: To prevent pollution of the water environment.

13 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment.

Informative: Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

There should be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via

soakaways. To prevent pollution of the water environment see Agency website link for guidance: [http://www.environment-agency.gov.uk/business/444251/444731/ppg/\\_version\\_1\\_lang\\_\\_e](http://www.environment-agency.gov.uk/business/444251/444731/ppg/_version_1_lang__e)

14 Prior to the commencement of development approved by the planning permission (or such other date or stage in development as may be agreed in writing with the LPA), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

(a) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risk arising from contamination at the site.

(b) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(c) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect controlled waters.

Informative: The site has a relatively high sensitivity in relation to controlled waters as part of the proposed development is underlain by sand and gravel drift and it is in close proximity to Wormald Cut. We would require to see the preliminary risk assessment and site investigation (including additional hydrocarbon analysis) before we would consider discharging any part of this condition.

15 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express consent of the LPA, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect controlled waters.

16 If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise

agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA for an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To protect controlled waters.

17 HWAY18

18 HWAY31

19 HWAY36

20 HWAY40

21 Prior to the occupation of any part of the development, the developer shall agree with the Local Planning Authority in writing a traffic management plan which shall, amongst other things, make appropriate provision for the waiting, loading, unloading and routing of all vehicles visiting the site, particularly at the commencement and conclusion of each academic term.

Reason; In the interests of the safe and free flow of traffic.

22 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of construction works shall be submitted to and approved in writing by the LPA. The statement should include at least the following information.

Reason - In the interests of highway safety and amenity of local residents

23 Prior to the occupation of any part of the development, the applicant shall submit and agree in writing with the Local Planning Authority a Travel Plan in respect of the travel arrangements of occupants of the development and their visitors.

Reason: To ensure the development complies with Central Government advice contained in PPG13 (Transport) and in Policy T13a of the City of York Council Draft Local Plan which seeks to promote sustainable modes of transport and restrict reliance on the private car.

24 The building envelope shall be constructed so as to achieve internal noise levels of 30 dB LAeq 1 hour and 45 dB LAMAX between the hours of 23:00 and 07:00 in bedrooms and 35 dB LAeq 1 hour between 07:00 and 23:00 in all other habitable rooms. These noise levels are with windows shut and other means of acoustic ventilation provided. The detailed scheme shall be approved in writing by the local planning authority and fully implemented before the use hereby approved is occupied.

Reason: To protect the amenity of occupiers of the development from noise.

25 Arch2

26 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 local area.

27 The developer shall submit in writing and be approved by the local planning authority a formal BREEAM assessment for the Design and Procurement stages for all appropriate buildings in the whole Chocolate Works development. All assessments shall be followed by a BREEAM Post Construction review to be submitted after construction at a time to be agreed in writing by the local planning authority. Both assessments shall confirm the minimum 'Very Good' rating anticipated in the preliminary BREEAM assessment submitted with the application.

Reason: To ensure that the proposal complies with the principles of sustainable development.

28 Prior to commencement of any building in the whole development, full details of a renewable energy strategy shall be submitted to and approved in writing by the local planning authority. The strategy shall include (i) the site's proposed renewable energy generation, which shall be at least 10% of total energy generation (ii) measures to reduce energy demand for the buildings (iii) measures to reduce CO2 emissions to a level lower than required under Building Regulations Part L.

Reason: To ensure that the proposal complies with the principles of sustainable development and the council's adopted Interim Planning Statement on Sustainable Design and Construction.

29 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following the completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the Local Planning Authority.

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

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

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

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

## **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:

Principle of the development;  
Design issues - impact on character and appearance of conservation area;  
Impact on local residents;  
Sustainability;  
Highway and parking issues  
Flood Risk;  
Affordable housing/occupancy; and  
Other issues.

As such the proposal complies with relevant policies indicated in section 4.2 of this report concerning the Yorkshire and the Humber Regional Spatial Strategy 2008, National Planning Guidance and Statements and Local Plan Policies GP1, GP4a, GP6 GP9, GP15a, NE1, E3b, ED5, ED10, HE2, HE3, HE10, T16 and T4 of the City of York Local Plan Deposit Draft and the Council's Interim Planning Statement – Sustainable Design and Construction (2007) and the City of York's Strategic Flood Risk Assessment (2007).

### 2. Demolition and Construction - Informative

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a scheme remediation to the satisfaction of the Local Planning Authority. Should City of

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

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, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(ii) 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".

(iii) 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.

(iv) 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.

(v) 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.

(vi) There shall be no bonfires on the site

3. Informative: The Environment Agency recommends that developers should:

(a) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.

(b) Refer to the EA Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.

(c) Refer to our website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information.

Informative: Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- (i) Duty of Care Regulations 1991
- (ii) Hazardous Waste (England and Wales) Regulations 2005
- (iii) Waste Management Licensing Regulations 1994 (as amended)
- (iv) Pollution Prevention and Control Regulations (England and Wales) 2000
- (v) Landfill (England and Wales) Regulations 2002

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed off site operations is clear. If in doubt, the EA should be contacted for advice at an early stage to avoid any delays.

#### 4. 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 - Heather Hunter or Anne-Marie Howarth (01904) 551418

#### **Contact details:**

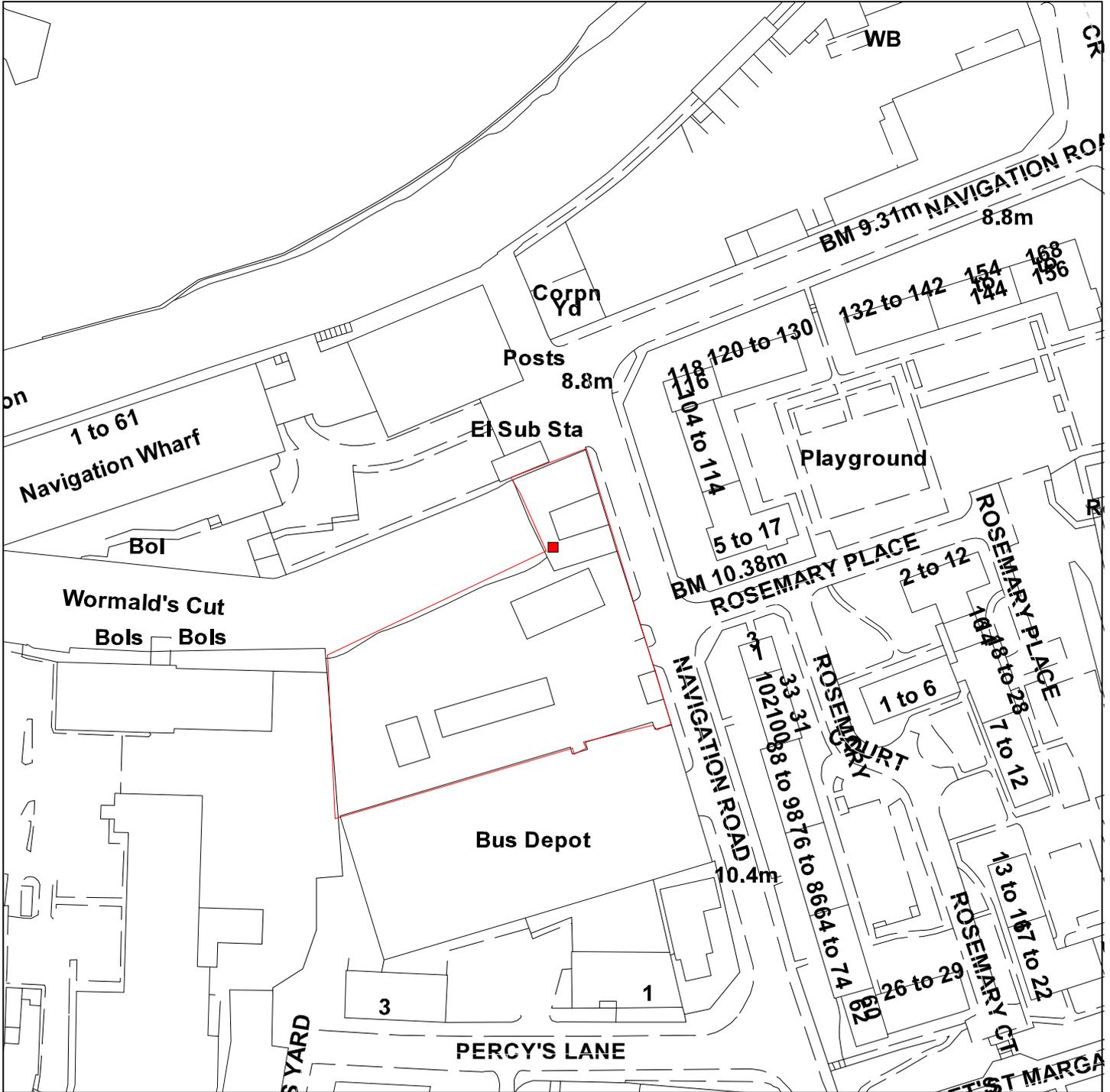
**Author:** Richard Beal Development Control Officer  
**Tel No:** 01904 551610

# 08/01780/FULM

Grays Newsagent Ltd, Navigation Road



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Application Site
<b>Date</b>	22 September 2008
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Committee:** Planning Committee      **Ward:** Heslington  
**Date:** 2 October 2008      **Parish:** Heslington Parish Council

**Reference:** 08/01751/REMM  
**Application at:** Proposed University Campus Lying Between Field Lane  
Common Lane A64 Trunk Road And Hull Road York  
**For:** Reserved matters application for erection of Theatre, Film and  
Television building following previous approval of outline  
application 04/01700/OUT  
**By:** University Of York  
**Application Type:** Major Reserved Matters Application (13w)  
**Target Date:** 7 October 2008

**1.0 PROPOSAL**

1.1 This is a reserved matters application for the erection of a building to house the University's newly formed Theatre, Film and Television Department. The site of this facility amounts to 1.26ha and it is to be located in the south western corner of cluster one.

1.2 The application proposes to erect a building with a footprint of approximately 42m x 67m to a height of approximately 14m. Being situated in the south western corner of cluster one, the building will share a western boundary with the western vista and to the east with future applications for the computer science and Law and Management Buildings. The building will be faced with many different materials, copper; cedar cladding, coloured cement panels and metal sheeting. Service access is via the northern access road (to Field Lane) and provision for the turning of service vehicles to the western side of the building is shown. Two disabled spaces are included within the application plans, together with cycling parking for up to 98 cycles. These spaces are sheltered to some extent by the over sailing screening room. A further area for cycle parking is shown for staff use to the west of the proposed building.

1.3 Set on 3 levels, the 6114sqm of floor space will allow the building to house three principle areas performance, public and viewing. Stage 1 with 204 seats, Black Box 1 with 120 seats and a screening room with 144 seats. Also within the building are a large and small TV studio, rehearsal room, administrative rooms, knowledge transfer room, technician's workshop, set storage area and workshop.

1.4 Ancillary buildings on the layout plan include a chiller unit, staff cycle storage facility and sub station. No details of the design of these buildings have been submitted, but the applicant has asked that if this application be approved, the details of these building be determined by way of a condition.

1.5 Since originally submitted the extent of the red line defining the application site has now been amended. As originally submitted, the application sought consideration of landscaping details to the west of the proposed building. However,

in order to provide one consistent landscape plan, this area of the site has now been withdrawn from consideration at this time.

#### Planning History

1.6 Planning Permission 04/1700/OUT was granted by the Secretary of State for Communities and Local Government in May 2007 for the development of a University Campus. Condition 1 of that permission was amended by way of an application under Section 73 to allow a variation to approved slab levels. Both of these permissions are subject to a Section 106 agreement.

1.7 Reserved Matters Approval 08/00032/REMM allowed the erection of a 600 bed college including access, disabled parking, cycle parking and landscaping following the application for the development of a university campus and represented the first approval of reserved matters for what is known as Cluster one of the overall development.

1.8 The second reserved matters application 08/01136/REMM related to the landscaping to western part of the site and this has also been approved. In terms of the outline permission, all of the pre development conditions have been discharged where this relates to the development of Cluster one. This includes the Master Plan.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

Conservation Area Heslington 0029

Contaminated Land

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Floodzone 3 Flood Zone 3

Listed Buildings Grade 2; Heslington Anglican And Methodist Church Field Lane

Listed Buildings Grade 2; Railings, Gates, And Piers 30m N Heslington Hall

Listed Buildings Grade 2; 5 Main Street Heslington

Schools Lord Deramore's Primary 0208

### 2.2 Policies:

CYGP1  
Design

CYGP4A  
Sustainability

CYGP9  
Landscaping

CGP15A  
Development and Flood Risk

CYNE7  
Habitat protection and creation

CYED9  
University of York New Campus

CYT4  
Cycle parking standards

CYED9  
University of York New Campus

### **3.0 CONSULTATIONS**

#### 3.1. Internal

3.2. Environmental Health A number of planning conditions relating to environmental protection issues were implemented at outline permission and included the following conditions :-

Condition 14 - The CEMP submitted to and agreed as part of planning application 08/00032/REMM shall be adhered to at all times during this development. Noise levels during the development must not exceed the levels specified within condition 21 of the outline planning permission. Condition 22 of the outline permission relates to the use of any machinery plant or equipment to be installed which will be audible outside of the site boundary have been submitted. These details must be provided as soon as they are known so that any mitigation measures, if any, can be agreed. If piling is to be used condition 30 of the outline needs to be satisfied. Conditions 31 & 35 - With regard to land contamination issues, conditions 31 and 35 from the original outline application (04/01700/OUT) remain relevant and will continue to do so throughout the whole university site development, however long this may take. The environmental protection unit would, therefore, expect these conditions to be complied with and information submitted periodically to comply with the requirements imposed.

#### 3.3. Sustainability Officer

This is on the whole a good Sustainability Statement. In particular I welcome the University commitment to achieving BREEAM very good with a target of achieving excellent for the scheme. I also welcome the proposed reduction of 10% on CO2 emissions for the building below current Building Regulations Part L. However, there is no firm commitment to renewable energy generation for this building, nor how such renewable energy generation may feed into the Universities commitment to achieve 10% on site renewable energy generation for the whole of Heslington East campus.

This statement is very sufficient in ensuring energy demand and CO2 emissions are low for the building, however, I would like to see the Universities commitment to achieve 10% on site renewable energy generation for the whole of the Heslington East campus reiterated here, and with some proposals for this particular building. Ideally by now they should have a firm energy strategy for the campus, incorporating 10% renewable energy generation for the whole campus. They should be telling us exactly how this buildings will embed such a strategy (i.e. detailing small scale renewable technologies into the building or outlining a campus wide approach involving large scale renewable energy technology's i.e. wind turbine).

In Appendix 10 I would like to see the University's commitment to achieve 10% on site renewable energy generation for the whole of the Heslington East campus reiterated here, and with some specific proposals to generate 10% of the buildings energy demand from renewable energy (or if more appropriate, and depending on the University forthcoming energy strategy, a campus wide, large scale renewable energy source i.e. a wind turbine that will generate 10% or more of the new campus's total energy demand).

It is disappointing to see no grey water systems, mention of sourcing materials locally or specific materials with a high rating in the Green Guide. The use of Sustainable Drainage Schemes is welcomed.

No comments relating to sustainable construction and mitigating the impact such construction can have on the local community and the environment (nor of a Site Waste Management Plan that would summarise most of this information).

3.4. Highways- The Highways comments will form part of an update at the Committee.

3.5. Urban Design, Conservation and Sustainable Development Urban design observations.

The height restrictions previously imposed appear to be respected

The architectural forms reflect the many changes in the nature of further education described as well as in architectural fashion. Whereas the original campus was a fine example of its time and has matured well, this new campus has - appropriately - a quite different and more diverse architectural approach. As the Architects state, it has sought to create "clusterscape" by disposing several easily recognisable and in some cases iconic buildings in a way which leads the pedestrian around the spaces.

The materials proposed are interesting and certainly in the case of copper and timber, will mature over the first 5-10 years to give a warmth which will blend well with the maturing landscape. My only thought is that the buildings in Cluster One seem to use a very wide range - almost the whole palette of materials - whereas the Master Plan (H. Building character) refers to different clusters using a 'consistency of materials within building clusters'.

So much of the quality of such a large scheme will be appreciated as users come close to the buildings that the detailing will be of the greatest importance:

The design and access statement mentions a bin store near the service area to the TFTV building and this would need to be large enough to avoid any overflow. Groups of skips of various kinds would not be appropriate in the public areas - which effectively surround the building.

One of the consequences of the previously agreed height limits is that buildings designed within those limits will tend to have roof lines which maximise volume without exceeding the limits, tending to rule out vertical features which may have introduced interest. However, this is a given and as such any further discussion is not fruitful

It seems there is a lack of three dimensional information to help with an assessment of these proposals - that is not to criticise the drawings, but it is difficult to get a feel for the way these architecturally interesting buildings work together to form a cluster which does all the things required of it

External

3.6. Environment Agency - Confirm that Ouse and Internal Drainage Board should be consulted and offer no further comment.

3.7. Yorkshire Water - It is noted that this submitted details relate to part of the overall site and is more an overview. The Arup report appears to be satisfactory from a Yorkshire Water viewpoint and Yorkshire Water have no objection in principle to the separate systems of drainage on and off site.

3.8. Hull Road Planning Committee - Express concern about having to make decisions on such large applications. Feel strongly that due to the size and magnitude of the proposal, an officer of the team dealing with the applications should be available at their meetings.

3.9 Ouse and Derwent Drainage Board - The development forms part of the new University complex and surface water discharges will be directly into Board maintained water courses. The design of the retention lakes are still on going. The Board has concerns about the on going design of the lakes and feel this should have been completed prior to the commencement of work. In view of this recommend condition advising details of surface water drainage be agreed prior to commencement and the details submitted should include transitional arrangements while construction takes place.

3.10 Heslington Village Trust - No response received

3.11 Provost Vanburg College - No response received

3.12 Students Union - No response received

3.13 Badger Hill Residents Association - No response received

3.14 Smith and Nephew - No response received

3.15 Heslington Church - No response received

3.16 NYCC - No response received

3.17 Lord Deramores Primary - No response received

3.18 York Science Park - No response received

3.19 York and North Yorkshire Chamber of Commerce - No response received

3.20 York Natural Environment Panel

The landscaping brief should have been translated into the application with the inclusion of more detail. The current landscaping details are inadequate with regards, for example, the composition of tree planting, swale areas and orchard.

The tree planting negates the concept of vistas as viewed from the existing houses at the top of the site - as the trees grow a green canopy screen would be formed. Advocate a path through the vista area.

The emerging information would seem to indicate the lake is not feasible in terms of retaining a viable water level - other design features such as grey water harvesting will reduce run-off into the lake.

This is the first of many applications so it would be helpful to have a presentation by the landscape architects, for example at October's meeting when a more solid idea of the western and central vistas is formed.

Representations

1 letter of objection making the following points:

1/ Will the 150 car parking spaces be made available when this building comes into use

2/ Will the University Transit System (UTS) be functional before this building is brought into use? Feel this should be required. Likewise for cycle and pedestrian routes.

3/ Express concern that the large 4ft bus will travel along Field Lane at 10min intervals. No mention of this frequency made at the Inquiry as movement between campuses depicted as being via UTS with entrance to Field Lane being for delivery lorries and a few private cars

4/ As with Goodricke College the opportunity to incorporate solar technology has been passed by and this will be too expensive to install post construction. Hopefully the street lighting will incorporate solar to supplement the use of electricity

## **4.0 APPRAISAL**

### 4.0 APPRAISAL

#### 4.1 Key Issues

Principle of the Use

Scale and Appearance

Landscape

Transport Issues  
Sustainability  
Drainage  
Construction Impact

4.2. Relevant Local Plan Policies

4.3. The Draft Local Plan including the 4th set of changes was approved in April 2005. Policy GP 1 relates to Design and sets out 12 criteria which should be considered when examining proposals for new build. It expects development policies to, amongst other things, be of a scale and mass appropriate to the surroundings, retain or enhance public views, ensure residents living near by will not be unduly affected and also that proposals accord with Policy GP4a and accord with sustainable design principles.

4.4 Policy GP4a concerns itself with the issue of sustainability and states that all proposals should have regard to 9 criteria summarised in the policy. This has been supplemented by an Interim Planning Statement on Sustainability which was approved for Development Control purposes in November 2007.

4.5. Policy GP9 advises development proposals will be required to incorporate a suitable landscaping scheme and that these should be planned as an integral part of the proposals, include an appropriate range of indigenous species, reflect the character of the locality, form a long term edge to developments which adjoin open countryside.

4.6 Policy GP15A relates to Development and Flood Risk. Criteria are included within this policy which advise that the use of sustainable drainage systems are to be encouraged in order to reduce surface water run off and that discharges should not exceed the capacity of existing and proposed receiving sewers and water courses and long term run off should always be less than the level of pre development rainfall run off.

4.7 Policy NE7 confirms that within new developments, measures to encourage the establishment of new habitats should be encouraged as part of the overall scheme.

4.8 Policy ED9 specifically relates to the University of York New Campus. It confirms the range of uses acceptable on the site and seeks a scale of development which is high quality to provide a mixed education and research environment. Further criteria relate to buildings being an appropriate height and need for a comprehensive landscaping scheme.

4.9 Cycle parking standards are covered in Policy T4. Here the Local Plan policy seeks an appropriate provision of cycle parking in accordance with standards set out in Appendix E.

4.10 Principle of the Use

4.11 The principle of the use of the site as part of a new campus was accepted when the Secretary of State granted outline consent in 2007. Moreover, the

proposal accords with the adopted development brief, the land use plan C(i) approved as part of the outline consent and the draft masterplan for the campus.

#### 4.12 Scale and Appearance

4.13 The TFTV building will occupy a large footprint but one which is not going to appear inconsistent or out of character given the theme of development proposed by the Master plan for cluster one, where the height of the buildings is governed by a limit defined by the Inspector in approved plan c(ii). Its position to the south western part of the cluster, means it will effectively have a public face to all elevations. It is also a key building in terms of its relationship with the UTS and the incorporation of copper cladding to part of the building will make this a distinctive building in the context of its surroundings.

4.14 Whilst the building respects the height limitation imposed under the grant of outline permission, its function and use could have resulted in a design which could have attracted an unarticulated and bland elevational treatment. The use of a series of materials will serve to break up the mass and bulk and provide an attractive landmark building.

4.15 The distance from the Northern (nearest) corner of the TFTV building to the main gables of the two houses (no.s 39 at 40) which are either side of Badgerwood Walk at the junction with Field Lane is approx 326 metres. Therefore at this distance the TFTV building would not appear unduly large or out of keeping with the scale of existing buildings in the surrounding area. Moreover, the buildings would be partially screened from the north and west by landscaping, which would mature over time to reduce the apparent scale of the buildings

4.16 The applicant has agreed to a condition requiring details of all external materials (which would include colours) being submitted for approval. Officers consider that any approval should also include a condition requiring details of external features such as vents and louvers to be examined in further detail.

4.17 Therefore in the context of the Masterplan, the scale and design would be appropriate to the future buildings to which this proposal will be seen. The design is contemporary and interesting and the use of materials appropriate. In essence, the design element of the proposal accords with the aims of policy GP1.

#### 4.18 Landscape

4.19 Within the context of the outline permission, most of the landscape to the college would be at the perimeter of the campus, i.e. outside the 'allocated area' for the built development.

4.20 As originally submitted the landscaping was proposed along the western part of the TFTV building and this was to include a series of 5m bunds. However, this was withdrawn from consideration of this application at the applicants request. This is not considered to be detrimental to the consideration of this application, as it would allow the landscaping scheme for the western vista to be considered as a single entity in a future reserved matters application.

4.21 Still to be considered is the a small area of land which forms the link from the TFTV building to the UTS stop area. Indicative treatment of this area is shown, but lacks sufficient detail to be considered fully at this stage. Therefore, whilst the principle treatment of this area is considered acceptable, a more detailed consideration of the area can be given by way of condition. There is no reason to suggest that this mechanism for dealing with landscaping issues on this part of the site would not render this scheme contrary to the aims of policy GP9.

#### 4.22 Transport Issues

4.23 Vehicular access to the site would be restricted to service traffic, emergency vehicles and those students with a disabled parking permit. A permit-operated barrier system would control unauthorised vehicles from gaining access to the internal service roads within the college and the rest of the Cluster one development.

4.24 Cluster one will, ultimately, have an east-west pedestrian/cycle ribbon linking the new campus with the existing campus to the west and Grimston Bar to the east. The link will be built in phases as the development of the campus proceeds. The university has agreed that the first phase, between Heslington Village (Field Lane) and the college, would be in place prior to the TFTV building first being brought into use. This should be made a condition of approval. Condition 25 of the outline consent requires construction details of the pedestrian/cycle ribbon to be submitted for approval prior to construction.

4.25 The outline consent allows the new campus to have up to 1500 car parking spaces, 150 of which could be accessed from the new Field Lane roundabout, close to the new college. This forms part of a reserved matters application 08/02043/REMM which is currently under consideration. 132 of these spaces would be provided in a car park (incorporating bus stands) close to the north-east of Goodricke College. The parking spaces would be set aside, initially, for contractors' vehicles. The remaining 18 parking spaces are primarily for disabled residents of the college they would also be available for visitors to other parts of Cluster one including the TFTV Building. The route of bus service No.4 would be extended to this new interchange prior to occupation of the college and a condition attached to the development of Goodricke College secures this provision.

4.27 As the campus develops, a new university transit system (UTS) will link Heslington West with Grimston Bar, via the new campus. The provision of a UTS has been a key element of the university's transport strategy for some years. The TFTV building is located to the south western corner of cluster one and some distance away from the car park referred to above. The TFTV building has a direct link within the application site to the UTS and a condition requiring the UTS to be operational within 1 month of the TFTV building first being brought into use, is considered appropriate. This is appropriate because of the high capacity of the TFTV building, associated peak flows, distance from the bus interchange and limited on site car parking provision.

4.28 The parking and traffic impacts of the new TFTV building on the local area is of concern to the community forum and local residents. These concerns were addressed at the inquiry and subsequently by conditions of the outline consent. For example, traffic and parking availability is to be monitored annually and mitigation

measures agreed where appropriate. Officers consider that the measures outlined above, together with the sustainable transport infrastructure and the parking restrictions imposed by the outline consent, would be sufficient to safeguard the local community from the traffic and parking implications of the college and the campus as a whole.

#### 4.29 Sustainability

Condition 29 of the outline consent requires each reserved matters application to be accompanied by a statement on sustainability, which should conform to the sustainability principles contained in the masterplan. The Masterplan has now been approved. The masterplan should draw together and build upon the various strands of work on sustainability that were submitted with the outline planning application or as evidence at the public inquiry. The information submitted with each reserved matters application (including the current application for the TFTV building) should therefore provide some further detail.

4.30 To this end the TFTV application includes a general sustainability statement; where the University seek to achieve a BREEAM rating of very good. This achievement can be covered by condition which seeks the submission a formal BREEAM assessment at the design and build stage and then submission of final certification. The condition can state the minimum level to be achieved.

4.31 Over and above the commitments stated in the Masterplan for, Policy GP4a and the IPS seek to secure 10% provision of renewable energy and to exceed Part L of Building Regulations. The agent advises that the carbon emissions from the building will be below the requirement for part L of the Building Regulations and details of this can be secured by condition. The issue outstanding is one relating to timing of the development of the University Energy Strategy and how this relates to this application. The agent has reiterated the University has a commitment to achieving 10%renewable energy generation for the whole Heslington East Campus. This will be achieved via the use of solar or wind power and that it is likely that a shared facility will be provided, rather than one for each building. However no formal application has been submitted for these elements. Neither to they form part of this application. Against that background, a condition can be imposed which requires the submission of details as to how this can be achieved, prior to the commencement of development.

#### 4.32 Drainage

4.33 Surface water from the TFTV building will be drained by gravity to a lake along the southern side of the site. The water will be stored in the lake and released at agricultural rates into local watercourses. These principles were accepted by the inspector at the public inquiry. Condition 19 of the outline consent for the campus requires a sustainable drainage assessment for surface water to be carried out and for surface water drainage details to be submitted for approval. A sustainable drainage strategy (SUDS) has been submitted and approved as required by the outline condition. It is a high-level document, which has been accepted by the Environment Agency, Ouse & Derwent IDB.

4.34 Surface water from the TFTV building would be drained by a combination of proprietary channel products, using grated or slotted covers to collect water, and

open channels (swales). They would drain into the lake on the south side of the site. This method of drainage is sustainable and acceptable to officers, subject to the details being submitted for approval.

4.35 Badger Hill Outfall carries surface water from Badger Hill southwards, across the campus site, to receiving watercourses. Construction of the campus will require the sewer to be diverted. It will be intercepted where it crosses Field Lane and diverted around the site to discharge into the new lake. Yorkshire Water has carried out a feasibility study and options are being considered.

4.36 Condition 20 of the outline consent requires details of foul drainage to be submitted for approval. A foul water drainage strategy has been submitted and is the requirements of this condition for Cluster one discharged. Foul water from the TFTV building would be fed by gravity to the south-west corner of Cluster one where it would be pumped by a new pumping station to a new main sewer that would run alongside the northern service road. Yorkshire Water have been commissioned to develop the detail of the scheme. Details of foul drainage for the TFTV building should be submitted to the Council for approval.

4.37 Construction Impact

4.38 Condition 14 of the outline consent requires the university to submit for approval a campus-wide construction environmental management plan (CEMP). It has been submitted and approved by officers. The plan includes measures to minimise and mitigate construction impacts of the development, including the TFTV building. All contractors appointed to undertake construction work on the new campus would be required to work within the constraints imposed by the plan. One of the requirements is that contractors staff are required to park their vehicles within the 132 space car park to be constructed near the college. This should ensure that the residential properties fronting Field Lane would not be affected by such parking, which was a concern expressed by consultees. Other requirements of the CEMP relate to issues such as noise, contamination, air quality, ecology, protection of existing services and site management.

4.39 Representations made by the Hull Road Planning Committee advise they would like officer representation at their meetings. Officers have advised they are happy to have a meeting with the Committee to provide a context for proposals and also have advised the Committee of the existence of the forum, which seeks to keep a wider audience aware of existing and future proposals at the site. Other representations seek to ensure the 150 car parking spaces to the north of Goodricke College are brought into use, the UTS and the pedestrian cycle link are all operational when the TFTV building is brought into use and Officers see no reason why this cannot be achieved by condition. No details of the street lighting have been provided for consideration at this stage and therefore Officers are not able to comment about the introduction of solar power for street lighting.

## **5.0 CONCLUSION**

5.1. The principle of the use of the land for this purpose has been agreed and planning permission granted. This application is one of a number of reserved matters applications expected to be submitted between now and the end of 2008, which seek

approval for Cluster one. The design of the TFTV building is acceptable and subject to conditions regarding materials, will form distinctive and attractive building. The means of access to the site and movement of people to and from it can be proposed via the pedestrian/cycle links and the UTS. This also can be secured by condition.

5.2. The unresolved and outstanding matter before the Committee remains that of how the University intends to communicate its commitment of seeking in excess of 10% renewable energy. Officers are not seeking to doubt the Universities commitment to this aim, as it has been secured via the Masterplan. A condition requiring submission and approval of these details would, however, allow the applicant the opportunity to investigate this matter in more detail.

**6.0 RECOMMENDATION:** Approve

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

TV(PL)A001.C; TV(PL)A002.c, TV(PL)A003.C, TV(PL)A004, TV(PL)A005, TV(PL)A006, TV(PL)A007, TV(PL)A008, TV(PL)A009A, TV(PL)A010.A, TV(PL)11.A, TV(PL)12, TV(PL)13, TV(PL)14

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.

2 Within three months of commencement of development a detailed landscaping scheme shall be submitted and approved in writing by the local planning authority. The scheme shall include ground levels, planting, swales and shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority

Reason - In order that the Local Planning Authority may be satisfied the variety, suitability and disposition of species within the site.

3 Within 6 months of the commencement of development, details of the design, external appearance and materials to be used in the construction of the chiller unit; sub station and staff cycle store shall be submitted to the Local Planning Authority for approval. The erection of these building shall be carried out in accordance with these approved details.

Reason - No details have been included within the application.

4 Within 1 month of the commencement of development, details of foul and surface water drainage works (including transitional arrangements) have been

submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details. The final rate of discharge shall not exceed 1.4litres/sec/ha

Reason - In the interests of the drainage of the site.

5 Details of soil and vent stacks, heating and air conditioning plant etc, including fume extraction and odour control equipment, with details of any external ducting, shall be submitted to, and approved in writing by, the Local Planning Authority within one month of the commencement of development.

Reason- In the interests of visual amenity and to protect the amenities of occupants of adjoining properties.

6 Unless otherwise agreed in writing with the Local Planning Authority , within 3 months of commencement of development, the developer shall submit in writing and be approved by the local planning authority a formal BREEAM assessment for the design and procurement stages of the development. It shall be followed by a further BREEAM assessment to be submitted after construction at a time to be agreed in writing by the local planning authority. Both assessments shall confirm the minimum 'Very Good' rating anticipated in the preliminary BREEAM assessment submitted with the application

7 Prior to the commencement of development full details of a renewable energy strategy shall be submitted to and approved in writing by the local planning authority. The strategy shall include (i) the buildings proposed renewable energy generation, which shall be at least 10% of total energy generation (ii) measures to reduce energy demand for the TFTV buildings (iii) measures to reduce CO2 emissions to a level lower than required under Building Regulations Part L.

8 Prior to the development first being brought into use, the pedestrian and cycle route currently known in part as the Pedestrian Ribbon and linking the development with Heslington Village at Field Lane via the Movement Spine shall be provided and made available for use. Details of the route shall be submitted to the local planning authority and agreed in writing. The works shall be carried out in accordance with the submitted details.

Reason- To promote sustainable transport

9 Prior to the development first being brought into use, a scheme shall be submitted to the Local Planning Authority which shows how the UTS will be implemented. Details should include a schedule for implementation and the route. Details agreed under this condition shall therefore be implemented in accordance with the agreed scheme unless otherwise agreed in writing with the Local Planning Authority.

Reason- In order to provide a range of sustainable movement options for visitors wishing to use the facility.

10 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 development shall be carried out using the approved materials.

Reason- So as to achieve a visually cohesive appearance.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

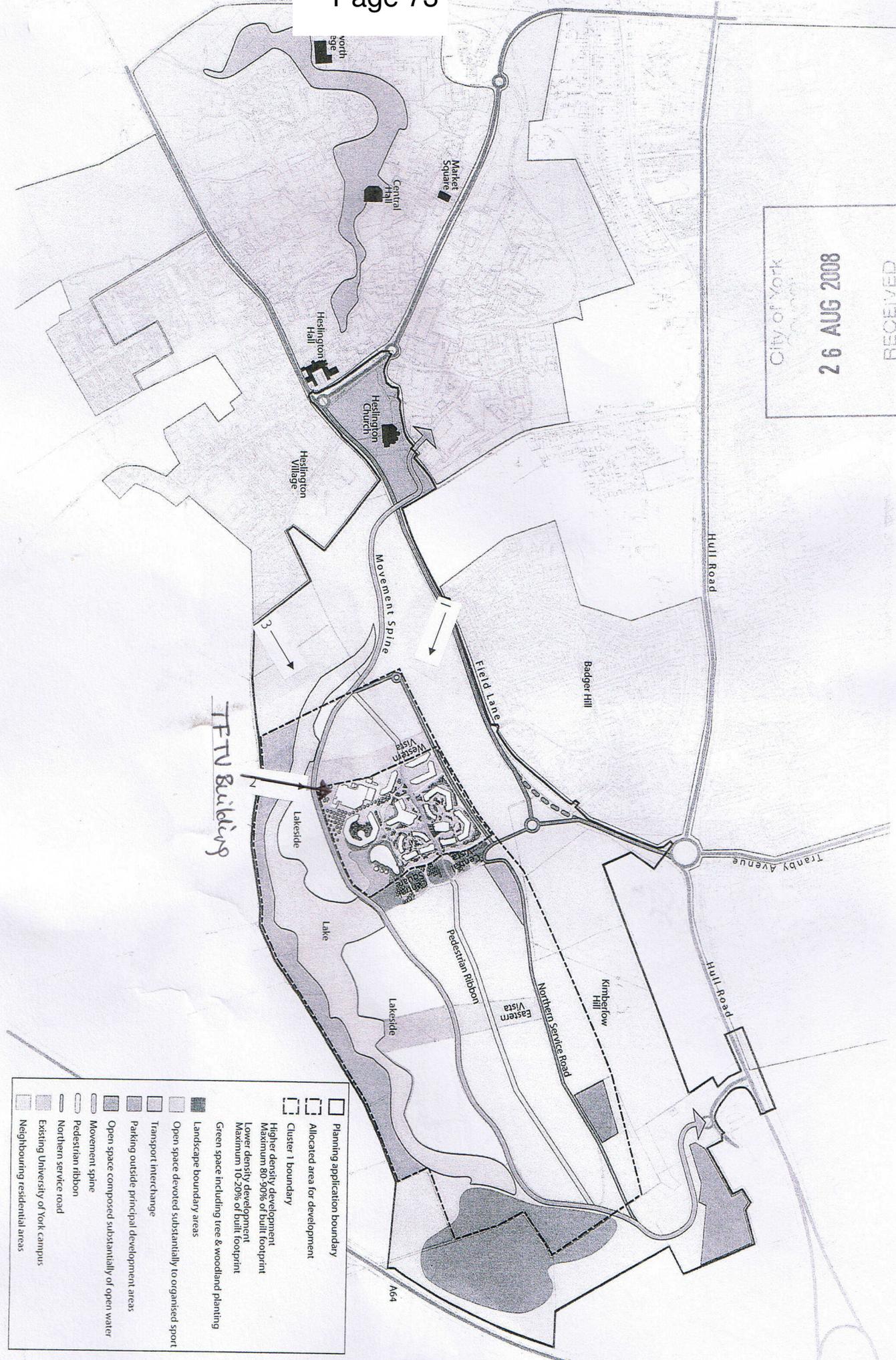
#### 1. REASON FOR APPROVAL

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 policies CYGP1, CYGP4A, CYGP9, CYGP15A, CYNE7, CTED9, CYT4 and CDED9 of the City of York Local Plan Deposit Draft.

#### **Contact details:**

**Author:** John Howlett Development Control Officer

**Tel No:** 01904 552830



- Planning application boundary
- Allocated area for development
- Cluster 1 boundary
- Higher density development  
Maximum 80-90% of built footprint
- Lower density development  
Maximum 10-20% of built footprint
- Green space including tree & woodland planting
- Landscape boundary areas
- Open space devoted substantially to organised sport
- Transport interchange
- Parking outside principal development areas
- Open space composed substantially of open water
- Movement spine
- Pedestrian ribbon
- Northern service road
- Existing University of York campus
- Neighbouring residential areas

The Master Plan

City of York  
26 AUG 2008  
RECEIVED

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Planning Committee

2 October 2008

**Report of the Assistant Director of Planning and Sustainable Development**

**FULFORD VILLAGE CONSERVATION AREA APPRAISAL:  
RESULTS OF CONSULTATION AND PROPOSED FINAL DRAFT**

**Summary**

1. This report presents the results of a public consultation exercise on the draft Fulford Village Conservation Area Appraisal which includes a boundary review. The report recommends that, following minor revisions to the report and to the suggested boundary alteration, the document be adopted.

**Background**

2. A conservation area appraisal defines in detail the special architectural and historic interest of an area; by doing so it explains why an area is worthy of protection and it provides a clear basis on which to formulate and evaluate development proposals. An important aspect of the appraisal process is a review of the appropriateness of the existing boundary.
3. The draft appraisal, including suggested boundary changes, was approved for consultation by planning Committee on 29<sup>th</sup> May 2008.

**Consultation**

4. The consultation exercise ran from 9<sup>th</sup> June until 28<sup>th</sup> July 2008, a period of seven weeks, and it was facilitated by the Community Planning Team. Public consultation used the following methods:
  - a) leaflets describing proposals were distributed to all properties within Fulford Parish and also to properties in Fishergate Ward affected by the proposals (approx 1600 leaflets) Annex A and B. The leaflets included a tear-off comments slip. Copies of the appraisal document were made available at the Council offices in St Leonard's Place, at York Public Library, and at Fulford Library and St Oswald's School. Notices were posted in the latter two locations.
  - b) the document was discussed as an agenda item at the Fulford Parish Council meeting on 7<sup>th</sup> July 2008.
  - c) an exhibition of the proposed boundary changes was held in the Community Centre on School Lane, Fulford, on Friday 11<sup>th</sup> July 2008.

d) the following statutory bodies and amenity societies were consulted: English Heritage, Council for British Archaeology, York Civic Trust, Conservation Areas Advisory Panel, York Natural Environment Panel. The Fulford Village Design Statement Group also responded.

e) the consultation was advertised in the York Press

**181** replies were received representing a response rate of approx **11.3%**.

The list of responses is recorded at Annex E alongside specific comments from officers.

### **Boundary Review**

5. Question 1 in the summary leaflet asked, “**Do you agree with the proposed extensions to the conservation area? Should the conservation area remain unchanged? Do you have any alternative suggestions?**”

**67.77%** were in support of the boundary changes as proposed

**27.97%** wanted the conservation area extended further than proposed

**2.76%** were against the proposals

**1.0%** neither agreed nor disagreed

**0.5%** agreed to proposed area 1(C) and disagreed with proposed area 2 (D)

In addition 6 anonymous replies were received.

6. Suggestions for further extensions to the conservation area included mainly open areas surrounding the village such as Fulford Ings (SSS1 status and greenbelt), fields to the South and West as far as Water Fulford Hall and the A64 (green belt status), Fenby Field (designated as open space)land surrounding Germany Beck (greenbelt except for housing allocation), the playing fields and cemetery (greenbelt). These areas are considered part of the wider landscape rather than part of the special historic and architectural interest of the village itself. They are also protected through other designations.
7. Buildings suggested for inclusion were Fordlands Care Home, the Water Board Cottages off St Oswald’s Road and St Oswald’s Hall (former church). Conservation Area designation should not be used to protect individual buildings. It recognises the special quality of areas. An extension including the modern care home would not meet the designation criteria. The Water Board cottages are independent of the historic village and it is considered that a more suitable mechanism for acknowledging their special nature would be by inclusion on the local list.
8. The former Church of St Oswald is important to the early foundations of the village (ref 4.6 Appraisal). The tracks along the Ings which run past it are part of a wider network. The church itself is now detached from the planned village settlement which relocated to the ridge. St Oswald’s Road is included within the Fulford Road conservation area and the area between the church and the two conservation areas is of no special merit. It is considered that St Oswald’s

Church and its demesne is protected adequately through its grade 11\* listed status and that the conservation area boundary should not be extended to include it.

- 9 A high number of consultees agreed with the inclusion of the former area of Fulford Park but they felt that the omission of the triangular area to the west of Connaught Court was anomalous. A very detailed response was submitted by planning specialists on behalf of the Royal Masonic Benevolent Institution. They consider that the appraisal does not define the distinctive qualities of the proposed extended area (1/C) sufficiently to argue for its inclusion in the boundary; that designation is not an appropriate means of protecting landscape features; that the former parkland was informal and therefore not special further away from Fulford Park House, and that the character and scale of Connaught Court buildings devalues the characteristics of the area; that the Almshouses can be better protected by listing. They also infer that the appraisal has not been prepared without reference to relevant planning policy or guidance notes.
10. Area 1(C) has been reassessed in the light of the above criticism. It is considered that Fulford Park House and its setting have important historical associations with the village and that the relationship between the house and its previous grounds can still be understood. The relative openness of this area makes a special contribution to the character and appearance of the area and its inclusion would be in accordance with criteria set out in English Heritage Guidance Documents. Furthermore it would appear there is no real justification for separating off the triangular area to the west of the buildings from the parkland. Part of the area allows important views through to the countryside beyond.
11. It is therefore proposed that the boundary of area 1(C) is amended in accordance with the map at Annex C.

### **Other Issues Raised**

Question 2 in the summary leaflet asked, **“In your opinion does Fulford Village have any other qualities not mentioned in the appraisal?”**

12. The following additional issues were raised: specialist input on location of the Battle of Fulford Site (4.3); importance of wildlife and protection of green areas (6.2, 6.4); further identification of significant trees (map p14 to be amended), desire for a village green central to the village ( ); contribution of new local businesses to continuity of community, important walls to be identified (resisted as walls not identified might become vulnerable), additional information on incorporation (1884) to be included; more views to be identified; special features to be specified, other buildings suggested as being of detriment to the area.  
Please see Annex E for the full list of responses
13. Comments relating to the Germany Beck Development were considered outside the scope of the Appraisal.

14. It is proposed that points of clarification or correction will be incorporated into the text. Please see Annex D for a list of proposed changes to the document.

### **Options**

#### Option 1

15. Approve the Fulford Village Conservation Area Appraisal with the changes suggested in Annex and Annex of this report.

#### Option 2

16. Approve the Fulford Village Conservation Area Appraisal with further changes or fewer changes than proposed above.

#### Option 3

17. Do not approve the Fulford Conservation Area Appraisal and boundary review proposals.

### **Analysis**

#### Option 1

18. There has been a high level of response to the consultation process with a consensus of view on the boundary changes proposed. All responses were given full consideration and assessed in relation to government policy and English Heritage Guidance. The amendments set out in Annex C and Annex D reflect the outcome of deliberations. With these amendments incorporated into the document it is considered that the appraisal would be a robust document, providing a sound basis for developing management proposals and also for making development decisions.

#### Option 2

19. Proposals for minor changes could be incorporated into the document if they are supported by relevant arguments. Any proposals for further boundary changes should involve an additional period of consultation if they include areas not considered before. It is considered that the exercise so far has resulted in full consideration of the boundary.

#### Option 3

20. Production of the appraisal, including the requirement for boundary review, is in accordance with national guidance on heritage protection. Approval of the document would assist the Authority in fulfilling its statutory obligations under Section 69 of the (Listed Building and Conservation areas) Act 1990. We are unaware of any valid reasons to resist the appraisal.

## **Corporate Priorities**

21. The Fulford Village Conservation Area Appraisal will assist in improving the actual and perceived condition and appearance of the City's streets and publicly accessible spaces by providing an informed basis for decision making.

## **Implications**

### **Financial**

22. Production of the document will be met by existing budgets

### **Human Resources (HR)**

23. No implications

### **Equalities**

24. Different formats of the finished appraisal will be made available on request.

### **Legal**

25. Extension of the designated boundary will impose obligations on the LPA under the Planning (Listed Buildings and Conservation areas) Act 1990. Some permitted development rights would be removed from sites within the boundary.

### **Crime and Disorder**

26. No implications

### **Information Technology (IT)**

27. No implications

### **Property**

28. No implications

### **Other**

29. No other implications

## **Risk Management**

30. There are no known risks associated with the report.

## **Recommendations**

31. Members are asked to approve, for planning purposes, the Fulford Village Conservation Area Appraisal as proposed in Annex F and as amended by Annex C and Annex D.

Reason:

The document is a thorough analysis of the character and appearance of the conservation area and it has been prepared in accordance with current guidance from English Heritage. As a document it is clearly written and accessible to a wide range of users.

The adoption of the document will assist with the formulation and determination of development proposals within the conservation area and adjacent to it.

The consultation method and range accords with previous practice. There has been a high level of response to the consultation. Information and views of consultees have been carefully considered in the amendments proposed

**Contact Details**

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Mike Slater  
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Development)

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Community Planner  
01904 551694

**Report Approved**

**Date** 18 September 2008

Design Conservation and  
Sustainable Development

**Specialist Implications Officer(s)**

There are no specialist implications

**Wards Affected:** Fulford and Fishergate

**All**

**For further information please contact the author of the report**

**Background Papers:**

PPG 15 Planning Policy Guidance: Planning and the Historic Environment 1995  
Guidance on Conservation Area Appraisals English Heritage 2006

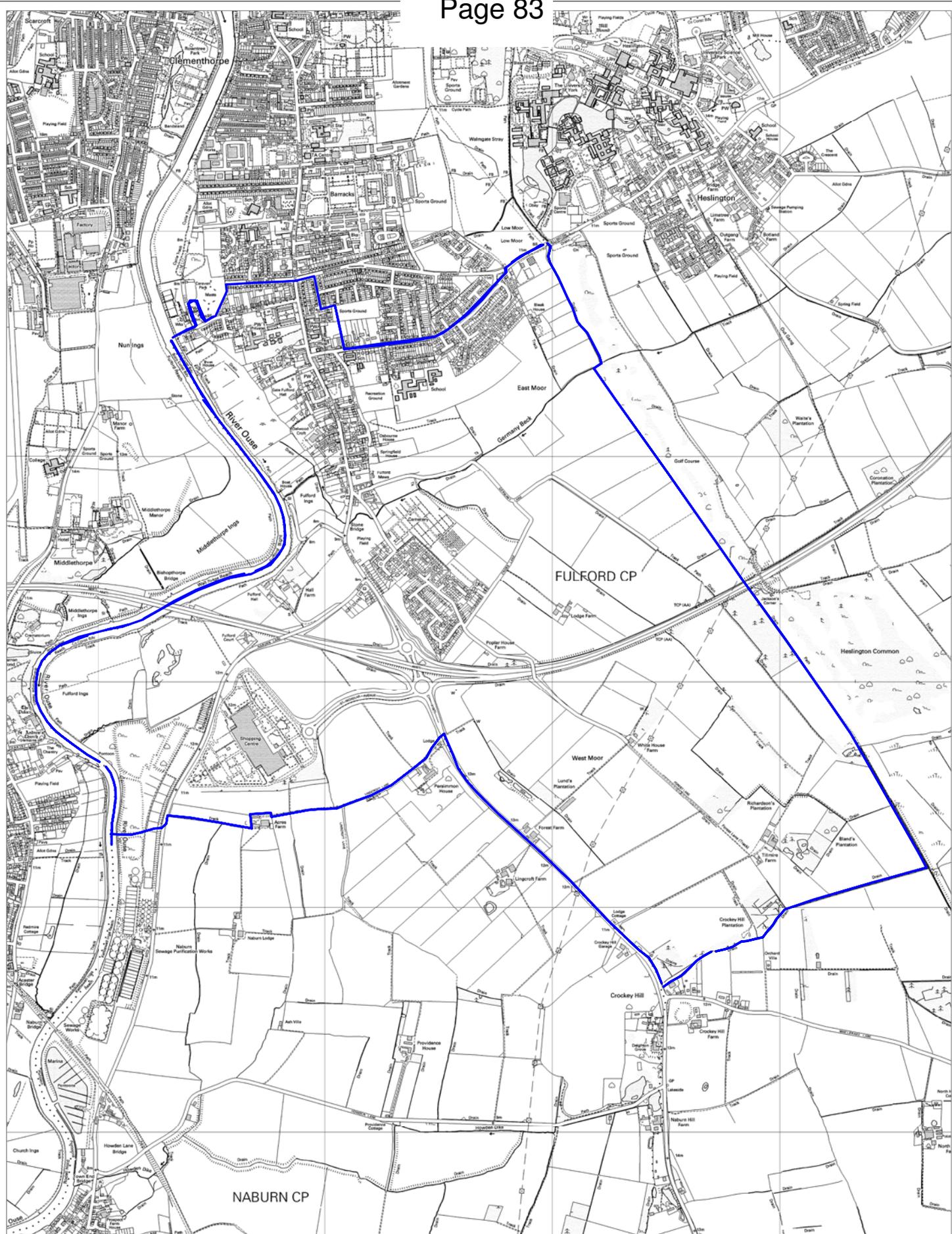
**Annexes**

- Annex A List of Consultees
- Annex B Map showing area of Public Consultation
- Annex C Map showing proposed extensions to the conservation area boundary
- Annex D Proposed amendments to the appraisal text
- Annex E Schedule of consultation responses
- Annex F Draft Fulford Village Conservation Area Appraisal

**APPENDIX A LIST OF CONSULTEES**

<b>NAME</b>	<b>ORGANISATION</b>	<b>ADDRESS</b>	<b>ADDRESS</b>	<b>ADDRESS</b>	<b>ADDRESS</b>	<b>EMAIL</b>	<b>TELEPHONE</b>
Michael Slater	CYC - Assistant Director City Strategy	9 St Leonard's Place		York	YO1 7ET	<a href="mailto:michael.slater@york.gov.uk">michael.slater@york.gov.uk</a>	01904 551604
Jonathan Carr	CYC - Head of Development Control	9 St Leonard's Place		York	YO1 7ET	<a href="mailto:jonathancarr@york.gov.uk">jonathancarr@york.gov.uk</a>	01904 551303
Simon Glazier	CYC - Team Leader East Area Planning Team	9 St Leonard's Place		York	YO1 7ET	<a href="mailto:simon.glazier@york.gov.uk">simon.glazier@york.gov.uk</a>	551642
Karen Streeton	CYC - Support Services Manager	9 St Leonard's Place		York	YO1 7ET	<a href="mailto:karen.streeton@york.gov.uk">karen.streeton@york.gov.uk</a>	01904 551740
Pete Audin	CYC - Head of Local Land Charges	9 St Leonard's Place		York	YO1 7ET	<a href="mailto:peter.audin@york.gov.uk">peter.audin@york.gov.uk</a>	01904 551658
Martin Grainger	CYC - City Development Team	9 St Leonard's Place		York	YO1 7ET	<a href="mailto:martin.grainger@york.gov.uk">martin.grainger@york.gov.uk</a>	01904 551317
Kristina Davey	CYC - Neighbourhood Pride	Guildhall		York	YO1 7ET	<a href="mailto:Kristina.Davey@york.gov.uk">Kristina.Davey@york.gov.uk</a>	01904 551816
Quentin Baker	CYC - Head of Legal Services	Guildhall		York	YO1 7ET	<a href="mailto:quentin.baker@york.gov.uk">quentin.baker@york.gov.uk</a>	01904 551004
Cllr Keith Aspden	Fulford Ward Councillor	Guildhall		York	YO1 7ET	<a href="mailto:cllr.kaspden@york.gov.uk">cllr.kaspden@york.gov.uk</a>	01904 659028
Mrs J M Fletcher	Clerk to Fulford Parish Council	Eppleworth Main Street Deighton		York	YO19 6HD	<a href="mailto:parishclerk@fulford39.fsnet">parishclerk@fulford39.fsnet</a>	01904 659028
Chris Newsome	CYC - Community Planning Officer	9 St Leonard's Place		York	YO1 7ET	<a href="mailto:chris.newsome@york.gov.uk">chris.newsome@york.gov.uk</a>	01904 551673
Esther Priestley	CYC - Landscape Architect	9 St Leonard's Place		York	YO1 7ET	<a href="mailto:esther.priestley@york.gov.uk">esther.priestley@york.gov.uk</a>	01904 551341
John Oxley	CYC - Archaeologist	9 St Leonard's Place		York	YO1 7ET	<a href="mailto:john.oxley@york.gov.uk">john.oxley@york.gov.uk</a>	01904 551346
Bob Missin	CYC - Countryside Officer	9 St Leonard's Place		York	YO1 7ET	<a href="mailto:bob.missin@york.gov.uk">bob.missin@york.gov.uk</a>	01904 551662
Verlie Riley	CYC - CAAP	9 St Leonard's Place		York	YO1 7ET	<a href="mailto:verlie.riley@york.gov.uk">verlie.riley@york.gov.uk</a>	01904 551671
Beki Burns	English Heritage	37 Tanner Row		York	YO1 6WP	<a href="mailto:beki.burns@english-heritage">beki.burns@english-heritage</a>	01904 601901
Lynne Walker	Council For British Archaeology	St Mary's House Bootham		York	YO30 7BZ	<a href="mailto:info@britarch.ac.uk">info@britarch.ac.uk</a>	09014 671417
Peter Brown	York Civic Trust	Fairfax House Castlegate		York	YO1 9RN	<a href="mailto:peterbrown@fairfaxhouse.co">peterbrown@fairfaxhouse.co</a>	01904 655543
Barry Potter	York Natural Environment Panel					<a href="mailto:barry.potter2@ntlworld.com">barry.potter2@ntlworld.com</a>	
<b>FOR INFORMATION</b>							
Paul Edwards	CYC - Assistant Community Planning Officer	9 St Leonard's Place		York	YO1 7ET	<a href="mailto:paul.edwards@york.gov.uk">paul.edwards@york.gov.uk</a>	01904 551694

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<b>APPENDIX B - Area of Public Consultation</b>		
SCALE 1:22000	DRAWN BY PSL	DATE 12/9/2008
Originating Group	Project	Drawing No.
		<b>PFCAE2</b>

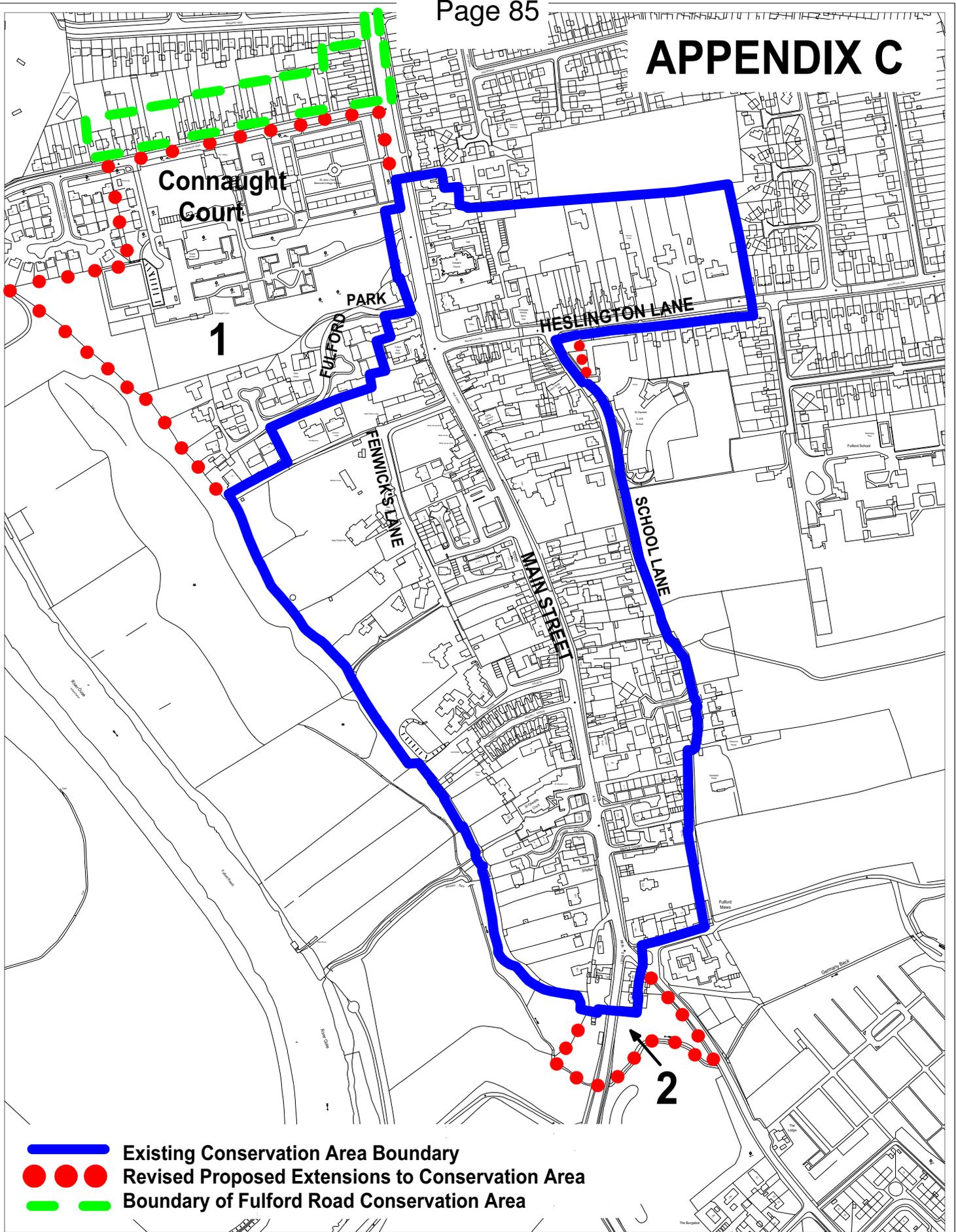
9, St. Leonards Place, York, YO1 2ET  
Telephone: 01904 551550

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# APPENDIX C



- Existing Conservation Area Boundary
- ● ● Revised Proposed Extensions to Conservation Area
- - - Boundary of Fulford Road Conservation Area



PROPOSED EXTENSIONS TO FULFORD VILLAGE CONSERVATION AREA

SCALE 1:5000  
 Originating Group

DRAWN BY PSL  
 Project

DATE 12/9/2008  
 Drawing No.



PFCAE

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## FULFORD CONSERVATION AREA APPRAISAL

## ANNEX D

## Proposed changes to text

Page 3 : add new para 2.3 ***'Much of the area around Fulford is protected either by inclusion in the Green Belt (to the east) or inclusion in Sites of Special Scientific Interest (the lngs to the west). To the north, the Fulford Road Conservation Area protects the north side of St Oswald's Road and the route into the city.'***

Page 5: para 4.2 'It is thought that Fulford Main Street and Fulford Road to the north are of Roman origin (although archaeological evidence is lacking), and that in Roman times they formed an alternative route to and from the south side of the city, making use of the firm and well-drained ground offered by the gravel ridge.'

to be changed to: 'It is thought that Fulford Main Street and Fulford Road to the north are of Roman origin, ***providing a route to and from the south side of the city which utilised*** the firm and well-drained ground offered by the gravel ridge, ***although there is also evidence for a route across the lngs.'***

Page 5 para 4.3: 'The archaeological evidence for this major confrontation is inconclusive but ***it has been argued*** that Germany Beck marks the line over which the battle was fought.'

to be changed to: 'The archaeological evidence for this major confrontation is ***not conclusive but strongly suggests*** that Germany Beck marks the line over which the battle was fought.'

Page 6 para 4.9: 'The village pinfold or cattle pound at the junction of Main Street and what is now Fordlands Road survived until at least the First World War, confirming the village's agricultural basis.'

to be changed to: 'The village pinfold or cattle pound at the junction of Main Street and what is now Fordlands Road, ***close to the common land to the south***, survived until at least the First World War confirming the village's agricultural basis.'

Page 7 para 4.14: 'But by the turn of the century the outskirts of the city had virtually reached the village, and the city tramway entered it.'

to be changed to: 'But by the ***late 19<sup>th</sup> century*** the outskirts of the city had virtually reached the village, and the ***civil parish was amalgamated with the borough of York under the York Extension and Improvement act of 1884.'***

Page 8 para 5.5 (re Orchard Close): 'The development has obliterated the historic pattern of burgage plots and ownerships, and the houses do not relate to the character of the rest of the village.'

to be changed to: 'The **layout conflicts with the traditional building layout of the area**, and the houses do not relate to the character of the rest of the village.'

Page 10 para 5.11: 'The Connaught Court residential development in St Oswald's Road is modern, with few concessions to the character of the historic village, but it is of a reasonably small scale, and spaciouly planned and well landscaped...'

to be changed to: 'The Connaught Court residential development in St Oswald's Road is modern, with few concessions to the character of the historic village, but it is of a **relatively small scale for its context**, and spaciouly planned and well landscaped...'

Page 11 para 5.15: 'A second argument – although not verifiable – is that Germany Beck was the focus of the historic battle of Fulford in 1066, as recently commemorated on an inscribed stone on the south side of the bridge.'

to be changed to: 'A second argument **is the overwhelming probability** that Germany Beck was the focus of the historic battle of Fulford in 1066, as recently commemorated on an inscribed stone on the south side of the bridge.'

Page 11 para 5.18: '...a proposed new residential development to the east of Fordlands Road, which would be served by a new road branching off the A19 between Stone Bridge and the village: this road was found to be accepted in principle.'

to be changed to: '...a proposed new residential development to the east of Fordlands Road, which would be served by a new road branching off the A19 between Stone Bridge and the village: this road was found to be accepted in **outline**.'

Page 11 para 5.19: 'The extension of the conservation area is not intended to thwart the approved development but should ensure a greater degree of control over its design and quality, in order to minimise conflict with the area.'

to be changed to: 'The extension of the conservation area **would not prevent** the approved development but should ensure a greater degree of control over its **detailed** design and quality, in order to minimise conflict with the area.'

Page 12 para 6.1: 'There is no complete break in the built-up area between York and Fulford, but the village has its own sense of identity in the unity of its character, historical form and setting.'

to be changed to: '**Whilst there is no complete break in the built-up area between York and Fulford the village still retains** its own sense of identity in the unity of its character, historical form and setting.'

Page 13 para 6.9 'The village has no village green and virtually no public open spaces, but at the north end of the village the former park of Fulford Park House is a major feature of quite different character, fronting onto Main Street.'

to be changed to: '***There is no village green within the built-up area and very little public open space***, but at the north end of the village the former park of Fulford Park House is a major feature of quite different character, fronting onto Main Street.'

Page 16 para 7.2: 'It may have been the focus of the historic battle of Fulford in 1066, as commemorated on an inscribed stone on the south side of the Stone Bridge.'

to be changed to: 'It may have been the focus of the historic Battle of Fulford in 1066, as commemorated on an inscribed stone on the south side of the ***much later*** Stone Bridge.'

Page 18 para 7.14: 'The southern end of School Lane is lined with modern houses and bungalows which do not relate to the Conservation Area, and whereas most still stand within the former burgage plots the Old Orchard development has destroyed the plot pattern as well.'

to be changed to: 'The southern end of School Lane is lined with modern houses and bungalows which do not relate to the Conservation Area, and the ***Orchard Close development in particular conflicts with the traditional building pattern of the area.***'

Page 27 para 10.8 'Information plaques would be an asset to explain the history of the village, for example on the site of the old pinfold at the junction of Main Street and Fordlands Road, and at the Heslington Lane - School Lane junction.'

to be changed to: 'Information plaques would be an asset to explain the history of the village ***and the Battle of Fulford in particular***, for example on the site of the old pinfold at the junction of Main Street and Fordlands Road, and at the Heslington Lane - School Lane junction.'

**NOTE:**

These changes do not include minor spelling corrections.

**ANNEX D**

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**Fulford Road Conservation Area Appraisal Schedule of Responses 09/06/2008 - 28/07/2008**

No	Q1 Do you agree with the proposed extensions?	Other qualities Fulford has but not mentioned?	Additional Comments	Officer Response	Name	Address
1	Yes	The Battle of Fulford is of historic interest	At location 2. Further expand the Conservation Area to include the playing field and Fulford Cemetery. The 'Battle of Fulford' was not mentioned.	These areas are protected as "open space" and green belt respectively. They are not of special architectural and historic interest essential to the historic village core. See 4.3 for battle of Fulford	Shepherd P. A. & V	22 Cherrywood Crescent, Fulford, York, YO19 4QN
2	Yes		The Almshouses and Fulford Park are worthy of more planning protection	Noted - this area has been included in the boundary review	Holmes, Mr T	302 Fulford Road, York, YO10 4PE
3	Yes	Th beauty of Fulford is the large old trees		Acknowledged see 6.4	Nash, Mrs M	21 Heslington Croft, Fulford, York. YO10 4NB
4	Yes		Connaught Court is a beautiful part of Fulford Village and must be preserved	Noted - this area has been included in the boundary review	Sudbery, Tony	5 Heslington Croft, Fulford, York, YO10 4NB
5	Yes			Noted	Unwin, A	11 Main Street Fulford, York, YO10 4JH
6	Yes	Yes, many		Noted	Buckle, Mrs J	36 Fordlands Road, Fulford, York, YO19 4QG
7	Yes		Should St Oswald's Church also be included	This has been considered in depth. The church is now remote from the later planned village and Fulford Road conservation area and an ordinary area intervene. Please see 4. 6. The church and its setting are protected by being listed at grade 11*	Meigh, Dave	41 Broadway West, York

8	Yes		Why not extend the area to include Fulford Ings & the area up to the river	Conservation areas are focused on the built environment and they are designated according to special architectural and historic interest of the area. Fulford Ings is protected through SSSI status and it is greenbelt	Pepper, Mrs	1 Heath Croft, York
9	Yes		We need our green areas	Noted	Smith, E	65 Heath Moor Drive, York
10	Yes			Noted	McMaster, Ruth	8 Main Street, Fulford, York YO10 4PQ
11	Yes	The traditional village street includes local business's set up by young people, thus continuing the village as a distinct and growing community.		The range of building uses is mapped on page 15. Local enterprise is important to the social and economic framework but it is not part of conservation criteria. Village Design Statement or Parish Plan better vehicle. See 6.1 for sense of Community	Barnes, Jennifer	28 Tilmire Close, York, YO10 4NG
12	Yes			Noted	Jackson, N. A.	55 Main Street, Fulford, York, YO10 4PN.
13	Yes		The more green areas, trees and hedgrows that are preserved for the future the better. Our historic villages and buildings of character must be protected.	See 6.1 6.2 & 6.4 Conservation area status gives additional protection to trees and by defining the importance of landscape to the area this should be considered a major factor in development control decisions and any management plans for the village	Ironmonger, Sally	29 Broadway West, Fulford, York, YO10 4JN
14	Yes	Extensive green areas, lots of mature trees supporting diverse wildlife. Rural feel that is unusual so close to the city.		please see 13 above	Hatfield-Maisland, C	26 St Oswald's Road, Fulford, York
15	Yes			Noted	Derry, Sarah	62 Broadway, York YO10 4JX

16	Yes			Noted	Weller, Mr and Mrs H. W.	Stonegate' Selby Road, Fulford, York YO19 4RD
17	Yes			Noted	Helm, Jane	8 Fordlands Crescent, Fulford
18	Yes			Noted	Winward, Lisa	22 St Oswald's Court, Fulford, York, YO10 4QH
19	Yes			Noted	Warren, Mr and Mrs	52 St Oswald's Road, York YO10 4PF
20	Yes			Noted	Hewitt, Mr and Mrs R. A.	48 St Oswald's Road, Fulford, York YO10 4PE
21	Yes		I would like the Conservation Area to be as large as possible	Please see 8 above. Areas which not special architecturally or historically and which are predominantly rural do not qualify for designation.	King, S.	4 Heslington Croft, Fulford, York YO10 4NB
22	Yes		Would like to see Connaught Court and Fulford Park included in the Conservation Area	The boundary review would include these areas	Bailhache, H. N.	20 Fulford Park, York, YO10 4QE
23	Yes	The people who have made it what it is	The Germany Beck development will swallow up the village	This is a planning issue outside the scope of the Appraisal. Some of the people who have been important to the village development have been mentioned in section 4. The document is not a history though, it is a characterization of a place.	Rose, Mr H. P.	24 Fordlands Road, Fulford, York, YO19 4QG
24	Yes			Noted	Edwards, Margaret	46 Cherry Wood Crescent, York
25	Yes		All of Fulford should be included	The conservation area is centred around the relatively self-contained village settlement. Please see 8 & 21 above.	Doughty, Mr R. and Mrs S.	14 Crossfield Crescent, Fulford., York

26	Yes		All the Germany Beck development in the Conservation Area	Area to the east of School Lane is of little topographic interest, altered over time, no architecture, of questionable role in Battle of Fulford, and would dilute the tightly defined conservation area. Area forms part of the setting of the conservation area, which permits extra control, and is protected by inclusion in the Green Belt.	Baldwin, G.	5 Low Moor Avenue, York.
27	Yes			Noted	Green	3 East Moor Gardens, Fulford, York, YO19 4SZ
28	Yes			Noted	Cook, Mrs C.	Adam's House, 5 Main Street, Fulford, York, YO10 4HJ
29	Yes		Why not extend behind Fordlands Lodge to conserve more of Germany Beck. Also include all of the playing field.	The areas behind the lodge, including playing fields, are in the Green Belt. Areas must be of special architectural or historic interest to qualify for designation. Please see 8 & 21 above.	Hunter, J	70 Cherrywood Crescent, Fulford, York, YO19 4ZN
30	Yes	Fulford Village has quiet and peace away from the A19 and lovely riverside areas.		Noted	Carter, Mr & Mrs B.	15 John Hunt Homes, Fulford Road, York, YO10 4PG
31	No. It should remain unchanged			No reasons given	Neocomes, S.	1B St Oswald's Road, York, YO10 4PF
32	Yes. The public spaces next to St Oswald's School must be preserved, plus the open space next to Cemetery Road.	The public spaces by the river / footpaths are very important.		The recreation grounds are designated as open space and are protected under policy GP7. The areas next to the river are in the greenbelt and a significant stretch has SSSI status. Conservation Areas focus on the built environment pattern. Please see 8 & 21 above.	Wilks, Peter and Mary	3 St Oswald's Road, Fulford, York

33	Yes			Noted	Loomes, J	33 Heslington Lane, York, YO10 4HN
34	Yes		The quality of the area is greatly lowered by increasing traffic levels.	Acknowledged in 2.3 & future management suggestions 10.1	Ralphs, Mr & Mrs	3 Stirling Grove, Fulford, York, YO10 4HT
35	Yes. Connaught Court is an attractive local landmark. Germany Beck should also be considered.			The boundary review proposes the inclusion of the Connaught Court area and it includes part of the beck at the southern end of the village. Please see 26 for the comments	Elliott, L	Naburn, York
36	Yes	The main street into York is a nice road to pass through.		Noted in 6.2	Butterfield, Mrs P.	14 Cherry Wood Crescent, Fulford, York, YO19 4QN
37	Yes. Include the flood meadow up to the river.	Flood meadows up to the river - wild life is amazing + it performs vital flood defense		Conservation areas are focused on the built environment and they are designated according to special architectural and historic interest of the area. Fulford Ings is protected through SSSI status and it is greenbelt	Turner, Richard	Flat 3. 41 Main Street, Fulford, York.
38	Yes		The area containing the almshouses and Connaught Court forms the final remaining attractive green space between the city and Fulford Village.	this is acknowledged by its proposed inclusion in the Conservation Area	Bendall, Mr W.R. and Mrs M.	24 Fulford Park, York, YO10 4QE
39	Yes			Noted	Campbell, J.B.	Oak Tree House, St Aidan's Court, Fulford, York, YO10 4HT
40	Yes. Should also include the fields alongside Germany Beck near the old folk's house			These are protected by greenbelt status. Please see 8 & 21 above	Hayes, Mrs B.	14 The Old Orchard, Fulford, York.
41	Yes			Noted	Earnshaw, Mrs D.	31 Barmby Avenue, York, YO10 4HX.
42	Yes			Noted	Bulmer Family	Key Way, York
43	Yes			Noted	Guest, Mrs Irene	17 Cherrywood Crescent, Fulford, York, YO19 4QL
44	No. It should remain unchanged	No		No reasons given	Hedley, A. M.	95 Main Street, Fulford, York

45	Yes. Should be extended further	Intangibles. A feeling of identity		The feeling of identity is mentioned at 6.1	Richardson, H. M.	12 Fulfordgate, York.
46	Yes			Noted	Ward, Mr and Mrs G.	20 Heslington Lane, Fulford, York, YO10 4LR
47	Yes	No		Noted	Spavin, J. And L Aizelwood	85 Fordlands Road, York, YO19 4QR
48	Yes. And should extend to cover sie of Battle of Fulford, east of School Lane.	Battle of Fulford site. River area.		There are alternative views about the location of the battle and it is generally recognized that it was fought close to the bridge where the plaque has been erected; though evidence is inconclusive at this moment in time.	McCormack, Leslie	18 Heath Moor Drive, York, YO10 4NF
49	Yes			Noted	Amor, Mrs Barbara	2 Low Moor Avenue, Heslington, York, YO10 4NH
50	Yes. Would also like Germany Beck included			Please see 26 & 40 above	Houston	1 Pavillion Row, York, YO10 4UT
51	Yes	Childrens playing field at Fordlands Road and the nature area adjacent to the beck and field.		The playing fields are protected under open space policy GP7. The other areas lie in the green belt and are outside the village envelope	Vevers, M and J	47 Cherrywood Crescent, Fulford, York, YO19, 4QL
52	Yes. It should also include an additional area behind Fordlands Road Nursery and adjacent to the cemetery			Please see 51 & 32	McGill, A.	11 Heslington Croft, York, YO10 4NB
53	Yes			Noted	Thompson, Mrs	60 Broadway, Fulford Road, York, YO10 4JX
54	Yes Area 1. No Area 2.		Area 2 is unkempt land and does not deserve to be included.	Maintenance condition of land is not a relevant factor in designation	Miller, S and L	79 Main Street, Fulford, York, YO10 4PN
55	Yes. Wonders why the recreational area adjacent to School Lane is not included.			This is protected by open space policy GP7. It is not of architectural or historic interest in its own right	Easton, Mr M A	52 Heslington Lane, York, YO10 4NA
56	Yes			Noted	Childs, Anna	21 Broadway West, York, YO10 4JN
57	Yes			Noted	Foster, Colin and Joan	7 Barmby Avenue, Fulford, York, YO10 4HX

58	Yes. The area to the south should be extended even further			Conservation Area focus on built settlements of architectural or historic interest. Their characteristics must be special to deserve designation. The rural surroundings are protected by green belt status	Allinson, Nigel	Stonebridge House, Selby Road, Fulford, York.
59	Yes			Noted	Williamson, Mr and Mrs	4 Welwyn Drive, Fulford, York
60	Yes. Fulford Ings should also be included	Fulford Ings		Please see 8 above. Areas which not special architecturally or historically and which are predominantly rural do not qualify for designation.	Hayward, Mike and Margy	132 Main Street, Fulford, York, YO10 4PS
61	Yes			Noted	Good, M and A	6 St Oswald's Road, York, YO10 4PF
62	Yes			Noted	Owner / Occupier	32 Tilmire Close, Fulford, York
63	Yes			Noted	Geut, Mr D. and Miss K. Lagar	4 Beverley House, Main Street, Fulford
64	Yes			Noted	Clare, Mr J.	29 Heslington Lane, York
65	Yes			Noted	Buckley, Peter	63 Main Street, Fulford, York, YO10 4RN
66	Yes			Noted	Turton	306 Fulford Road, York
67	Yes			Noted	Richards, J.	131 Heslington Lane, York, YO1 4HS
68	Yes. Fenby Field should be included because of its historical part in Fulford's development.		Fulford should be protected from ever pressing urbanisation	Fenby Field is important socially and it is protected as open space by GP7. Public access to it is remote from the village and it does not form part of the grain of the village core.	Shelton, Mr and Mrs	4 Danum Drive, Fulford, York, YO10 4LQ

69	Yes. The area should extend south to the A64 -- to include the whole of Fordlands Road. Also to the east to contain St Oswald's School. Both these are part of the village.			These areas are outside the hiostoric village envelope and are protected either as greenbelt, or open space GP7. Conservation areas are there to protect the special architectural and historic character of a place. St Oswalds school is designated for educational purposes.	Williams, Mrs G.	23 Ley Way, Fulford, York, YO19 4GS
70	Yes			Noted	Mitchell, S.	10 Cornwall Drive, York.
71	Yes. Should also extend to include Landing Lane, SSI Site and village green by the river.			See items 1 & 8 above. Woodland to the north of landing lane is an SSS! And is already protected. The village green is unusually detached from the village, but the text in para 6.9 is to be amended.	Dinsdale, Mrs C.	Latrigg 81 Fordlands Road, Fulford , York, YO19 4QR
72	Yes. Should extend to the Ings and Germany Beck area			Please see 8 & 26 above.	Nelson, Stuart	85 Danum Road, York.
73	Yes. But could it include Fryers Field			Is this Fenby Field? If so please see 68 above.	Sara Starr	17 Heslington Lane, York, YO10 4HN
74	Yes			Noted	Peteree, Mrs M.	18 Atcherley Close, York, YO10 4QF
75	Yes	Tangible rural appearance		Noted in 6.1	Forrow, P.A.	137 Main Street, Fulford, York, YO10 4PP
76	Yes			Noted	Ford, Mr and Mrs N.E. and K.B.	16 Barmby Avenue, Fulford, York, YO10 4HX
77	Yes. Puzzling that the six houses of School Lane are not included?			these are discussed at 5.4	Thistle, Mrs F.	67 Main Street, Fulford, York, YO10 4PN
78	Should also include the rest of the playing field			The playing field are protected by GP7. They do not have special architectural and historic characteristics	Quirk, Isobel.	19 Crossfield Crescent, Fulford.
79	Yes. Why is the care home, 1 Fordlands Road not included?			It is modren and the area does not extend the special qulaities of the historic village	Daley, Mrs J	236 Glen Close, Fulford, York, YO10 4PW <b>ANNEX E</b>

80	Yes	Beautiful relaxing walks. Lots of wild life eg herons, king fishers, yellow hammers, water voles, clear lanes.		Noted. These are part of the rural hinterland and cannot be protected under conservation area legislation	Wilks, Mr and Mrs	25 Eastward Avenue, Fulford, York, YO10 4LZ
81	Yes		Don't know how it will impact on Germany Beck	the appraisal should strengthen arguments for preserving and enhancing the village character	Olson	YO10 4NB (17)
82	Yes		A proper village green would be nice	Noted - please see 9.4 for suggestion. This is a planning matter	Crawford, Mrs	20 Low Moor, York
83	Yes			Noted	Pateman, Mrs I A	66 Broadway, York
84	Yes	No		Noted	Relton, A	25 Danum Road, York, YO10 4LD
85	Yes		No new development should be allowed in the area, particularly in 'Area 2'	Conservation area designation does not preclude new development. It seeks to ensure that the special qualities of a place are preserved and enhanced though.	Holmes, Mr and Mrs L.	18 St Oswalds Court, Fulford, York, YO10 4QH
86	Yes. Fenby Field should be included		Fenby Field should be used as a modern village green and nature reserve.	Fenby Field is important socially and it is protected as open space by GP7. Public access to it is remote from the village and it does not form part of the grain of the village core.	Cullen, Bernadette	30 Heslington Lane, Fulford, York, YO10 4LX
87	Yes		Proposed developments at Germany Beck and Connaught Court will undermine the 'village' feel	These are planning issues. The appraisal will help in retaining existing characteristics	Shore, Dr H.	5 Prospect Terrace, Fulford, York, YO10 4PT
88	Yes	St Oswalds Hall and Pumping Station Cottages. Both are of interest, one historical the other industrial housing.		St Oswalds Hall is listed at grade 11*. Please see 7 above. Pumping Station Cottages are associated with the Water Board rather than the historic village, and their importance could be recognized by being included on a local list.	Eden G.A. and J.L.	58 St Oswalds Road, Fulford, York, YO10 4PF

89	Yes. Wish it could be more			Noted	Findlay, Mrs D.M.	17 Glen Close, Fulford, York, YO10 4PW
90	Yes. The triangular area south of Atcherley Close, adjoining the lngs should be included, so that the boundary of the conservation area follows the historic boundary of Fulford Park.			This area has been reassessed. It cannot be seperated from the rest of the former Fulford Park House grounds. It has been included in the revised boundary extension proposals.	Miller, Liz, Peter, Sam, Matthew	10 St Oswalds Road, Fulford, York.
91	Yes			Noted	Wilkin, Mrs V.N.	20 St Oswalds Road, Fulford, York
92	Yes	The water meadow between the cemetery and Germany Beck should be left ubntouched. The mature oak at the end of Low Moor Avenue		The meadow is in the greenbelt. Conservation area status is not the correct mechanism for its protection. The mature oak is remote from the village but it will be assessed for TPO status.	Pepper, Mr H.	48 Heathmoor Drive, York.
93	Yes		Fulford in danger of being ruined by Germany Beck development	the appraisal should strengthen arguments for preserving and enhancing the village character	Musgrove, K and T.	68 Danum Road, Fulford, York, YO10 4HY
94	Yes. Would like playing fields and park included			These are protected under open space policy GP7	Foreman, Helen	1 The Hollies, Man Street, Fulford, York
95	Yes			Noted	Taylor, Angela	10 Atcherley Close, Fulford, York, YO10 4QF
96	Yes. The extension should include all Germany Beck		What does 'burgage' mean?	This is a historic system of efficient land allocation based on long thin plots. Please see 40 & 26.	Watson, Mrs M. L.	1 Garth's End, York, YO10 4JE
97	Yes			Noted	I Gilbertson	90 Cherrywood Crescent, York
98	Yes		A pity something can't be done about the traffic	Noted - please see 10.1 in suggestions for future management	Chilton, T.	9 Danum Drive, York.
99	Yes. In addition an area east of School Lane			Please see	Fox	12 The Old Orchard, Fulford, York, YO10 4LT
100	Yes			Noted	Tanfield. Mr C.	77 Cherry Wood Crescent, Fulford, York, YO19 4QL
101	Yes			Noted	Bircher, Bryn.	7 Main Street, Fulford, York, YO10 4HJ

102	Yes	Site of an old 1066 battlefield		Noted. Battlefield mentioned at 4.3	Dixon, Mrs Feona	27 Tilmire Close, Fulford, York, YO10 4NG
103	Yes			Noted	Hill, Mrs Pat.	26 Fulford Park, Fulford, York, YO10 4QE
104	Yes. Suggests including the victorian 'officer' houses adjacent to Conaught Court.			Please see 88 above	Darby, Mr and Mrs	12 Main Street, Fulford, York.
105	Yes. Should be increased further			Noted - area must have special characteristics	Grant, Mr K.	43 Cherrywood Crescent, Fulford, York.
106	Yes. Could Fenby Field be included			Please see 68 above	Thomson	41 Heslington Lane, York, YO10 4HN
107	Yes			Noted	Bullock, John	13 Eastward Avenue, Fulford, YO10 4LZ
108	Yes		Opposition to Germany Beck proposal	This is outside the scope of the Consultation	Pedgew, Arthur	28 Anson Drive, York, YO10 4LH
109	Yes. Though extensions will dilute the appeal of the existing Conservation Area	Connaught Court, which provides a strategic gap between Fulford and Fishergate		Disagree that extensions will dilute the appeal of the conservation area. The proposed boundary extensions should allow a greater degree of protection and control over those areas not already granted planning permission.	Marshall, C	9 Main Street, Fulford, York, YO10 4HJ
110	Yes. But it should include a wider area to the south. The houses on Selby Road and top of Naburn Lane.	The houses opposite Naburn Lane		Please see 72 above. The built up areas must be of special architectural or historic interest to merit inclusion	Powell, M. and A. Watkinson	2 Selby Road, Fulford, York, YO19 4RB
111	Yes			Noted	Wilson, Mrs Elizabeth	31 Cherrywood Crescent, Fulford, York, YO19 4QL
112	Yes			Noted	Marshall, Jim.	3 Atcherley Close, York.
113	Yes		Do not rule out renewable energy installations. PP should be required to pave over a garden.	these are not ruled out but would be proposals would be assessed carefully in sensitive areas. The other issue is being considered nationally as a planning issue.	Spillard, Dr C.	50 Danum Road, York, YO10 4LE

114	Yes. But all of Fulford Park should be included	The parkland in Fulford Park and the Alms Houses		Area to further extension to proposed boundary. Value of park and almshouses acknowledged in 6.9 and paras 8.11 to 8.13.	Andrews, Tim, Tina, Herbert	7 St Oswalds Road York YO10 4PF
115	Yes			Noted	Lyons, K.	19 Eastward Avenue, Fulford, York. YO10 4LZ
116	Yes			Noted	Carrigan, Mr J F	54 Heslington Lane, Fulford, York.
117	Yes			Noted	Giltrap, Neil and Patricia	30 Fulford Park, Fulford, York, YO10 4QE
118	Yes			Noted	Thompson, Mr and Mrs	93 Cherrywood Crescent, Fulford, York YO19 4QW
119	Yes			Noted	Medley, Claire.	13 Nevinson Grove, Fulford, York
120	Yes			Noted	Barnes, Miss B.	18 Sir J Hunt Homes, York, YO10 4PG
121	Yes. Conservation Area should be extended in order to preserve as much of the historic area of York as possible			There are 35 conservation areas in York. The areas must have special architectural or historic interest in order to qualify.	Staunton, Polly	99 Main Street, Fulford, York
122	No. It should remain unchanged		Traffic is terrible	Acknowledged at 10.1	Smeaton, Mrs Phyllis	51 Heath Moor Drive, Fulford, York
123	Yes			Noted	Edwards, Carol	1 The Link, Broadway, Fulford, YO10 4LB
124	Yes			Noted	Silnovic, Jo	139 Main Street, Fulford, York, YO10 4PP
125	Yes	Lovely cared for quiet cemetery		Noted - the cemetery is part of the greenbelt	Carfoot, Mrs A M	7 Selby Road, Fulford, York. YO19 4RD
126	Yes. Should cover the whole of Connaught Court			This area has been reassessed. It cannot be seperated from the rest of the former Fulford Park House grounds. It has been included in the revised boundary extension proposals.	Campbell, Professor and Mrs Colin	11 Fulford, Park, York, YO10 4QE
127	Yes			Noted	Liley, Mr J.	11 Atcherley Close, Fulford, York YO10 4QE

128	Yes			Noted	Winship, Mr Graham and Mrs Diane	298 Fulford Road, York, YO10 4PE
129	Yes. Also the area south west of Connaught Court	The historic parkland feel of Connaught Court and the Almshouses		This area has been reassessed. It cannot be separated from the rest of the former Fulford Park House grounds. It has been included in the revised boundary extension proposals.	Smith, RW and C	11 St Oswalds Road, York, YO10 4PF
130	Yes. Would like further extensions to north and west	Wildlife value of the Ings. Battle of Fulford		The Ings is not part of the built settlement. It is protected by being in the greenbelt and some of it has SSSI status. The battle of Fulford is mentioned at 4.3	Crawford, Amanda, Richard Parker	
131	Yes		Traffic management on Main Street needs careful attention	This is noted in 10.1	Bloomer, Aileen	3 Palace View, Fulford, York, YO10 4PU
132	Yes	No		Noted	Wilson, W M D	135 Main Street, Fulford, York, YO10 4PP
133	Yes. But should be extended further to include church and cottages at bottom of St Oswalds Road and Atcherley Close.	Riverside Meadows		Please see 7 & 88 above. Atcherley Close does not qualify as an area of special architectural and historic interest. The water meadows are protected through other mechanisms .	Wilkinson, Stephen and Veronica	26 Atcherley Close, Fulford, York, YO10 4QF
134	Yes. Why has the triangle at Connaught Court been left out.	Wildlife		This area has been reassessed. It cannot be separated from the rest of the former Fulford Park House grounds. It has been included in the revised boundary extension proposals.	Rochfort Hyde, Makala and Robin	18 Fulford Park, Fulford, York, YO10 4QE
135	Yes			Noted	Hughes, Jack & Josie	28 Fulford Park, York, YO10 4QE
136	Yes			Noted	Brooke, Mr & Mrs B A	20 Heath Croft, Fulford, York, YO10 4ND

137	Yes. Should also include area to the west of the A19 bordered by Landing Lane + the area around Germany Beck			These areas are outside the village settlement. They are in the greenbelt. Conservation Area status must focus on the built environment	Worrall, Mrs D.	73 Cherry Wood Crescent, Fulford, York, YO19 4QL
138	Yes			Noted	Milner, B L & L	82 Cherry Wood Crescent, Fulford, York, YO19 4QN
139	Yes	The 'green' elements are Rich breeding / nesting areas		Noted	Burbridge, Don, Rosie. Plant, Michelle	28 St Oswalds Road, Fulford, YO10 4PE
140	Yes. Triangular area adjacent to Connaught Court should be included			This area has been reassessed. It cannot be seperated from the rest of the former Fulford Park House grounds. It has been included in the revised boundary extension proposals.	Miller, Liza, Peter, Sam, and Matthew	10 St Oswald's Road, Fulford, York
141	Neither agrees / disagrees. Wonders about the implications for house extensions + why the proposal does not include St Oswalds Road.			The majority of the north side of St Oswalds Road is in the Fulford Road conservation area as it marks the edge of the city itself. There are some implications for household extensions and these will be set out in an explanatory leaflet to anyone affected by the bounadry extension	Mc Creadie, John	16 St Oswalds Road, York, YO10 4PF
142	Yes	Fulford Park (stable Cottage)		The cottage is mentioned at 8.11	Jackson, D R & S E	16 Fulford Park, York, YO10 4QE
143	Yes. Would have liked it extending up to the ring road + included the Ings			Please see 137 above. Most of the rural area is protected by greenbelt status and a significant area of the Ings has SSSI designation.	King, Barbara, Trevor, and Christopher	2 Palace View, Fulford

144	Yes. Fulford Water Hall, Hall Farm, Dovecote old Golf Houses should be included.			Water Fulford hall and associated buildings and curtilage structures are protected through their status as listed buildings (grade 11) They are remote from the historic village core and to stretch the boundary out here would undermine the architectural and historic significance of the village settlement itself.	Cheyne, Graham	Lynwood, Selby Road, York, YO19 4RD
145	No. Stick to the old Fulford Village			Duty to review	Wright, Mr	1 Fordland Road, Fulford, York
146	Yes			Noted	Harding, Patricia	19 Sir J Hunt Homes, Fulford Road, York, YO10 4PG
147	Yes. Would like to include small green area at the corner of the primary school and Heslington Lane			This would be included in the revised boundary. See 9.4 of the appraisal	Hey, Mrs Elizabeth	10 Main Street, Fulford, York YO10 4PQ
148	Yes			Noted	Nelson, Ms Monica	6 Custance Walk, York, YO23 1BX
149	Yes			Noted	Ushor, Mr & Mrs S	11 The Old Orchard, Fulford
150	Yes			Noted	Alexander, Judy	1 Welwyn Drive, York, YO10 4LF
151	Yes. Should include the whole of Germany Beck	Diverse wildlife which thrives on Germany Beck		Conservation Area legislation focuses on the protection of man-made environments. The beck is within the greenbelt	Oldfield, K	18 Crossfield Crescent, Fulford, York, YO19 YQT
152	Yes			Noted	Brown, Joanne	18 Fordlands Road, Fulford, York YO19 4QG
153	Yes			Noted	Lord, I	42 Gaffry Wood Gate, Fulford, York
154	Yes			Noted	Allen, Karen	7 Low Moor Avenue, Fulford, York.
155	Yes			Noted	Loadman, Mr & Mrs	11 Wilsthorpe Grove, York, YO10 4HU
156	Yes			Noted	Beal, R	24 St Oswalds Court, Fulford, York <b>ANNEX E</b>

157	Yes. Would like it extended further towards Germany Beck boundary	Local schools and churches. 1066 Battle association		The importance of these areas is mentioned in 4.3 7.2 and in section 4. See also item 26 above	Cumberpatch, Sue	8 The Old Orchard, York, YO10 4LT
158	Yes. Should also include parish recreation area	Sense of community		The recreation areas are protected by open space policy GP7. In order to be included they would have to have historical significance to the village character and grain or they would form part of the special characteristics of the area. Sense of identity and Fulford being a distinct community are mentioned at 6.1	Hickson, P	20 Fulfordgate, Fulford, York, YO10 4LY
159	Yes. Should encompass wole of Heslington Lane	The Old Police House		There is a marked difference in character where the boundary exists on Heslington Lane. The area outside the boundary does not possess special characteristics. The former Police house is included within the boundary see 4.15.	Snaby, Mrs V B	29 Heath Moor Drive, Fulford, York, YO10, 4NE
160	Yes. Extensive comments			Comments not specified	Fulford Parish Council	
161	Yes			Noted	CAAP	c/o St Leonard's Place
162	Yes			Noted	Councillor Keith Aspden	C/O Guildhall
163	N/A Question asked about tree felling in a conservation area			Policy would remain the same	Miller, Linda	e-mailed - no address given
164	Yes			Noted	Barter, Maureen	e-mailed - no address given
165	No			OK	Royal Masonic Benevolent Institution	Sanne Roberts Built Heritage - UK Central, Scott Wilson Ltd Westone, Wellington Street, Leeds
166	Yes , especially area 1			Noted	Wright, Mr & Mrs P	5 Danum Drive, York, YO10 4LQ

167	Yes			Noted	Suffield, Mr & Mrs P.	138 Main Street, Fulford, York, YO10 4PS
168	Yes	St Oswalds Church		The church was considered for inclusion but has been rejected - see 7 above. It is mentioned at 4.6. It is protected by being listed at grade 11*. The later church of St Oswald is described at 8.10.	Wells, J & K	8 Fulfordgate, Heslington Lane, York, YO10 4LY
169	Yes			Noted	Usher, Mr & Mrs	24 Heathmoor Drive, Heslington Lane, York.
170	Yes	Battle of Fulford Site		Mentioned at 4.3 and later	Urmston, Mary	The Coach House, Fulford Park, York, YO10 4QE
171	Yes, 4 page report sent			Please see below	Fulford Parish Council	
172	Yes, but should extend further, Fulford Hall + triangle of Connaught Court land up to Ings boundary			A conservation area focuses on the special architectural and historic characteristics of a place. Water Fulfors Hall is quite separate from the village and it is listed at grade 11. This will also protect its curtilage and other associated structures. The boundray has been extended in Area 1 (C) to include the triangular area. please	Garrston, David	9 Fulfordgate, York, YO10 4LY
173	Yes			Noted	Glooine, Helen	10 Broadway, YO10 4JW
174	Yes			Noted	G P Avery	30 Connaught Court, Fulford, York, YO10 4FA
175	Yes	Battle of Fulford Site		Mentioned in historical development section and later	Wilkinson, David	9 Atcherley Close, Fulford, York, YO10 4QF
176	Yes			Noted	Schulttze, Dr Michael	13 St Oswald's Road, Fulford, York, YO10 4PF <b>ANNEX E</b>

177	Yes . Three page document			Please see below	Fulford Village Design Statement Group	David Gamston, 9 Fulfordgate, York, YO10 4LY
178	Yes, Connaught Court Parkland should also be included			Please see 172 & 175 above. Text paras 4.3 & 5.15 to be altered to give more credibility to siting of battle of Fulford.	Miller, Lisa & Peter	10 St Oswalds Road, Fulford York YO10 4PF
179	Yes, would have liked Fulford Hall included + battlefield site + parkland of Connaught Court			Please see 175 & 178	de Vries, Karin	Osborne House, 7 School Lane, Fulford, York, YO10 4LU
180	Yes			Noted	Reid, Dr & Mrs	4 Fenwicks Lane, Gate-Fulford, York YO10 4PL
181	Not stated	Extensive comments about Battle of Fulford Site		Wording in document to be revised to acknowledge inconclusive nature of evidence at this point in time	Jones, Charles	
182	No			Noted	Fisher, Terence B	

	FULFORD PARISH COUNCIL RESPONSE		<p>First Response: para 5.11 will be slightly reworded (Connaught Court); para 5.18 will be slightly reworded (new access road); para 6.9 will be slightly reworded (village green); Map page 9 - proposed boundary to be revised at Connaught Court; maps pages 19 &amp; 23 - some revisions to values will be made; Second Response: point 1 - boundary to be adjusted; point 2 -some revisions to values to be made, agree to Orchard Close - paras 5.5 &amp; 7.14 to be reworded; point 3 - trees of value already identified, identifying individual walls is dangerous as walls not identified could be considered to have lower value; wording of para 6.1 will be reconsidered; insertion of some wording will be considered; point 6 - disagree; point 7 already covered in item 181 above, point 8 inaccuracies to be rectified.</p>		
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	CAAP RESPONSE			Support Noted. Points 2& 3 The footpath along the Ings is part of a wider network and it is included within the greenbelt and the SSSI which runs up to the west boundary of the conservation area.Point 5 - para 4.14 to be reworded to mention 1884 amalgamation of civil parish with York; Point 6 - section 5 will be omitted from the final appraisal so text insertion is not pppropriate; para 4.9 to be reworded to include common.		
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	FULFORD VILLAGE DESIGN STATEMENT GROUP RESPONSE			Support Noted. Page 1 - para 3 as above; page 1 para 4 - as above; the inclusion of Atcherley Close cannot be justified; page 2 para 1 - dealt with already; page 2 para 2 - agreed, plan p 14 will be amended to show two more trees (that near the Primary School is outside the conservation area);p2 para3 - disagree as very risky to prioritize trees; p2 paras 5 & 6 -Difficult & risky to extend the valuation of buildings to trees and walls etc ; the title had in mind eg the listed telephone box; key legends to be reconsidered; p2 para7 - Disagree with this approach as "writing off" whole areas eg School Lane houses ignores some historic remnants and would seem to challenge the validity of inclusion in the conservation area; p2 para8 - dealt with already; p3 para1 - the starting point is that this is an appraisal rather than a development guidance	
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# FULFORD VILLAGE CONSERVATION AREA APPRAISAL



## CONTENTS

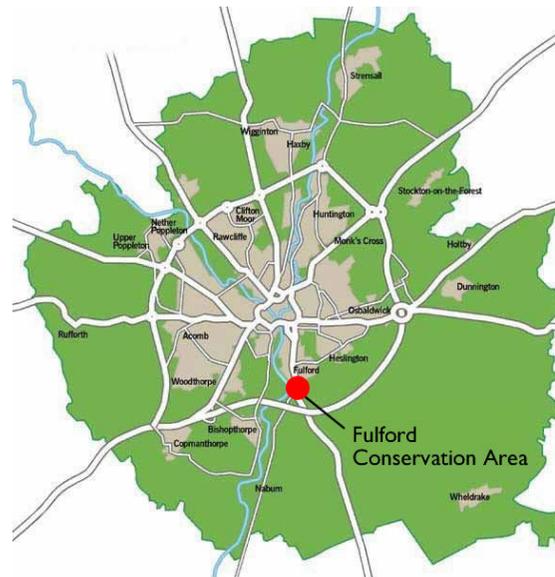
1	INTRODUCTION	Page 2
2	LOCATION AND CONTEXT	Page 3
3	TOPOGRAPHY AND SETTING	Page 4
4	HISTORICAL DEVELOPMENT	Page 5
5	CONSERVATION AREA BOUNDARY	Page 8
6	GENERAL CHARACTER	Page 12
7	THE SOUTHERN AREA	Page 16
8	THE NORTHERN AREA	Page 20
9	THE HESLINGTON LANE AREA	Page 24
10	FUTURE MANAGEMENT SUGGESTIONS	Page 27

This Conservation Area Appraisal was prepared in April 2008 by Lindsay Cowle (Conservation Consultant) in liaison with Colin Briden (Historic Buildings Archaeologist) on behalf of the City of York Council and Fulford Parish Council. It also incorporates material provided by the Parish Council. The format and content were agreed with the Design, Conservation and Sustainable Development Section of the City of York Council, and the document was approved by the Council on

## I INTRODUCTION

- I.1 Section 69 of the Planning (Listed Buildings and Historic Areas) Act 1990 requires local planning authorities to designate as conservation areas any 'areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'. In addition, authorities are required to carry out periodic reviews of the conservation areas under their control.
- I.2 Section 71 of the same Act requires local authorities to formulate and publish proposals for the preservation and enhancement of conservation areas and to submit them to a public meeting for consideration. Following designation the local authority, in exercising its planning powers, must pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area (Section 72 of the Act).
- I.3 The Fulford Village conservation area was designated by the City of York Council in 1998. It is located on the southern outskirts of the city (see map) and is largely surrounded by open land, that to the south and west being within the Green Belt.

- I.4 This documents sets out the findings of a character appraisal of the Fulford Village conservation area and can be regarded as being in four parts. The first part (Chapters 1-4) sets the scene by analysing the history and baseline factors of the conservation area. The second part (Chapter 5) reviews the existing extent of the conservation area and makes proposals for revision of its boundaries. The third part describes the area as revised, firstly in general terms (Chapter 6) and then, in more detail, as three sub-areas (Chapters 7-9). The final part (Chapter 10) contains suggestions for future management.



## 2 LOCATION AND CONTEXT

- 2.1 The village of Fulford lies on the southern outskirts of the city, roughly 2-2.5 kilometres from the city centre. It is an historic village of linear plan, straddling the main A19 trunk road which enters the city from Selby and the modern A64 York by-pass. Towards the northern end of the village a secondary road – Heslington Lane – branches off eastwards towards the historic village of Heslington.
- 2.2 The settlement is relatively self-contained, being bounded on the west side by the low-lying and flood-prone margins of the River Ouse and on south side by Germany Beck, a small tributary of the Ouse. To the east are flat, open fields. To the north the village – once distinctly separate from the city – is now loosely attached to the city suburbs so that the separate identity of the village is reduced. Even so, the village retains a special character and forms an attractive and distinctive entrance to the city.
- 2.3 Due to the volume of traffic now entering the city from the south the village is experiencing some pressure from through traffic, which conflicts with its quiet semi-rural character: traffic reduction measures are therefore being explored. It is also experiencing some pressure from residential development. The village has been an attractive residential suburb of the city for over 100 years but development interest, particularly from volume house-builders, is now keen. This is therefore an appropriate time to re-assess the character of the conservation area and ensure that its special character is not compromised.

### 3 TOPOGRAPHY AND SETTING

3.1 Main Street, Fulford, runs approximately north-south on a low ridge of glacial sand and gravel, flanked by lower areas of glacial outwash deposits and alluvium. The Conservation Area, covering the historic core of the village, appears to lie wholly within the area of the gravel ridge. This ridge in turn forms part of the York moraine.

3.2 The south end of the ridge marks the point where Germany Beck has cut a channel through the deposits on its way to join the River Ouse. The present course of the beck in this area appears to be an ancient one, with former abandoned channels visible as depressions upstream of Stone Bridge. Excavation further to the east has revealed extensive peat deposits associated with the beck. These deposits have produced finds from the Mesolithic (c 9000 BP) and Roman periods.

3.3 To the west the Conservation Area is bounded by Fulford Ings, a low-lying and seasonally-flooded area of alluvium, two parts of which are designated as Sites of Special Scientific Interest.

3.4 To the east the Conservation Area is mostly bounded by a flat and relatively featureless landscape, some of it built over in modern times, some still farmland.



Western boundary of village to Fulford Ings



View of village from fields to the east

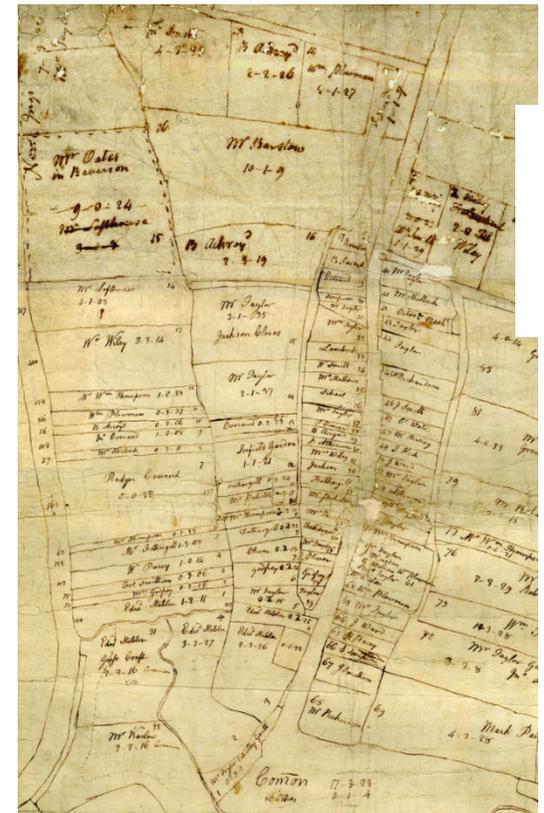
## 4 HISTORICAL DEVELOPMENT

- 4.1 Archaeological research at a number of sites close to the Conservation Area has shown that the fields around the Conservation Area were used for farming in the Neolithic and Romano-British periods, but no evidence of settlements survives.
- 4.2 It is thought that Fulford Main Street and Fulford Road to the north are of Roman origin (although archaeological evidence is lacking), and that in Roman times they formed an alternative route to and from the south side of the city, making use of the firm and well-drained ground offered by the gravel ridge. Evidence for Roman activity, but not for Roman structures, has been found in the area of Connaught Court and more recently during the construction of the new St Oswald's Primary School off School Lane.
- 4.3 Considerable effort has been put recently into trying to locate the Battle of Fulford, fought in September 1066 between the northern Earls and Harald Hardrada. The archaeological evidence for this major confrontation is inconclusive but it has been argued that Germany Beck marks the line over

which the battle was fought. In 1977 a memorial stone was placed close to this spot by Fulford Parish Council, in the playing field on the south side of the Germany Beck.

- 4.4 It is generally accepted that Fulford (historically known as Gate Fulford, to distinguish it from the manor and settlement of Water Fulford further south) gains its name from the original ford over Germany Beck at the south end of the village. At the time of the Domesday survey (1086) Fulford was known as 'Foleford' or 'Fuletorp' inferring a muddy ford: the beck itself may derive its name from a mid-13th century landowner named 'German de Brettgate'.
- 4.5 Before the Norman Conquest the manor of Fulford belonged to Morcar; by 1086 it had passed to Count Alan of Brittany, and in 1100 it was given by Count Stephen of Brittany to St Mary's Abbey, York. The Abbey retained the manor until the Dissolution when it passed in succession to the Burrell, Marshall, Taylor, Oates, Key, and Wormald families.

- 4.6 It seems likely that Fulford was a planned village, dating from the C12 acquisition of the manor by St Mary's Abbey. It is possible that before that date the settlement stood near the old church at the west end of St Oswald's Road, and that it was moved to a more convenient location, straddling the presumed Roman road, as a speculative venture.



1759 Enclosure Award map

4.7 The 1759 Enclosure Award map (see illustration) suggests the form of the mediaeval village very clearly: two back lanes, now known as Fenwick's Lane (to the west) and School Lane (to the east) run parallel to Main Street and at a similar distance from it. Between Main Street and the back lanes run a number of narrow strips of property, or burgage plots. Between these plots ran a number of very narrow footpaths which connected Main Street with the back lanes: one on the east (Chapel Lane) and two on the west (Medd's Lane and Fenwicks Lane) survive, together with a third on the west side (Halfpenny Row) now partly obliterated by the new St Oswald's Court development. All three footpaths on the west side continue down to the lngs. This must be an ancient arrangement.

4.8 At Germany Beck, in 1759 and presumably earlier, the main road to Selby gave way to a broad swathe of common land, with no defined carriageway. This suggests that the first stone bridge (- now much widened -) is of a later date, and that hitherto it was possible to ford the beck at various places depending on circumstances.

Other roads in existence at the time include Heslington Lane and some of the tracks across the lngs, to the west of the village.

4.9 The character of the village in the mid C18 was that of a self-contained settlement based on agriculture and related industries of a domestic scale. The village pinfold or cattle pound at the junction of Main Street and what is now Fordlands Road survived until at least the First World War, confirming the village's agricultural basis.

4.10 Subdivision of the burgage plots to form additional properties probably began at an early date but it was certainly in progress by the late C18; it is most marked among the plots on the east side of Main Street. Here many of the plots have been divided close to their mid-point and new properties built, with access generally (but not always) from School Lane.

4.11 Larger houses began to appear, with increased affluence and easier access to the city. Fulford House (now the Pavilion Hotel) appeared in the Main Street in the mid-late C18. On the west side of Fenwicks Lane two large houses

(Delwood Croft and Gate Fulford Hall) were built in the mid-late C18 to take advantage of the long views down to and across the lngs. At the northern end of the village the enclosures south of St Oswald's Road were cleared to create Fulford Park, the setting for Fulford Park House opposite the junction with Heslington Lane.

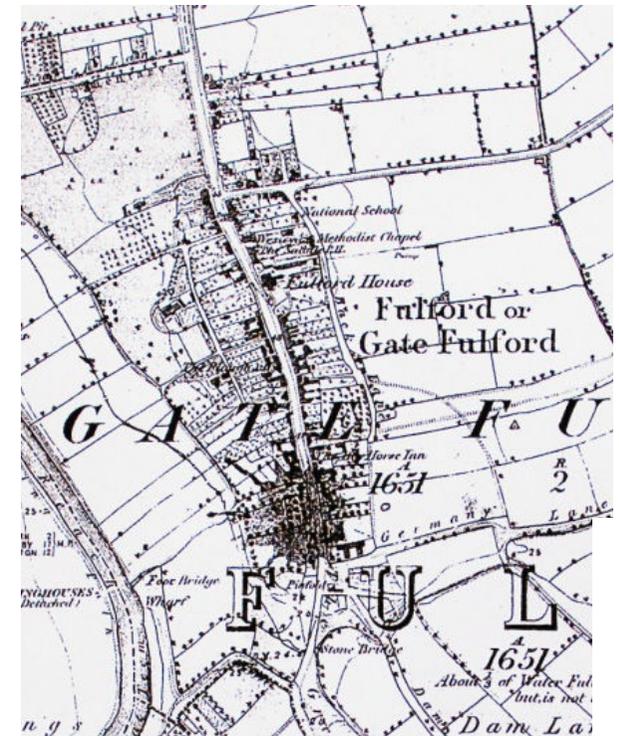


Fulford House (now Pavilion Hotel)

- 4.12 A free school was founded by John Key in 1771; the unlisted building is now a private house (No 27 Main Street). Additional buildings for girls and infants were constructed in Back Lane (now School Lane) in 1844 and 1846 respectively. They were further added to in 1866. One building is still in use as the village Social Hall.
- 4.13 The Methodist Chapel in Main Street was built in 1844, and rebuilt in 1896, to replace a chapel of 1820 which formerly stood in School Lane. The Church of St Oswald on Fulford Road was built in 1866, replacing the old church on St Oswald's Road which was retained as a mortuary chapel.
- 4.14 Until the mid 1800's the village remained more or less unaltered, surrounded by fields on all sides and quite separate from the outskirts of York (see illustration). But by the turn of the century the outskirts of the city had virtually reached the village, and the city tramway entered it. A terrace of shops appeared on the west side of Main Street, together with a narrow road of terraced housing (Prospect Terrace) more typical of the city than its semi-rural context. Supporting commercial businesses followed, such

as Brittons Dairies, The York and Ainsty Laundry, and the enlargement of the village pubs.

- 4.15 A Police House was built in 1905 on the south side of Main Street / Fulford Road immediately above the Stone Bridge; it is, in fact, the first house to be passed as one enters the historic area of the village from the south. This is probably no accident.
- 4.16 Fulford's role as a dormitory village for York accelerated from the early 20th century onwards, with the appearance of some high quality Edwardian and mid war detached houses, especially along the north side of Heslington Lane, at the southern end of the village, and west of Main Street.
- 4.17 The Sir John J Hunt Memorial Homes were built on the former Fulford Park in 1954, followed in 1971 by Connaught Court which was developed by the Royal Masonic Benevolent Institution as a home for the elderly.
- 4.18 In the mid to late C20 plots to the west of School Lane were subdivided to allow substantial housing development to take place; a process which continues to the present day.



Extract from 1852 OS map

## 5 CONSERVATION AREA BOUNDARY

5.1 The existing boundary of the conservation area is shown on the map overleaf. Generally speaking it can be regarded as following the distinct boundary of the historic settlement on most sides, but extended to the north east to include the 19th century and later expansion along Main Street and Heslington Lane.

5.2 As part of this conservation area appraisal, the appropriateness of the boundary has been re-considered. The existing boundary generally follows the well-defined perimeter of the historic settlement and is therefore entirely appropriate, but particular attention has been given to the specific areas listed A-D below, also shown on the map.

### **A - Houses to East of School Lane**

5.3 A proposal has been made that the various properties east of School Lane (towards its southern end) should be included in the conservation area. This is mostly based on the remnants of the former Enclosure boundaries and the agricultural role of some buildings.

5.4 However, the boundaries are only partially intact, and the buildings are all 20th century and lack the agricultural appearance which would help illustrate the rural character of the village. Surviving associations between the present occupants and previous farming families cannot be considered as relevant. It is therefore considered that these properties should not be included, but any proposed development to the east of School Lane could be deemed as affecting the setting of the conservation area and could be controlled by existing legislation.

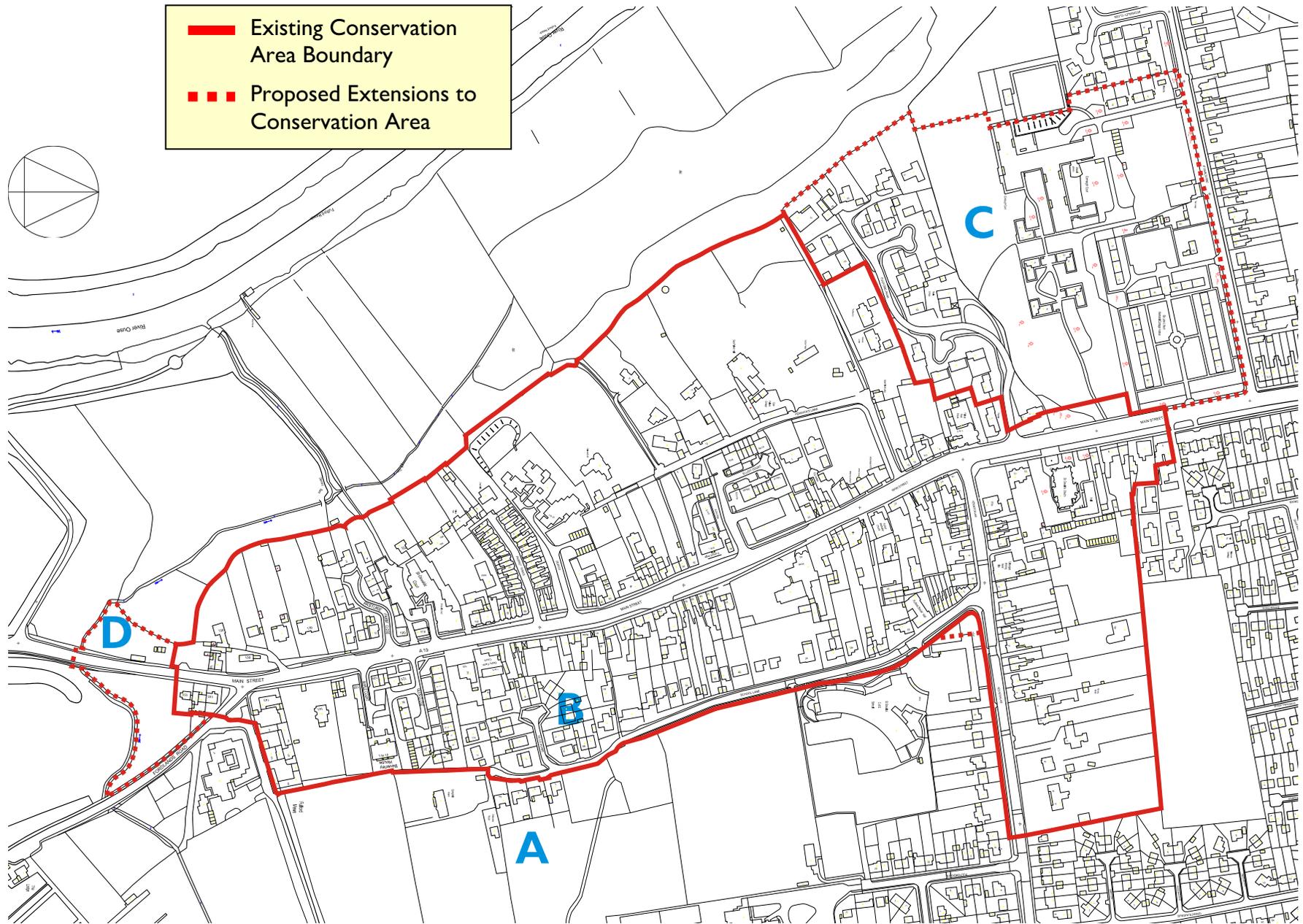
### **B - Orchard Close, School Lane**

5.5 This consists of a mid 20th century development of detached houses arranged around a central access road branching off School Lane towards Main Street. The development has obliterated the historic pattern of burgage plots and ownerships, and the houses do not relate to the character of the rest of the village.

5.6 Since this development is on the edge of the existing conservation area consideration has been given to its exclusion, since there are no features within the area which require special protection. However, it has been considered on balance to be preferable to retain it within the area, in order that any future redevelopment can be more tightly controlled and relate more sympathetically to the older settlement adjoining. Its retention will also help to reflect more accurately the form of the historic village.

### **C - Almshouses / Connaught Court / Fulford Park**

5.7 A proposal has been made that the former area of Fulford Park (now mostly occupied by the Connaught Court housing complex, the Sir John J Hunt Almshouses and the modern Fulford Park housing development) should be added to the conservation area.



Map showing Conservation Area

5.8 There is an historical argument for making this extension, based on the fact that this area was clearly already an established part of the village by 1759, when the Enclosure Map was drawn. Cleared of enclosures and landscaped, it has been a very significant feature at the north end of the village since the early 19th century, as the parkland setting for Fulford Park House.

5.9 20th century development within the park has still left significant large areas of open space, including some fine mature trees, and a margin of parkland between the Main Street and the Fulford Ings which helps to preserve the distinction between Fulford Village and the city suburbs and the open space which encircles the settlement. The Conservation Area will give more comprehensive protection to the trees and their landscape setting than can be achieved through individual Tree Preservation Orders.

5.10 Another argument is based on the merits of the later development. The Sir John J Hunt Memorial Homes of 1955 at the corner of Main Street and St Oswald's Road are of attractive and

eye-catching design, spaciouly planned and well landscaped so that their impact on the former parkland is minimised. They have not been deemed worthy of Listing, but are undoubtedly of local architectural and townscape value.

5.11 The Connaught Court residential development in St Oswald's Road is modern, with few concessions to the character of the historic village, but it is of a reasonably small scale, and spaciouly planned and well landscaped such that it does not destroy the general appearance of being within a park.

5.12 Assuming that the Almshouses and Connaught Court were to be included in the conservation area the remaining issue is the status of the Fulford Park housing development separating these from the village to the south. This development is spaciouly planned, using house designs which suit the context, and the landscaping is approaching maturity. It also includes the former coach house to Fulford Park House, which is a building of interest and character, although not Listed. On balance it is considered that Fulford

Park has sufficient interest and quality to justify its inclusion in the conservation area, and that its inclusion would add clarity and logic to the area boundary.

5.13 It is therefore recommended that the conservation area be extended to include the area proposed on the attached map.



The Sir John J Hunt Memorial Homes

## D - Land adjoining Germany Beck

- 5.14 A proposal has been made that the land between the southern end of the village and Germany Beck should be added to the conservation area.
- 5.15 One major historical argument for making this extension is that the crossing point of Germany Beck has played a major role in providing the 'foul ford' from which the village derives its name and in providing the barrier which defines the southern limit of building. A second argument – although not verifiable – is that Germany Beck was the focus of the historic battle of Fulford in 1066, as recently commemorated on an inscribed stone on the south side of the bridge.
- 5.16 These arguments aside, the entrance to the village from the south is enhanced by the bends in the road as it approaches Stone Bridge and then straightens out at the junction with Fordlands Road to form Main Street. The road configuration helps introduce the small scale of the village and may also act as a speed inhibitor. In the

opposite direction the bends provide a visual 'stop' to the Street and a sense of departure. The fairly abrupt transition from the built settlement to open land adds positively to the setting of the village.

- 5.17 The valley of the beck to the east of Stone Bridge is vegetated with low-lying alder carr of a type formerly very common in the Vale of York but which is now rare: many of the alders are large, suggesting that this area has suffered very little from human interference. A very similar but larger area on the west side of the Stone Bridge is a Site of Special Scientific Interest. The original stone bridge still exists on the west side, but has been extensively widened on the east.
- 5.18 The future of this area formed part of a public inquiry in summer 2006, concerning a proposed new residential development to the east of Fordlands Road, which would be served by a new road branching off the A19 between Stone Bridge and the village: this road was found to be accepted in principle.

- 5.19 The archaeological and conservation area issues raised at this inquiry have been considered, and the arguments for extension of the conservation area as listed above are not in conflict with Inspector's conclusions, having weighed up all the evidence submitted. The extension of the conservation area is not intended to thwart the approved development but should ensure a greater degree of control over its design and quality, in order to minimise conflict with the area.
- 5.20 It is therefore recommended that the conservation area be extended to include the area proposed on the attached map.



Stone commemorating battle of Fulford

## 6 GENERAL CHARACTER

- 6.1 There is no complete break in the built-up area between York and Fulford, but the village has its own sense of identity in the unity of its character, historical form and setting. It forms a distinct community and still retains a tangible rural appearance (- it was described as late as 1892 as being 'amidst some rich pastoral scenery'-), reinforced by events such as the annual Fulford Show.
- 6.2 Main Street has become a busy traffic route, but is still essentially a village street, curving gently between grass verges with occasional mature trees, and flanked by short terraces of houses which either front directly onto the road or are set behind small front gardens. Along parts of the street the grass verges and footpaths are slightly higher than the vehicle carriageway, adding to the village character and giving an extra degree of separation from the traffic flow. These elements are each important in creating an attractive linear village street which is cohesive overall, despite interruptions to its traditional appearance from some recent developments.
- 6.3 The areas behind the Main Street frontage are also an essential part of the village, based on the old burgage plots crossed by the mediaeval back lanes now known as Fenwick's Lane and School Lane. Between Main Street and Fenwick's Lane some of the traditional paddocks remain. Narrow footpaths run between the Main Street and the edge of the settlement, and partly round the perimeter of the settlement. The sudden contrast between the tree-filled gardens along the western edge of the village and the bleakness of the Fulford Ings beyond is a striking feature, defining the edge of the settlement.
- 6.4 Mature trees throughout the village – either individually, as copses or as boundaries – create a strongly rural character, reinforced by hedges, boundary walls and railings. Especially west of the Main Street there are numerous native deciduous trees, poplars planted as visual screens and windbreaks, and ornamental garden trees such as flowering cherry, pine, silver birch, holly, monkey-puzzle and fir. The trees most visually noticeable from public areas are shown on the map attached.
- 6.5 Fulford possesses a wide variety of traditional buildings, from small 18th and 19th century cottages to large and elegant Georgian and Regency houses, several of which are Listed. There are also some Victorian and early 20th century additions of quality and interest. Main Street contains a good cross section of buildings, whilst Heslington Lane is mainly Victorian and Edwardian in character. The majority of buildings are residential, with a scattering of community buildings and a small nucleus of shops (see map).
- 6.6 The predominant building material in Main Street is a pinkish-brown brick, with occasional buildings finished in painted render or pebble-dash. Roofs are almost invariably pitched towards the street with their eaves heights varying from building to building, and finished mostly in clay pantiles or (to a lesser extent) Welsh slate: in some cases there are upstand gable walls.

Brick chimneys, often of massive size or height, break up the roof lines and define party walls. There is an almost complete absence of dormers in the roofs facing Main Street, which adds to the sense of unity, but there are occasional dormers at the rear.

- 6.7 The buildings are mostly of simple rectangular plan, with any rear extensions being of smaller scale under catslide roofs or with pitched roofs finishing under the main eaves. Front elevations are mostly plain, except for odd instances where there is a projecting brick string course at first floor level, or (in the case of Nos 50-52) remnants of brick hood moulds. No 4 is unique in having string courses at both first and second floor level. Occasionally the higher status Georgian houses have shallow bay windows, which become more distinct canted bays during the Victorian period.
- 6.8 Most of the older properties retain their traditional four-paned or multi-paned timber sash windows, often set close to the frontage on stone cills and invariably with vertical proportions throughout. Elevations are restrained,

with any decoration confined to entrance doors and doorways. These elements are important in maintaining the sense of scale and detailing associated with a rural village.

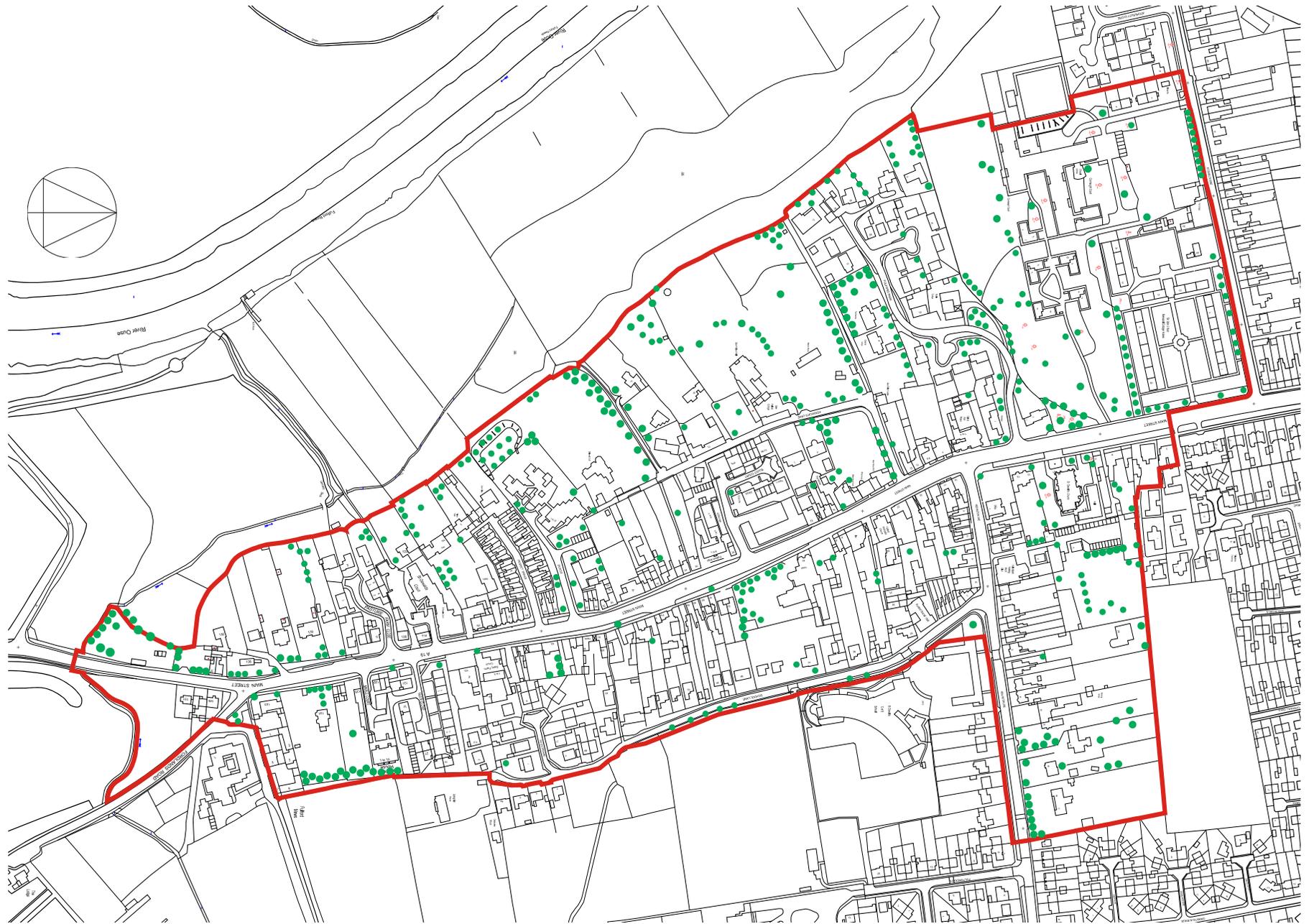
- 6.9 The village has no village green and virtually no public open spaces, but at the north end of the village the former park of Fulford Park House is a major

feature of quite different character, fronting onto Main Street. It is a spacious landscaped area, with very fine mature trees, and the mid-20th century almshouses within the northern boundary are charmingly picturesque.

- 6.10 The character of the area is described in more detail as 3 sub areas, in Chapters 7-9.

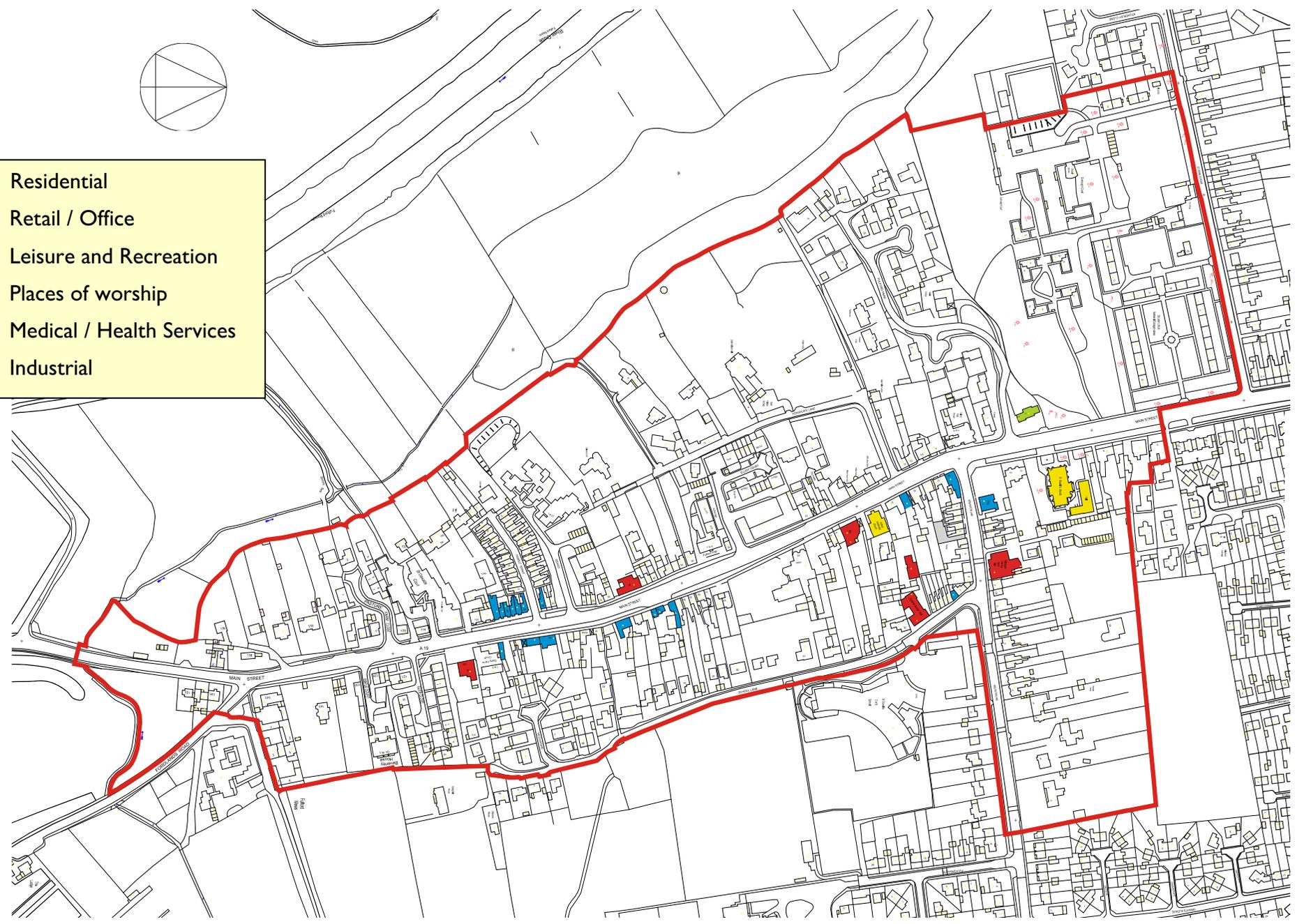


Traditional buildings in Main Street, near Heslington Lane Junction



Map showing visually prominent trees

- Residential
- Retail / Office
- Leisure and Recreation
- Places of worship
- Medical / Health Services
- Industrial



Map showing building uses

## 7 THE SOUTHERN AREA

(see map which follows)

- 7.1 The A19 road entering Fulford from the south turns to cross the bridge over Germany Beck and turns again to enter the village, which helps to slow traffic and introduce the built-up area. Mature trees and hedges, particularly on the western side, confirm the rural context of the village. The area to the east is vegetated with low-lying alder carr of a type formerly very common in the Vale of York but which is now rare: many of the alders are large, suggesting that this area has suffered very little from human interference.
- 7.2 The crossing point of Germany Beck has played a major role in providing the 'foul ford' from which the village derives its name and in defining the southern limit of building. It may have been the focus of the historic battle of Fulford in 1066, as commemorated on an inscribed stone on the south side of the Stone Bridge. The east side of the bridge retains its original narrow culvert of coursed rubble under a two-centred arch, but has been extended westwards in at least two later phases.

- 7.3 Although the first buildings encountered are not the oldest they quickly establish the scale of the village and the palette of materials, which are a pinkish-brown brick, with white painted vertically or horizontally sliding sash windows, and clay pantile or Welsh slate roofs. There is a mixture of mature deciduous and ornamental garden trees, and strong boundary hedges and walls.



Original pointed arch stone bridge

- 7.4 At the junction of Fordlands Road is one of the few areas of public open space, (formerly containing the village pinfold) which is otherwise largely absent.
- 7.5 The first true section of the village Main Street runs straight as far as The Plough public house, where it curves to the west and changes character slightly. The street is distinctive in having the footpaths and highway separated by grass verges, which are well tended and planted with daffodils and occasional trees. Most of the traditional buildings (to the east) are modest houses and have been somewhat spoiled by modern upvc windows and window alterations. To the west, 20th century suburban houses have been added, but the earlier of these (for example No 132) are of some architectural quality and have long private gardens running down to the Ings.
- 7.6 The Bay Horse public house is a striking detached late Victorian building which is somewhat incongruous in scale and design but whose use is typical of a rural village.

7.7 Several new housing developments have been introduced in this section of the Main Street, with varying degrees of success. The earliest of these – Glen Close, to the east – is an uncompromising complex of flats which does not suit the scale, materials and ‘grain’ of the area. To the north of the Bay Horse the Dairy Farm Court development is of excessive scale for its ‘back land’ context and has inappropriate classical detailing.



Glen Close housing development

7.8 Pasture Farm Close opposite is of totally modern design but is set back from the street and of small scale, and is therefore less noticeable. The St Oswald’s Court development has a frontage which fits in well with the Main Street but which has obliterated much of Halfpenny Row, one of the old footpaths running down to the Ings. Both these developments have left buildings isolated on the frontage, with problems of exposed party walls, illustrating the sensitivity needed in accessing rear development sites.



St. Oswald’s Court housing development

7.9 A small terrace of shops extends up to Prospect Terrace, forming the focus of

Fulford’s small shopping area. Prospect Terrace itself is a narrow road of modest late Victorian terraced housing more typical of the city than its semi-rural context: the shops and terrace appear to have been built together as a speculative exercise. Beyond that, Delwood is another modern housing development which is of a small scale further reduced by variations in walling material, so that its impact is minimised, but it has resulted in the obliteration of the southern end of Fenwick’s Lane (see Northern Area), and in an excessively wide gap in the frontage.

7.10 On the east side of Main Street the age and status of the houses starts to increase after the Bay Horse pub, starting with No 95 and including a terrace of more modest houses Nos 79-89 which form an intact and attractive group where the street curves. The ancient and narrow path Chapel Alley leads off under No 81 towards School Lane on the eastern village boundary, with its two timber posts (to bar animals) a reminder of the village’s agricultural origins.

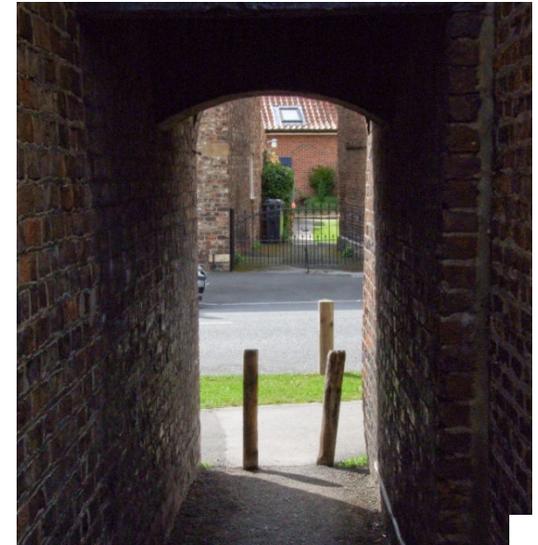
7.11 The Plough public house is a striking and attractive building of late Georgian or early Victorian origins, painted black and white and fitting its rural context. Beyond that the houses to the west remain modest in scale, terminating in the Listed building No 30-32 (Dick Turpin House) with its steep roof and picturesque bay windows. Between Nos 32 and 34 the ancient narrow passageway of Medd's Lane runs off between hedges and rear gardens to Fenwicks Lane. Fulford Ings flats is a modern complex quite out of character with the area in terms of its scale and design, and has damaged the street frontage by being recessed back: it has left No 24 standing in isolation and is another example of the need to integrate new development sensitively.

7.12 Buildings of high status continue to appear on the east side, notably Nos 63-67 and No 77. The gables of No 67 are of traditional 'tumbled brick' but the only examples in the village. Finally the two houses Nos 53 and 55 are modern and unrelated to the area.

7.13 On either side narrow yards and passages lead off into the rear areas,

which are the surviving long burgage plots, sometimes containing outhouses and secondary uses, with mature trees visible in the back ground. The west side of the Conservation Area is partly skirted by public footpaths along the Ings: the west side is skirted by a footpath (included in the Conservation Area) extending southwards from School Lane, in which the contrast between the settlement and the open fields to the east is most dramatic.

7.14 The southern end of School Lane is lined with modern houses and bungalows which do not relate to the Conservation Area, and whereas most still stand within the former burgage plots the Old Orchard development has destroyed the plot pattern as well. However, the Conservation Area has been delineated to follow the historic settlement boundary, which is School Lane, and opportunities exist for new development which might restore more of the character of the area. School Lane retains its hedged field boundary on the eastern side, interspersed with trees, which is included in the designated area.

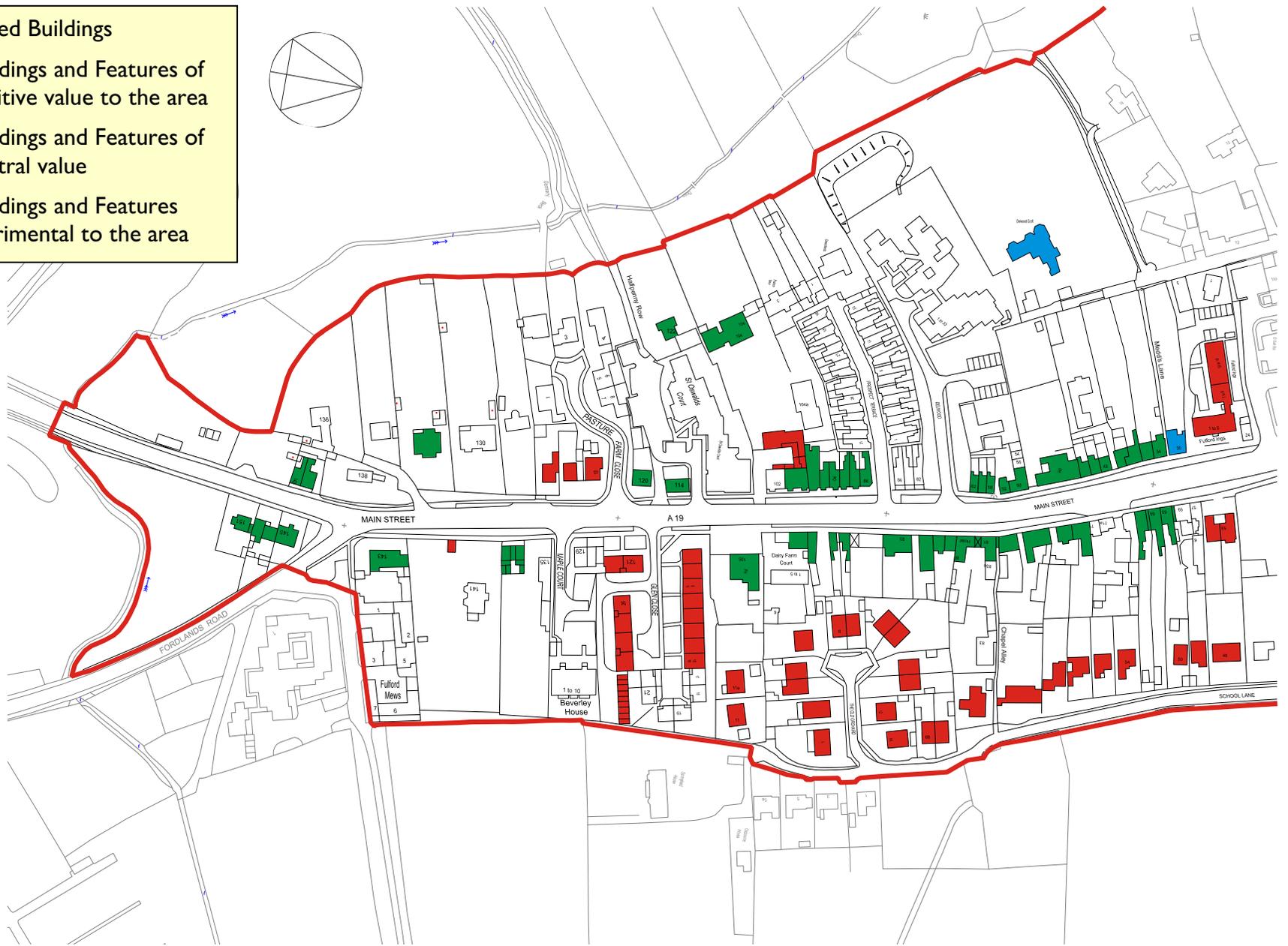


Chapel Alley with animal pos



Dick Turpin House, 30-32 Main Street

- Listed Buildings
- Buildings and Features of positive value to the area
- Buildings and Features of neutral value
- Buildings and Features detrimental to the area



Map of Southern Area

## 8 THE NORTHERN AREA

(see map which follows)

- 8.1 This area includes the northern part of Main Street, Fenwicks Lane to the west, and the northern part of School Lane.
- 8.2 Progressing northwards from Fulford Ings flats, the Grade II Listed Fulford House (now the Pavilion Hotel) forms a distinct break in the eastern frontage. It is of a much large scale and higher status than the buildings preceding it and its long garden, bounded by a high brick wall and containing a large number of mature trees, is a unique and attractive feature. On the north side of the hotel doors hung on large gateposts with stone ball finials lead into the side yard and another area of greenery. In the grass verge outside stands a 'Type K6' cast iron telephone kiosk designed by Sir Giles Gilbert Scott in 1935, Listed Grade II.
- 8.3 The new development Nos 1-9 Pavilion Row opposite faces the street and integrates fairly well with the street frontage although lacking the variations in eaves and roof height which are typical of the area: the chimneys are invaluable in relieving the roofline and

making the buildings blend in. Behind is another modern two-storey development (Eliot Court) which is reasonably discreet.

- 8.4 Thereafter the character of the street up to the Heslington Lane road junction changes slightly from that described in Southern Area (see above). Buildings are often higher (three storeys), the road widens and the grass verges disappear, to give a more urban feel.
- 8.5 The traditional 18th and early 19th century buildings continue to rise in status, and often in size, resulting in a large concentration of restrained Grade II Listed town houses detached from the activity in the street. On the west side these include No 4 (The Old House), Nos 6-8, and No 14 (the White House). On the east side they include No 17, No 19, No 41 (Holly House) and No 43 (the Old Manor House). Many of the large houses were divided into two or more dwellings, sometimes during construction. The unlisted early C19 Fulford Park House terminates the western frontage and once looked out over Fulford Park.



Nos 1-9 Pavilion Row, Main Street



No 4 Main Street

8.6 More Victorian buildings appear on the east side, with decorative gables presented to the street. They include the Methodist Church (of red brick with Gothic detailing) and the Saddle Inn (which is a lively late Victorian or Edwardian pastiche with subtly tapered chimneys). Standing among them is No 27 (the old Free School) with a plaque recording its foundation and endowment by John Key in 1771. The Edwardian house No 29 (behind the church) is one of several attractive houses in the village discreetly inserted behind the frontage and of surprising quality.

8.7 Fenwick's Lane branches westwards off the Main Street lined with very mature trees and with little indication of its role or destination until it turns southwards and is revealed as a very quiet and private access lane to some of the most prestigious detached houses in the village. The lane benefits from being unadopted and unmetalled, which adds to its rural character together with the predominance of mature trees and hedges: high brick garden walls add to the feeling of exclusivity.

8.8 Most houses in Fenwick's Lane are discreetly hidden from view in very large wooded gardens. The lane derives its name from Robert Fenwick, who acquired Gate Fulford Hall (formerly Fulford Grove) in 1862: the Hall retains some fine unlisted iron gates of that period, and the cobbled access to Gate Fulford Cottage (the former stables) is attractive. Delwood Croft at the southern end is a large late 18th century house Listed Grade II, and its grounds have absorbed the southern end of the lane. At the northern end, Fulford Gate Lodge forms an attractive end stop to the lane, and a public footpath runs down to the Ings between mature trees and buttressed walls.

8.9 To the north of the Heslington road junction the Main Street changes character again: the footpaths are again separated from the highway by wide grass verges, and the buildings to the east are set back behind gardens often fronted by walls or decorative iron railings, to give a much larger sense of space and scale.



The old Free School, No 27 Main Street



Fenwick's Lane looking north

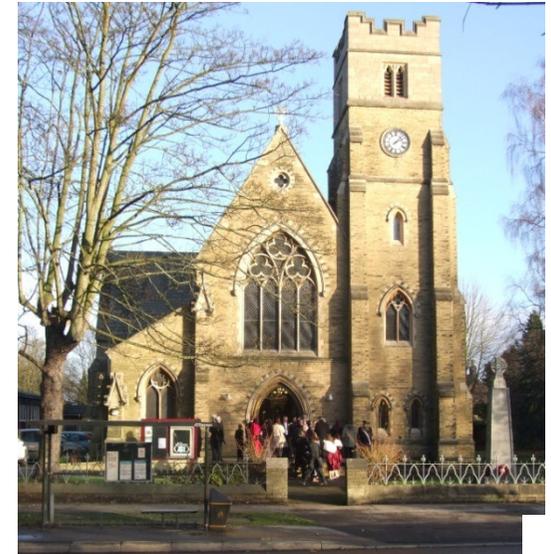
8.10 The Church of St Oswald (Listed Grade II) is attractively located between mature trees: it was designed by J P Pritchett and opened in 1866, but was burned out in 1877 and restored the following year: the spire was removed and the belfry stage rebuilt in 1924. The front boundary consists of open iron arches on a low stone plinth, and a cross behind commemorates the men of Fulford who fell in the Great War. Beyond the church the conservation area terminates with a row of Victorian houses all of different character, which add a final touch of variety.

8.11 To the west building on the frontage ceases, apart from a new doctor's surgery, and the dominant feature is the former park to Fulford Park House, extending up to St Oswald's Road. The park is a landscaped and planted area in existence before 1851 and probably of late C18 or early C19 origin, and is a private oasis of peace and tranquility. The modern Fulford Park housing development occupying the southern area is spaciouly planned, and the landscaping is approaching maturity. It also incorporates many of the old park

trees and the former coach house to Fulford Park House, with its decorative dovecote, roof turrets and finials.

8.12 Otherwise 20th century development within the park has still left significant large areas of open space, including some fine mature trees, and a margin of parkland between the Main Street and the Fulford Ings which helps to preserve the distinction between Fulford Village and the city suburbs and the open space which encircles the settlement. Views exist from the Main Street through to the Racecourse and Knavesmire Wood in the distance.

8.13 The Sir John J Hunt Memorial Homes of 1955 at the corner of Main Street and St Oswald's Road, with their distinctive 'Dutch gables', are spaciouly planned and well landscaped so that their impact on the former parkland is minimised. They are not Listed but are of local architectural and townscape value. The Cottage (Listed Grade II) on the south side of St Oswald's Road is an early C19 gate lodge to the former park, the park gates having been removed in the late 1800's.

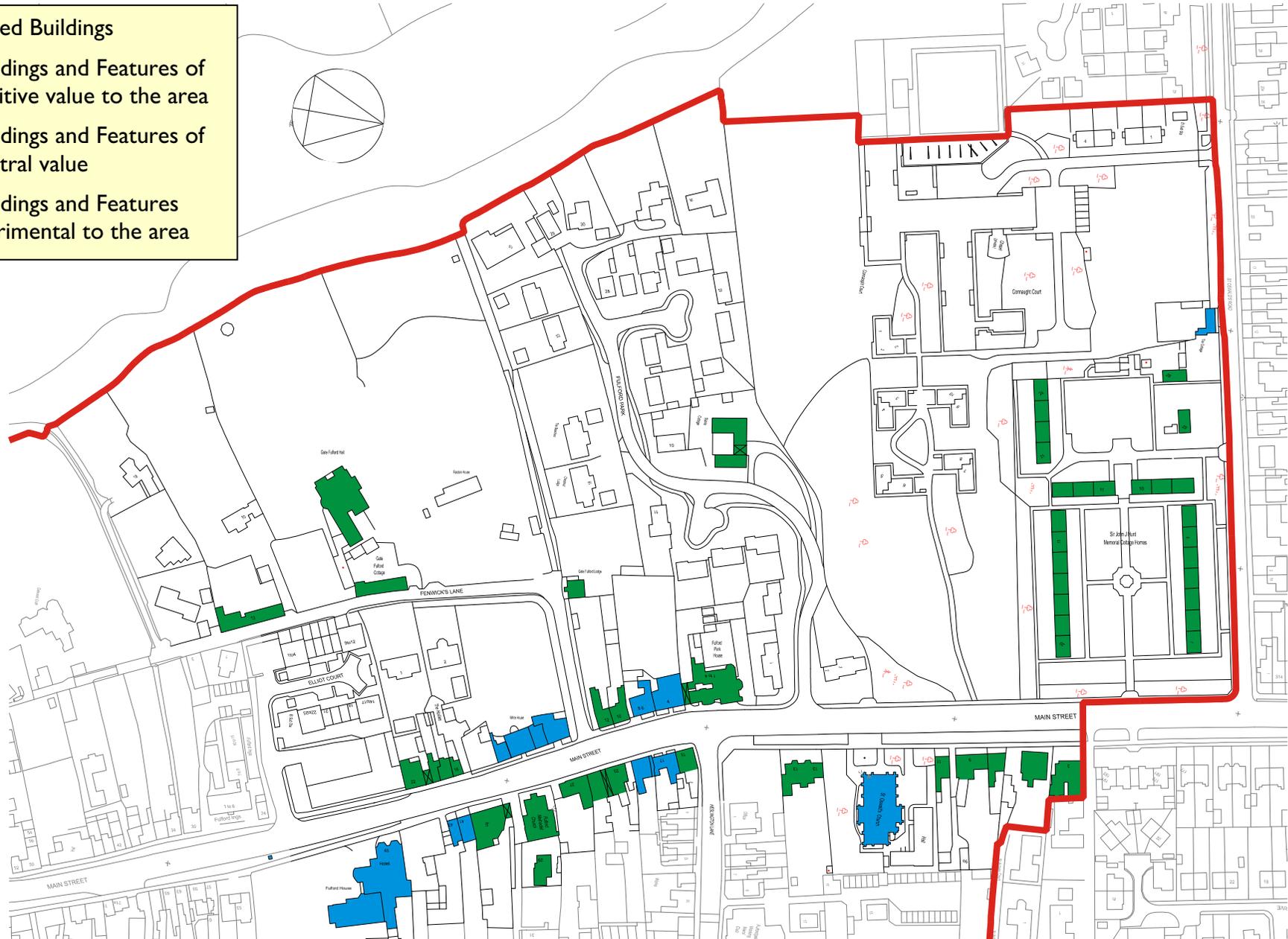


Church of St. Oswa



Fulford Park

- Listed Buildings
- Buildings and Features of positive value to the area
- Buildings and Features of neutral value
- Buildings and Features detrimental to the area



Map of Northern Area

## 9 THE HESLINGTON LANE AREA

(see map which follows)

- 9.1 The northern corner of the junction between Main Street and Heslington Lane is vacant, having always been the garden of No 1 Heslington Lane until converted to a car park in recent years: building on this open site should therefore be avoided in order to preserve the historic character as well as for visual and amenity reasons. Otherwise the first section of the Lane consists of fairly standard terraces of Victorian and earlier terraced houses set fairly close to the highway, in an unexceptional and fairly busy suburban road, as far as the junction with School Lane. Unfortunately the Fulfordgate Club has been marred by modern windows, dormers and extensions.
- 9.2 Beyond the School Lane junction the character of the street changes, with the highway bounded by a grass verge and field hedge to give a more rural setting. The quality of the houses on the north side rises, with a mixture of early and mid 19th century houses built singly or in pairs in a more or less continuous terrace of considerable variety and increasing in scale. Most are

set back behind gardens which are bounded by decorative iron railings and gates. Here the Victorian houses are the most exuberant with polychrome brick (Nos 33-37), moulded brick, decorative barge boards, and boldly modelled chimneys (Nos 39-41). To the rear are relatively inaccessible gardens and paddocks, with many mature trees, backing onto a large open space known as Fenby Fields.

- 9.3 The conservation area culminates with a handful of larger Victorian and early 20th century houses and villas on the north side of the street which are set much further back from the road, with mature trees dominating the street frontage and front gardens. The roofs of Nos 43-45 are embellished with varied eaves brackets, bands of scalloped Welsh slate and decorative fireclay ridges. The long rear gardens are mostly inaccessible and undeveloped, and again interspersed with mature trees, and contribute to the character and amenity of the area: the new houses to the rear of Nos 33 and 43 Heslington Lane are an unfortunate intrusion.



View east along Heslington Lane



Roof detail Nos 43-45 Heslington Lane

9.4 At the junction with School Lane the conservation area is enhanced by an attractive mature oak tree, within the grounds of the St Oswald's C of E primary school, which is protected by a short detour in the conservation area boundary: there may be the potential here for creating an area of public open space using surplus school land.

9.5 School Lane is a quiet and winding back road which branches off to the south to serve the school and private houses. It commences on the west side with a mix of early 19th century houses and Victorian terraced houses set close to the road, with gaps between buildings revealing secondary buildings and trees in the old burgage plots behind. No 2 School Lane is a well-preserved survival from the early 19th century. The old field hedge to the east marks the historic boundary of the village and is included within the conservation area boundary, together with its occasional trees.

9.6 Thereafter the western side of School Lane is increasingly taken up with modern houses and bungalows which are unrelated to the area, and the only historic features to survive are the old brick garden walls, particularly the high wall of Nos 34-38 which formed the rear boundary of Fulford House.



North end of School Lane looking north



South end of School Lane looking north

-  Listed Buildings
-  Buildings and Features of positive value to the area
-  Buildings and Features of neutral value
-  Buildings and Features detrimental to the area



Map of Heslington Lane Area

## 10 FUTURE MANAGEMENT SUGGESTIONS

- 10.1 The high volume and speed of traffic passing through the village detracts from its appearance and amenity, and makes crossing the Main Street an obstacle: measures to reduce and slow the traffic would be very desirable, and the provision of more pedestrian crossing points.
- 10.2 The grass verges have suffered from casual car parking in the past and timber bollards have been installed in most areas to prevent this, which seem to be an effective and reasonably discreet deterrent. More bollards appear to be necessary near the shops (outside Nos 100-102 Main Street and St Oswald's Court), and it would be ideal for the earlier concrete bollards opposite to be replaced in timber to give consistency.
- 10.3 Textured concrete paving flags – some pink and some buff– have been laid at the approaches to the main pedestrian crossing points: it would be beneficial for the colour to be standardised as buff, and for them to avoid disrupting the main footpaths.
- 10.4 The Main Street is vulnerable to intrusion by utility services. Some footpaths are heavily patched by trenching and need re-surfacing (outside Nos 2–8 Main Street) and the introduction of more telegraph poles along the street should be resisted.
- 10.5 School Lane is still lit by a mixture of small scale steel and decorative cast iron lighting columns with attractive 'swan-neck' tops: these should be retained if possible, or new columns chosen with care to suit the scale of the lane. Fenwicks Lane appears to be unlit and any lighting would need to be very discreet.
- 10.6 The design of new buildings needs to observe closely the characteristics of the area and be guided by them: this applies particularly to the scale of development behind the frontages, which should always be subordinate. Development control policies should attempt to restore traditional formal and details where these have been lost.
- 10.7 Article 4 Directions might be worth considering where the buildings and area as a whole are a sensitive composition eg the Sir John J Hunt Almshouses.
- 10.8 Information plaques would be an asset to explain the history of the village, for example on the site of the old pinfold at the junction of Main Street and Fordlands Road, and at the Heslington Lane - School Lane junction. The potential for creating an area of public open space here (using surplus school land) has been mentioned before.