



## Notice of meeting of

### Planning Committee

**To:** Councillors R Watson (Chair), Ayre, D'Agorne, Firth, Funnell, Horton, Hudson, Hyman, Moore, Morley, Potter (Vice-Chair), Reid, Simpson-Laing, B Watson and Wiseman

**Date:** Thursday, 23 September 2010

**Time:** 4.30 pm

**Venue:** The Guildhall, York

**The site visit will commence at 12.40pm meeting on site at the Lawrence Street frontage**

### AGENDA

#### 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 - 10)

To approve and sign the minutes of the last meeting of the Planning Committee held on 22 July 2010.

#### 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 on Wednesday 22 September 2010**. 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) 6-18 Hull Road, York (10/01743/OUTM) (Pages 11 - 28)**

Outline application for the erection of student accommodation comprising of 282 bed spaces within 75 unit clusters in 5 blocks with associated landscaping and access after demolition of existing dairy (resubmission). *[Fishergate Ward]*

**b) 32 Lawrence Street, York (10/01359/FULM) (Pages 29 - 60)**

Erection of 6 no. blocks for student accommodation after demolition of existing car showroom (resubmission). *[Fishergate Ward]*

**[Site Visit]**

#### **5. Appeals Performance and Decisions Summary (Pages 61 - 76)**

This report informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate in the 3 month period up to 30 June 2010. It also provides a summary of the salient points from the appeals determined in that period and lists outstanding appeals as at 31 July 2010.

#### **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
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- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

**PLANNING COMMITTEE****SITE VISIT****WEDNESDAY 22 SEPTEMBER 2010**

**Meet on site** at Lawrence Street frontage (nearest car park Kent Street)

<b>TIME</b> <b>(Approx)</b>	<b>SITE</b>	<b>ITEM</b>
<b>12.40pm</b>	32 Lawrence Street, York (10/01359/FULM)	<b>4b</b>

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The majority of councillors are not appointed to the Executive (40 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Decision Session) 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	22 JULY 2010
PRESENT	COUNCILLORS R WATSON (CHAIR), AYRE, D'AGORNE, FIRTH, FUNNELL, HORTON, HYMAN, MOORE, MORLEY, PIERCE, POTTER (VICE-CHAIR), REID, SIMPSON-LAING, LOOKER (SUBSTITUTE) AND GILLIES (SUBSTITUTE)
APOLOGIES	COUNCILLORS HUDSON, B WATSON AND WISEMAN

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**6. INSPECTION OF SITES**

Site	Reason for Visit	Members Attended
York Health Services NHS Trust, Blue Beck Drive, York (10/01091/FULM).	To enable Members to view the site in relation to objections received	Cllrs. Gillies, Horton, Morley, Potter, B Watson, R. Watson.

**7. 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 Moore declared a personal non prejudicial interest as he had met with two of the objectors to discuss the procedure at the meeting, but had not expressed an opinion on the application. He also declared a personal non-prejudicial interest as Chair of Rawcliffe Parish Council and advised he had taken no part in any discussions regarding the application or expressed an opinion.

Councillor Gillies declared a personal non prejudicial interest as he had discovered that his daughter had signed the petition received by the Committee.

Councillor Pierce declared a personal non prejudicial interest as he had been involved with discussions on the original application for the site on behalf of Ryedale Council.

**8. MINUTES**

RESOLVED: That the minutes of the meeting held on 24 June 2010 be approved and signed by the Chair as a correct record.

**9. PUBLIC PARTICIPATION**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

**10. PLANS LIST**

Members considered reports of the Assistant Director (Planning and Sustainable Development) relating to the following planning application, outlining the proposals and relevant planning considerations and setting out the views of the consultees and Officers.

**10a York Health Services NHS Trust, Blue Beck Drive, York YO30 5RA (10/01091/FULM)**

Consideration was given to a major full application submitted by York Health Services, NHS Trust, for the erection of a single and two storey building to provide clinical and administrative accommodation, car and cycle parking, service road, fencing, landscaping works, CCTV cameras, external lighting, balcony and external staircase.

Officers circulated the following information in an update for Members, (the full details of which are set out in the annex attached to the agenda to the report):

- Explanation of the minimum distance of the proposal from nearby properties.
- The applicants willingness to plant further trees.
- Members attention drawn to the EU Habitats Directive.
- 46 signature petition received after the Committee report was prepared.
- Additional conditions relation to the boundary wall at the southern edge of the development, use of the service road, colour of the render and redesign of the building to better fit into the surroundings.
- Further highways information including the fact that the site would generate an estimated 17 vehicle movements during the morning peak and would not have a material impact on the local highway network.

Representations in support of the application were received from the applicant's agent. He stated that out of respect for the natural surroundings the proposal had been purposefully designed to be as low as possible. He advised the two storey element was necessary for operational reasons and that the unit would not cause on street parking issues.

Representations also in support were received from a representative of the Primary Care Trust who explained the clinical reasons for the application. He advised that nationally there is a shortage of units for female patients with a particular need in the Yorkshire area. The unit would be carefully managed with individuals coming to it for reintegration.

Representations in support were received from a local resident who felt that the tradition for good health services in York should be continued with the development of the female unit and any objections from other residents could be resolved with discussion and conditions.

Representations were received in objection from a local resident on behalf of other local residents and 100 signatories of a petition. He advised that residents did not feel a design of this size, mass and style was acceptable, especially in a Green Belt area. He also raised concerns about the impact on wildlife.

A representative of Rawcliffe Parish Council objected to the proposal on the grounds that the size, mass and scale of the development is too large. He advised that the Parish Council supported local residents objections regarding the close proximity of the site to adjacent properties.

Members then questioned a number of details of the application including:

- The 2 storey lay out of the proposed development – confirmation that the top floor would be for office use.
- Smoking area provision
- Possibility of a liaison group being set up between the hospital operator and local residents.
- Colour of the external render.
- The boundary walls
- Drainage

Officers confirmed that an informative could be added to cover construction vehicle access.

Following further discussion it was:

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

**Additional Condition:** Notwithstanding the application details hereby approved, full details of the external fenestration treatment to be used shall be submitted to and approved in writing by the Local Planning Authority before work on site commences. Development shall thenceforth be undertaken in strict accordance with the details thereby approved.

REASON: To safeguard the residential amenity of neighbouring properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

**Additional Condition:** Notwithstanding the application details hereby approved, full details of the external render to be used including colour and texture finish shall be submitted to and approved in writing by the Local Planning Authority before work on site commences. Development shall thenceforth be undertaken in strict accordance with the details thereby approved.

REASON: To safeguard residential amenity of neighbouring properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

**Additional Condition:** Within six months of the extension hereby authorised being first brought into use, a scheme for the setting up and management of a liaison group, incorporating representatives of local residents, the hospital operator and other interested parties shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the scheme shall be implemented and shall be adhered to for the lifetime of the development unless the Local Planning Authority otherwise agrees in writing.

REASON: To safeguard the residential amenity of neighbouring properties and to secure compliance with Policy GP1 of the York Development Plan.

**Additional Informative:** Transport Management Plan – Prior to the commencement of construction works on-site, the applicant shall submit a detailed plan outlining the routing of construction traffic, timing of deliveries and location of parking associated with the construction process to the Local Planning Authority.

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 impact upon openness and purposes of designation of the Green Belt, loss of allocated housing land, impact upon flood risk in the wider locality, appropriateness of the proposed design in the context of the wider street scene, impact of the proposal on traffic flow and the occurrence of on-street parking in the wider vicinity,

impact upon the residential amenity of neighbouring properties, fear of increased crime and anti-social behaviour arising from the proposal, impact of the proposal upon the sylvan atmosphere of the site, and impact of the proposal upon the operation of the local property market. Very special circumstances also exist based upon the clinical need for the development, the opportunities for co-usage of existing specialist services and the pleasant woodland setting of the site which clearly over-ride the normal presumption against “inappropriate development” in the Green Belt. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies NE1, GP15a), GP1, GP3, GP9, GB10, C1, GB1, GP4a) and H9 of the City of York Development Control Local Plan and Government Policy contained within Planning Policy Guidance Note 2 ‘Green Belts’.

R WATSON, Chair

[The meeting started at 4.30 pm and finished at 6.25 pm].

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**COMMITTEE REPORT**

**Date:** 23 September 2010      **Ward:** Fishergate  
**Team:** Major and Commercial      **Parish:** Fishergate Planning Panel  
Team

**Reference:** 10/01743/OUTM  
**Application at:** 6 - 18 Hull Road York  
**For:** Outline application of erection of student accommodation comprising of 282 Bed Spaces within 75 unit clusters in 5 blocks with associated landscaping and access after demolition of existing dairy (resubmission)  
**By:** Uniliving Ltd  
**Application Type:** Major Outline Application (13 weeks)  
**Target Date:** 4 November 2010  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 This proposal relates to the erection of student accommodation blocks on the site of the now defunct Hull Road Dairy. This lies on the south side of Hull Road in close proximity to the junction with Melrosegate and Green Dykes Lane. The proposal follows an earlier scheme for 332 bed spaces that was considered by this Committee on 25<sup>th</sup> June 2010 but refused on the grounds of over-development. The new scheme follows extensive negotiation with a new design approach and a reduced number of bedspaces.

1.2 The site is mainly bordered by residential development consisting of two storey town houses and flats with mainly flats in Nicholas Gardens. Further substantial residential development lies to the north of Hull Road. The existing dairy buildings are generally 1 to 2 storeys in height. The land levels rise by approximately 3.5 metres from north to south across the site with the Hull Road frontage being lower than the rear. However the land rises at a steady increase across the site and the levels are largely uniform between the site and adjacent houses. The main difference is with the adjacent buildings on Nicholas Gardens which are approximately 1.5 metres lower than the application site.

1.3 The current scheme consists of 75 clusters of student bed spaces arranged in five blocks giving 282 bed spaces in total. An on-site warden's flat and studio would be incorporated within the scheme and the range of accommodation would be divided between units suitable for post graduate accommodation in lower rise units to the rear of the site with under graduate accommodation laid out in blocks facing Hull Road. The blocks would be arranged around a central courtyard incorporating landscaping and the standard parking and servicing activities accessed from Hull Road. Each accommodation block averages 3 ½ storeys in height with rather smaller blocks of 2 ½ storeys to the rear.

1.4 In terms of previous site history an Outline application for residential development was submitted in 2007 but withdrawn prior to determination. The previous scheme in respect of student housing ref: 10/00583/OUTM sought Outline

Planning Permission for erection of 7 blocks comprising 332 bedspaces incorporating a warden's flat. That scheme was refused on the grounds of over-development and the impact of the proposal upon the residential amenity of neighbouring properties. The site is allocated for housing in the Draft Local Plan.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

### 2.2 Policies:

CYED10  
Student Housing

CYGP1  
Design

CYGP4A  
Sustainability

CYGP6  
Contaminated land

CYH1  
Housing Allocations

CYHE10  
Archaeology

CYL1  
Open spaces in new residential devts

CYT4  
Cycle parking standards

## **3.0 CONSULTATIONS**

INTERNAL:-

3.1 Highway Network Management raise no objection to the proposal subject to any permission being conditioned to cover prior approval of the access details.

3.2 Environmental Protection Unit raise no objection to the proposal subject to any permission being conditioned appropriately to deal with any land contamination, lighting and noise issues.

3.3 Structures and Drainage Engineering Consultancy raise no objection to the proposal subject to details of drainage being conditioned for further approval.

3.4 City Development raise no objection to the proposal subject to any permission being conditioned to require retention of the development as student housing.

3.5 Lifelong Learning and Culture raise no objection to the proposal subject to any permission being conditioned to require the making of a payment in lieu of open space provision on site.

3.6 Design, Conservation and Sustainable Development raise no objection to the proposal. In design terms the resubmitted scheme is felt to be a significant improvement on that previously rejected. It is felt that it creates an appropriate street presence on Hull Road. The layout creates a sense of place within the development with a relatively formal entry court and quieter more formal garden areas to the rear which provide usable amenity space for the residents. The development form is also more appropriate in that it is easier to see the potential for flexibility in future uses. Relationships with adjacent properties are also felt to be more appropriate than that previously submitted although tight in places. It is recommended that materials, means of enclosure and details of cycle parking areas should be conditioned for further approval and that the opportunity for minor amendments to the elevational treatment to improve its crispness should be taken. Landscape advice recognises that a detailed scheme will be the subject of a reserved matters application, but welcomes the inclusion of a verge and trees along Hull Road, noting, however, that the space for trees is tight but acceptable. Comments also state; the garden space to blocks A & B and relates well to the buildings. Ecological advice stresses the importance of enhancing the opportunities to develop natural habitat within the overall development. Responses in relation to archaeology and sustainability will be reported orally at the meeting.

EXTERNAL:-

3.7 The Environment Agency raise no objection to the proposal subject to any permission being conditioned to deal with potential land contamination and also surface water drainage issues.

3.8 Yorkshire Water Services raise no objection to the proposal subject to any permission being conditioned to require the submission of a full surface water drainage scheme for further approval.

3.9 Hull Road Planning Panel object to the proposal on the grounds of insufficient parking space being incorporated within the proposal with consequent adverse implications for the amenity of neighbouring residential properties.

3.10 Some 17 letters of objection have been received from local residents in respect of the proposal. The following is a summary of their contents:-

\* Concern that new student housing should be provided within the University Campus;

\* Concern that the application site would be more appropriately developed for "affordable housing" for local residents;

- \* Concern that inadequate space has been provided on site for cycle parking and that students will bring cars to park on nearby residential side roads;
- \* Concern that the proposal remains out of scale and over dominant when viewed against its surroundings;
- \* Concern that the revised proposals would represent over-development of a physically tight site;
- \* Concern that the proposal will lead to significant increases in crime and anti-social behaviour in the surrounding area;
- \* Concern that the proposal would result in an adverse impact upon the residential amenity of neighbouring properties by virtue of increased noise and loss of privacy.

#### **4.0 APPRAISAL**

##### **KEY CONSIDERATIONS:-**

##### **4.1 KEY CONSIDERATIONS INCLUDE:-**

- \* principle of the development;
- \* affordable housing/occupancy;
- \* impact upon the character and appearance of the area;
- \* impact upon residential amenity;
- \* living conditions of future occupants;
- \* parking and highway issues;
- \* open space issues.
- \* archaeological significance of the site.
- \* Sustainability.

##### **PLANNING POLICY CONTEXT:-**

4.2 Central Government Planning Guidance outlined in PPS1(Delivering Sustainable Development), PPS 3 (Housing) and PPS5 (Planning for the Historic Environment) has been considered in relation to the current proposal.

4.3 Policy ED10 (Student Housing) of the York Development Control Local Plan is of particular relevance in considering this application. This requires that planning applications for off-campus residential accommodation on windfall sites should meet a series of criteria. Applicants must demonstrate an identified need for the development and give consideration to accessibility to educational establishments by means other than the car, scale and location and the amenity of nearby residents. Car parking must also be satisfactorily managed.

4.4 Policy H1 (Housing Allocations) of the York Development Control Local Plan is of particular relevance in considering this application. This allocates sites for future housing developments within the City of York Council area. The site is allocated as a housing site under this policy.

4.5 Policy GP1 (Design) of the York Development Control Local Plan is of particular relevance in considering this application. This is a general policy where proposals will be expected to respect or enhance the local environment and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area. They should also avoid the loss of open spaces, respect/enhance existing urban spaces and public views, provide individual

or communal amenity space, provide appropriate waste recycling and litter collection arrangements and ensure that residents are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.6 Policy GP4a)(Sustainability) of the York Development Control Local Plan is of particular relevance in considering this application. This policy says that all development should have regard to the principles of sustainable development as outlined in the criteria listed in the policy. Reference should also be made to the Council's IPS on Sustainable Design and Construction which requires developments such as this achieve a BREEAM rating of "very good" (the development is classed as a commercial development as opposed to residential) and 10% of the expected energy demand from an on-site renewable source.

4.7 Policy HE10(Archaeology) of the York Development Control Local Plan is of particular relevance in considering this application. This requires that planning applications for development involving the disturbance of existing ground levels require a field evaluation to assess the extent and importance of any remains found. It must be demonstrated that less than 5% of any archaeological deposits will be disturbed or destroyed.

4.8 Policy GP6(Contaminated Land) of the York Development Control Local Plan is of particular relevance in considering this application. This requires that applications for development on land which may have been contaminated by a previous use should be accompanied by a desk study of the potential for contamination. Should this preliminary assessment indicate a potential for contamination, a more detailed site investigation should be submitted prior to determination by the applicant.

4.9 Policy L1c)(Open Space Provision) of the York Development Control Local Plan is of particular relevance in considering this application. Developments for all housing sites or commercial proposals will be require to make provision for the open space needs of future occupiers.

#### PRINCIPLE OF THE DEVELOPMENT:-

4.10 The development site is allocated for housing in the Draft Local Plan under Policy H1 and the continuing suitability of the site has been assessed through the Strategic Housing Land Availability Assessment with particular reference to location, accessibility and conformity with other strategic policies. Given the nature of the proposal there would be no policy objection with regard to the principle of student development on the site subject to the criteria within Draft Local Plan Policy ED10 being complied with.

4.11 A needs based assessment as required by Policy ED10 has been submitted by the applicant which clearly demonstrates a demand for student housing of the type suggested. The issue of student housing land supply is being examined in detail by City Development and initial findings are reflected in the conclusions drawn by the applicant in the submitted needs assessment here. By providing student accommodation in an actively managed environment and in a central, sustainable location, the proposal would reduce the pressure on private housing in established residential areas (such as Badger Hill), where significant numbers of dwellings have

purchased by landlords and rented to students reducing the supply of both first time buyer and family homes in those areas.

**AFFORDABLE HOUSING/OCCUPANCY:-**

4.12 The accommodation proposed would be capable of being occupied by non-students as single households subject to the appropriate consent being forthcoming. Such occupation on a site of this size would normally require the provision of affordable housing and as such future control over this will need to be exercised. Student accommodation in York forms an important element of the private rented market and competes directly with those on low incomes. Providing the occupancy is suitably controlled by condition, it is not considered that there is a requirement for the provision of affordable housing in connection with this particular application.

**IMPACT UPON CHARACTER AND APPEARANCE OF THIS AREA:-**

4.13 The application site lies to the east of the City Centre along the Hull Road. It lies in a mixed use area with a predominance of residential accommodation either as flats or conventional dwelling houses. Properties to the rear of the site are generally of two to three stories with more substantial structures along the Hull Road street frontage notably to the north and north west of the application site. The previous application was refused on the grounds of impact upon the character and appearance of the area. The resubmitted application has been amended to create a formal central entry courtyard with landscape features flanked by the higher principal student apartment blocks of 3 1/2 storeys on the Hull Road frontage with lower 2 1/2 storey accommodation geared towards post graduate accommodation to the rear. The overall number of units has also been reduced from 332 to 282 to accomplish a general reduction in height and massing. The revised scheme broadly reflects the varied built form of adjoining properties along Hull Road/Lawrence Street and further detailed amendments have added in a pleasing range of details reflecting other similar properties along the Hull Road frontage nearby. In terms of landscaping, the site is densely developed in common with other flatted developments across Hull Road to the north. It is felt that sufficient scope exists within the submitted proposal to secure an appropriate landscape scheme at determination of Reserved Matters stage.

4.14 Officers are now satisfied that the development as amended now broadly reflects the height, density and massing characteristics of the wider street scene and that the proposal in terms of Central Government guidance outlined in PPS-1 (Delivering Sustainable Development -) is appropriate in its context. It is furthermore felt that the terms of Policies ED10 and GP 1 of the Draft Local Plan have now been complied with in relation to the proposal.

**IMPACT UPON RESIDENTIAL AMENITY:-**

4.15 Clear concerns continue to be expressed by objectors in relation to loss of amenity through noise and disturbance as a result of the development, together with overlooking of private gardens and the overpowering and over-dominant nature of the development close to the site boundaries. Central Government guidance outlined in PPS3 "Housing" actively encourages the creation of mixed communities and the achievement of a mix of housing types and household types in any given area. It

states that it is important to create mixed and inclusive communities which offer choice in housing and lifestyle. It does not accept that different types of housing and tenure necessarily make bad neighbours. The current proposal would be actively managed on site with a permanent on-site management presence which would significantly reduce issues of noise and anti-social behaviour.

4.16 In terms of issues of overlooking and over dominance significant improvements have been made on the previously submitted scheme. The overall height of each block together with the available built footprint has been significantly reduced to the extent that the separation distances envisaged with neighbouring residential properties to the rear are now well within those normally accepted in these circumstances. Furthermore the applicant has indicated that significant reinforcement of the site boundaries with the creation of a variety of “green walls” adjoining properties to the rear would be envisaged which would give both visual and acoustic screening especially when combined with the impact of the change in topography across the site. The redesign of the scheme to reduce its height and massing and to lessen the impact of the built footprint, together with the reinforcement of the site boundaries has lessened the impact of the scheme to the extent that it is now felt to be acceptable in terms of its impact upon neighbouring properties.

#### LIVING CONDITIONS OF FUTURE OCCUPANTS:-

4.17 The scheme as resubmitted incorporates dedicated amenity space for each block of accommodation with the two more substantial blocks at the street frontage intended for usage by undergraduates having secluded areas to the rear some 14 metres by 28 metres in area. The smaller blocks intended for occupation by post graduate students to the rear would have similar dedicated informal amenity space serving each unit. Lack of appropriate separation distances was also a reason for refusing the earlier application. In the case of the revised application the two blocks on the main Hull Road frontage are some 12.4 metres apart at the closest point with an average distance of 15.4 metres apart. Each block of post graduate accommodation is some 12.4 metres apart with a distance of 6 metres between the rear of blocks B and C at the closest point. Whilst not entirely suitable for general housing the site layout and availability of amenity space is now considered acceptable in terms of the living conditions afforded the likely occupants.

#### PARKING AND HIGHWAY ISSUES:-

4.18 The site is in a highly sustainable location with good transport links to the City Centre and the nearby university campus. It is also close to well defined and well used cycle and pedestrian links. Car parking is restricted to 8 spaces all for disabled use and is normal for student accommodation of this type. Earlier concerns in respect of the layout and distribution of the spaces have been properly addressed in respect of the re-submitted application. The operational management plan submitted with the application details indicates that tenancy agreements will be used as a means to prevent students bringing cars into the area other than to move in and out of the accommodation.

4.19 In terms of cycle parking the provision of 1 space per two units in secure accommodation accords with the University standard for student accommodation.

Previous concerns in respect of the quality of the cycle accommodation have now been resolved and each area of secure spaces has been successfully integrated into the open space for each block together with the bin stores.

**OPEN SPACE PROVISION:-**

4.20 An off-site open space contribution would be required in connection with amenity open space and sports pitches. The amount required as an off-site contribution would be partially offset by the amount of on-site amenity open space now to be provided as part of the scheme. The applicant has previously indicated that such a commuted payment would be acceptable in principle.

**ARCHAEOLOGICAL SIGNIFICANCE OF THE SITE:-**

4.29 The application site lies within the Area of Archaeological Importance. The applicant has submitted a desk-based assessment with the application and this identifies that the site has the potential to preserve significant archaeological features and deposits. The evaluation highlights the well preserved remains of a 19th Century tannery within the site. The study of such sites elsewhere has been identified as a research priority as important information relating to construction, layout, development over time and technological innovation may be easily gleaned. Whilst the likely remains are significant they are not such as to warrant preservation in situ. In relation to the application as resubmitted the applicant has submitted an evaluation report and has agreed that the associated mitigation strategy may be implemented. The terms of Policy HE10 of the York Development Control Local Plan together with the requirements of Central Government Planning Guidance as outlined in PPS5 "Planning for the Historic Environment" would thus be complied with.

**SUSTAINABILITY:-**

4.30 The application has been accompanied by a full sustainability statement the content of which is acceptable. The applicant has furthermore committed to achieving a BREEAM rating of "very good", the use of a demolition protocol to maximise the reuse and recycling of existing materials, adherence to the Considerate Constructors Scheme and the provision of a minimum of 10% of the energy needs of the site from renewable sources. Providing any permission is conditioned to secure a BREEAM rating of "very good" together with the provision of a minimum of 10% of the energy needs of the site from renewable sources then it is felt that the terms of Policy GP4a) of the Draft Local Plan together with the requirements of the Adopted Interim Policy Statement on Sustainable Construction will have been complied with.

**5.0 CONCLUSION**

5.1 The former COOP Dairy Hull Road comprises a substantial former industrial site lying adjacent to one of the principal approaches to the City Centre. The surrounding area is predominantly residential and the site itself is allocated for a residential use. The proposal envisages the construction of 282 bed spaces in a range of accommodation suitable for both undergraduate and post graduate use. The new scheme has addressed in detail the previous reasons for refusal (design, over-

development and impact upon the residential amenity of adjoining properties) and is now considered to be acceptable. Subject to the imposition of the conditions as set out below, approval is therefore now recommended.

**6.0 RECOMMENDATION:** Approve

1 OUT1 Approval of Reserved Matters

2 Fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works, and the development shall be carried out in accordance with such details:

Details to be submitted: landscaping, of the proposed development to be carried out.

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

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

Drawing Refs:-Y81:772.01.B; Y81:77.02.B;Y81:772.03; Y81:772.04.A ;Y81:772.10.A ; Y81:772.13.A ; Y81:772.17; 11526-107\_2DT Rev B and 11526-107\_S. Date Stamped 4th August 2010 and Y81:772.11B; Y81:772.12B; Y81:772.14B; Y81:772.15B; Y81:772.16B. Date Stamped 27th August 2010.

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

4 VISQ8 Samples of exterior materials to be app

5 VISQ4 Boundary details to be supplied

6 DRAIN1 Drainage details to be agreed

7 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 14.8 metres, 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 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The open space shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1c of the Development Control Local Plan which requires that all new housing sites make provision for the open space needs of future occupiers.

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £101,520;

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

9 HWAY10 Vehicular areas surfaced, details reqd

10 HWAY14 Access to be approved, details reqd

11 HWAY19 Car and cycle parking laid out

12 Prior to the commencement of the use hereby approved, provision shall be made within the site for accommodation of delivery/service vehicles in accordance with the approved plans. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To ensure that delivery/service vehicles can be accommodated within the site and to maintain the free and safe passage of highway users.

13 The development shall not be first occupied until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the verge to match adjacent levels.

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

14 ARCH1 Archaeological programme required

15 ARCH2 Watching brief required

16 NOISE7 Restricted hours of construction

17 The development hereby approved shall be constructed to a BREEAM standard of "very good". A formal Post Construction assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate shall be

submitted to the Local Planning Authority prior to occupation of the building. Should the development fail to achieve a "very good" BREEAM rating a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a "very good" rating. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving sustainable development in accordance with the requirements of Policy GP4a) of the York Development Control Local Plan and the Adopted Interim Planning Statement "Sustainable Design and Construction".

18 No building work shall take place until details have been submitted to and approved in writing by the Local Planning Authority to demonstrate how the development will provide, from on-site renewable energy, 10% of the development's predicted energy demand. The development shall be carried out in strict accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before first occupation of the development. The site thereafter shall be maintained to at least the required level of generation.

Reason: In the interests of achieving sustainable development in accordance with the requirements of Policy GP4a) of the City of York Development Control Local Plan and the Adopted Interim Planning Statement "Sustainable Design and Construction".

19 The development hereby approved shall be let to or hired by and occupied by either students engaged in full time further or higher education within the City of York administrative boundary or who are delegates attending part time courses or conferences within the City, the details of which shall be included within an occupancy management plan to be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of any part of the development.

Reason: In order to ensure that the Local Planning Authority retain control over the future occupancy of the development and to ensure that the proposal accords with the submitted needs assessment dated June 2010.

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

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

21 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to c of this condition have been complied with:

a) Site Characterisation:- An investigation and risk assessment, in addition to any

assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:-

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

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

b) Submission of Remediation Scheme:-

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

c) Implementation of Approved Remediation Scheme:-

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 works.

Following 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 remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

22. The development hereby authorised shall be undertaken and operated in strict accordance with the submitted Operational Management Statement Vs 2 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the residential amenity of neighbouring properties.

23. 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 immediately in writing to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the previously agreed methodology and where remediation is necessary a remediation scheme 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.

24. A scheme of mitigation measures necessary to adequately protect the amenity of local residents from light intrusion shall be submitted in writing to the Local Planning Authority for approval prior to development. The approved mitigation measures must be fully installed prior to the use hereby permitted being commenced. The scheme shall include:

- i) A contour map showing illumination spill beyond the site boundary measured in lux in the horizontal plane.
- ii) The main beam angle of each light source.
- iii) The uniformity ratio in respect of the lighting.
- iv) The level of illuminance measured in lux, in the vertical plane at the windows of the nearest residential properties facing the site.
- v) The height of any lighting stanchions.

Reason: To protect the amenity of local residents.

25. A scheme of sound insulation must be submitted to and approved in writing by the Local Planning Authority before construction commences. This should demonstrate that external noise can be controlled to the following:-

- Less than 35dB (A) 16 hour Leq in study bedrooms during the day time.
- Less than 30dB (A) 8 hour Leq in study bedrooms during the night time.
- Less than 35dB (A) 16 hour Leq in living rooms during the day time.
- Less than 35 db (A) 8 hour Leq in living rooms during the night time (23:00 to 07:00).

Reason: To protect the amenity of the occupiers of the proposed blocks of accommodation.

26. Before the use hereby permitted commences, a scheme of ventilation to the blocks adjacent to Hull Road must be submitted to an approved in writing by the Local Planning Authority. Any scheme submitted must include sound attenuated

ventilation louvers to provide trickle ventilation. Where the external noise levels are such that occupants would be exposed to Noise Exposure Category C, if windows were opened for the purpose of rapid ventilation or cooling, acoustic ventilation units incorporating fans should be fitted to external walls.

Reason: To protect the amenity of occupiers of the blocks of accommodation.

27. HWAY 18 Cycle parking details to be agreed.

28. HWAY 21 Internal turning areas to be provided.

29. HWAY 31 No mud on highway during construction.

30. HWAY 40 Dilapidation survey.

31. Unless otherwise agreed in writing with the Local Planning Authority the development shall not be occupied until a new bus shelter with timetable display has been introduced in accordance with the specification of the Local Planning Authority at the outbound stop on Lawrence Street at the junction with Olympian Court.

Reason: To safeguard the safety and convenience of highway users.

32. The internal pedestrian routes within the development shall be constructed to have a minimum clear width of two metres, and shall thereafter be so maintained.

Reason: In the interests of pedestrian safety.

33. Two metre by two metre sight lines , free of all obstructions which exceed the height of the adjacent footway by more than 1.0 m, shall be provided at the junction of pedestrian footpaths within the site and shall thereafter be so maintained.

Reason: In the interests of pedestrian safety.

34. Prior to the commencement of any works, a detailed method of works statement shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include the precautions to be taken to ensure the safety of the general public, the method of securing the site, access to the site and the route to be taken by vehicles transporting the demolition and construction material, and the hours during which this will be permitted.

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

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. INFORMATIVE HIGHWAY WORKS:**

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

## 2. 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, affordable housing /occupancy, impact upon the character and appearance of the area, impact upon residential amenity, living conditions of future occupants, parking and highway issues, open space issues archaeological significance of the site and sustainability. As such the proposal complies with Policies ED10, GP1, GP4a), GP6, H1, HE10, L1c) and T4 of the City of York Development Control Local Plan.

## 3. CONSTRUCTION AND DEMOLITION:-

- i) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228:Part 1:1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of Noise and Vibration"
- ii) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well maintained mufflers in accordance with manufacturers instructions.
- iii) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.
- iv) There shall be no bonfires on the site.
- v) Details of when piling works are to be carried out should be notified to local residents, giving the dates, times and duration.

### Contact details:

**Author:** Erik Matthews Development Management Officer  
**Tel No:** 01904 551416

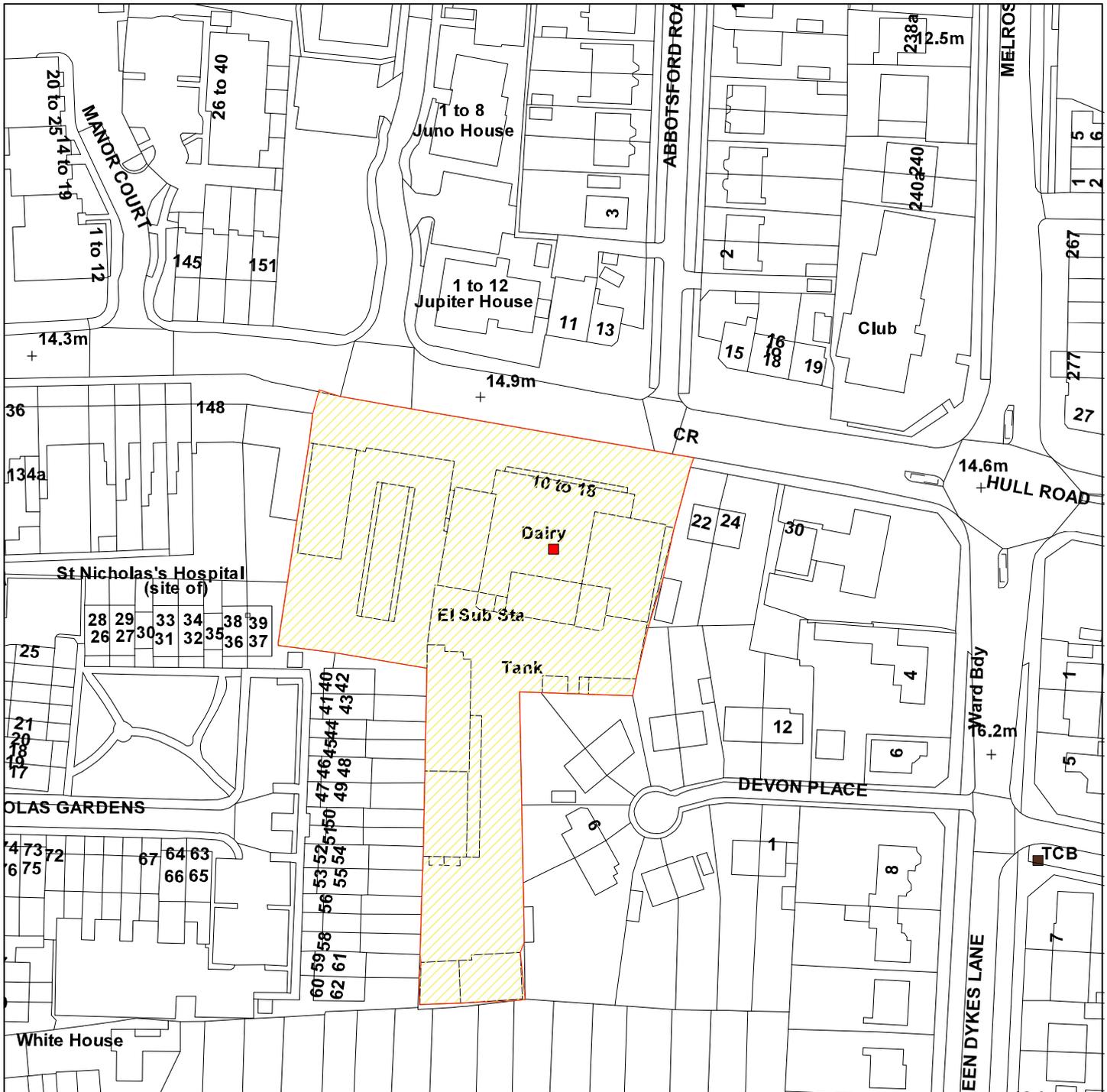
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# 6 - 18 Hull Road, York

10/01743/OUTM



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Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application site
<b>Date</b>	02 September 2010
<b>SLA Number</b>	Not set

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**COMMITTEE REPORT**

**Date:** 23 September 2010      **Ward:** Fishergate  
**Committee:** Planning Committee      **Parish:** Fishergate Planning Panel

**Reference:** 10/01359/FULM  
**Application at:** 32 Lawrence Street York  
**For:** Erection of 6no. blocks for student accommodation after demolition of existing car showroom (resubmission)  
**By:** Blacklion Ltd  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 16 September 2010  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 This is a full application for the demolition of existing buildings on a former garage site and the construction of new development to provide student accommodation. The site is the former Reg Vardy garage site at Lawrence Street, York.

1.2 The site is located on the south side of Lawrence Street, one of the main routes into York. It is an L-shaped plot which has a frontage to Lawrence Street of 28 metres with vehicular access from this frontage. The site extends back as far as the boundary with properties on Barbican Mews, approximately 100 metres and then turns eastwards and extends to a frontage with Lawrence Lane (approximately 38 metre frontage). The site is 0.55Ha in size and the ground level rises from north to south with a height of 13.4 metres AOD on Lawrence Street and 15.8 Metres AOD on the area near Lawrence Lane. Lawrence Lane is a well used pedestrian link between the city centre and surrounding outer areas. Opposite the site on the Lawrence Lane frontage are a number of Local Authority pre-fabricated bungalows which are in the process of being redeveloped and will be replaced by two storey houses and single storey bungalows.

1.3 The site is bounded to the south by existing residential development on Barbican Mews, to the west is the grade II listed flax mill which has been converted into apartments and ground floor business units and developed within its curtilage to form additional residential units. St Lawrence Church, a grade II listed building, the tower of the former church, a grade I listed building and site of archaeological importance and the Ellen Wilson grade II listed single storey almshouses, are located to the east and north of the application site. The site is within an area of archaeological importance. The central historic core conservation area bounds the front boundary of the site and encompasses the Ellen Wilson Almshouses to the east.

1.4 The proposal consists of the erection of six accommodation blocks containing a total of 238 rooms or studio bedrooms. The design of the buildings has had some alterations since the application was first submitted so that the proposals are now for the following: -

- Block 1 is located on the frontage to Lawrence Street. The building has a frontage to the Street of approximately 22 metres and provides 4 levels of accommodation. The block provides 9 single bedrooms, 14 three quarter bedrooms (rooms that take a three quarter bed) and 10 studio bedrooms (these are self contained units providing small kitchen and sitting area). Each level has a kitchen serving a number of bedrooms. Block 1 also has an office unit and internal cycle store and internal sub station. The building stands 12.8 metres high to apex of the pitched roof and 9.5 metres to eaves. There is also an area of flat roof which stands approximately 12 metres high.

- Block 2 - an L-shaped building located behind block 1. The block provides part 3 and part 4 levels of accommodation. At its highest point the four-storey element stands 12 metres high with an eaves level that is asymmetric being 10.5 metres and 9 metres high. The three-storey block stands 9.5 metres high to apex and with an asymmetric roof 6.5 and 8 metres to eaves height. There is a single storey element to the building adjacent to the boundary providing cycle parking. The block provides 16 single bedrooms, 29 three quarter bedrooms and 9 studio bedrooms. There are also kitchens on each level.

- Block 3 - an L-shaped building located behind block 2. The block provides part 3 and part 4-storey accommodation. The heights and general design of this block are the same as block 2 although the footprint of the building is less and therefore the accommodation within the building is less. The block provides 25 single bedrooms, 16 three quarter bedrooms and 9 studio bedrooms with associated kitchen facilities and single storey ground floor cycle parking

- Block 4 - block 4 has been significantly amended since the application was submitted so that it has been reduced from a four-storey block to a three-storey block. Block 4 is located adjacent to the eastern gable end of the existing mill building and the southern boundary with Barbican Mews. The building stands 9.5 metres high to apex and with asymmetric roof stands 8 metres high to eaves facing Barbican Mews and 6.2 metres into the site. The block provides 3 levels of accommodation. There are 13 single bedrooms with associated kitchens and 2 studio bedrooms in this block. Cycle parking is adjacent to the block on the western boundary and within the building.

- Block 5 - located on the southern boundary of the site block 5 is of a similar height to block 4 with a larger footprint that is provided in a T- shape with main elevations facing towards block 6 (eastwards) and towards the church. Block 5 has 3 levels of accommodation providing 27 single bedrooms and 3 studio apartments. Cycle parking is provided in a separate single storey building on the southern boundary.

- Block 6 - located so that it has a frontage to Lawrence Lane, block 6 is an L-shaped structure providing part 2 and part 3-storey accommodation. The block has a frontage to Lawrence Lane of approximately 31 metres and is set back from the lane by 6 metres. The two-storey element of the building stands 8.2 metres to apex and with asymmetric roof standing 6.8 and 5.5 metres to eaves. The height of the building in the three levels of accommodation is 9.5 metres to apex and with asymmetric roof 6.5 and 8 metres to eaves. Cycle parking is provided within the building and in a separate building on the southern boundary of the site.

1.4 All the buildings are finished in mainly brickwork with areas of grey panelling. The roofs are to be slate.

1.5 The proposal includes the reduction in the level of the land at the back of the site by approximately 400 mm so that the built development will start at approximately the level of existing development on Barbican Mews.

#### Site History

1.6 A similar application for student housing was withdrawn in December last year Planning reference 09/01364/FULM.

1.7 The site's former use as Reg Vardy showroom and garage generated a number of applications, none of these application are directly relevant to this application.

1.8 The front part of the site has been used for a pay and display car park since the garage use ceased however following complaints the use has been removed from the site. No planning permissions have ever been sought or given for this use.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

### 2.2 Policies:

CYED10  
Student Housing

CYGP1  
Design

CYGP3  
Planning against crime

CYGP4A  
Sustainability

CYGP9  
Landscaping

CYSP1

General principles allowing permission

CYSP3

Safeguarding the Historic Character and Setting of York

CYL1C

Provision of New Open Space in Development

CYHE2

Development in historic locations

CYHE10

Archaeology

### **3.0 CONSULTATIONS**

#### INTERNAL

3.1 Highways Network Management -There are no objections to the principle of the development subject to conditions.

3.2 York Consultancy - Insufficient information has been submitted by the developer to determine the potential impact the proposals may have on the existing drainage systems therefore York Consultancy object to the application. (N.B. further information now received, appears to satisfy these concerns - see 4.41)

3.3 Design, Conservation and Sustainable development (DCSD) Ecology - the existing buildings on site are considered to have low potential for supporting bats as most of the buildings are very open, however there is some possibility of summer roost or temporary roost for individual or small numbers. Therefore care should be taken during demolition. There is good habitat within the immediate surrounding area, particularly with the mature trees within the grounds of the church and the river and the city wall embankments are also close. The development of the site is a good opportunity to carry out habitat enhancement work to benefit bats as well as other wildlife species known to use the surrounding area (e.g. swifts). A condition is suggested to ensure the incorporation of measures within the design of the building to accommodate bats.

3.4 DCSD; Sustainability- Satisfied that the submitted information demonstrates compliance with the IPS in as much as a BREEAM very good rating will be achieved. Measures should be incorporated which maximise reuse and recycling of demolition materials. A sustainability statement should have been submitted with the application which should have demonstrated the avoidance of materials that have used CFC's and HCFC's in their manufacture, that all timber and timber products are from FSC accredited sources, that lighting schemes are provided that are designed to reduce the occurrence of light pollution and considerate construction undertaking. Information on how 10% renewables will be achieved should also be submitted.

3.5 An additional letter has been submitted addressing concerns about how 10% renewables will be achieved and addressing consideration of sustainability during construction and demolition. With conditions relating to the achievement of 10%

renewables and ensuring a BREEAM very good rating, the application can be supported.

3.6 DCSD; Design and Conservation - initial comments were made when the application was first submitted concluding that this resubmitted scheme is more appropriate in terms of its overall massing and arrangement, the set back from Lawrence Lane frontage is welcomed, but the roofscape is not entirely successful and that elevations would benefit from reconsideration. In response to revisions to the scheme further comments are made on; the block 1 east gable treatment; the elevational treatment to all blocks including, the extension of pitched roofs to replace flat roof elements, and the reduction in the massing of block 4. Overall these revisions do improve the scheme, the general elevational treatment with individual dormers and simple openings in brickwork are more appropriate in this context than the rather mannered panel approach shown previously. The revised rear elevations to blocks 4, 5 and 6 with smaller window openings and the material change at the upper floor level are also an improvement in relation to the south aspect of the development. The scheme is still a very intensive development of the site and the relationship between the blocks and St Lawrence Church in particular is critical particularly the direct relationship between the church and the gables of blocks 2,3 and 6. The proximity of these gables does impact on the setting of the listed church, however, the proposed further changes to block 6 will mitigate this further. The key elevations to Lawrence Street and Lawrence Lane need to be well detailed, and if the scheme is to be recommended for approval then conditions should be attached to cover the detail of elevations including; window details / eaves details and brickwork detail. It is desirable to specifically resolve the Lawrence street elevation.

3.7 DCSD; Landscape - The mature trees adjacent to the site boundary contribute to the immediate setting of the church, old tower and Almshouses. In particular 3 sycamore trees in the churchyard. An area of boundary wall adjacent to the trees has collapsed however it is considered that with appropriate detailing the wall could be reinstated. The proposed accommodation blocks are taller than the existing buildings on the site and will mean that some pruning is necessary to facilitate construction and to provide clearance to kitchen windows. The sycamores are not fully grown and regular pruning would be necessary to keep them clear of the proposed building. Ideally the new building should be further set back to provide a more comfortable and practical relationship. However, the trees are not worthy of a tree preservation order and therefore works to these trees should be conditioned, - the trees do not preclude the development as proposed. The new roadway construction should not be any deeper than the existing hard surface.

3.8 The simple approach to the landscape design is accepted. Some suggestions are made on details with regard to; the placing of trees between blocks 1, 2 and lighter tree species between blocks 1 and 2 to provide division between the student accommodation and the almshouses without being overbearing; between blocks 2 and 3 larger species are suggested; and specimen trees at either end of the space. St. Lawrence Church are soon to submit an application to extend the south transept this would have a bearing on the choice of trees along the eastern boundary of the site, where medium sized trees with a fairly light crown would be a wise choice.

3.9 DCSD; Archaeology - An archaeological evaluation of the site has been carried out in advance of an earlier application for development on the site. In the absence

of a useful assessment of significance in the heritage statement and design and access statement, the Archaeologist has used the information contained in the MAP evaluation report to determine the impact of the proposed development on the significance of the heritage assets preserved on this site and to determine what mitigation measures are reasonable and proportionate.

3.10 The archaeological features and deposits recorded in the archaeological evaluation indicate that there are medieval features and deposits preserved across the site. The residual material of Romano-British and Anglo-Scandinavian date suggests the potential for this site to produce features and deposits from these periods. The find of a Bronze Age cremation at 27 Lawrence Street also suggests the potential for this site to produce prehistoric material.

3.11 The proposed development will have a substantial impact on the significance of these archaeological features and deposits (undesigned heritage assets). However, the significance of these assets is not sufficient to warrant refusal of this application. Preservation in-situ, as set out in Policy HE10, will be very difficult to achieve given the scale of the development and its associated groundworks.

3.12 It will be appropriate therefore to require, in line with the guidance set out in PPS5, that the archaeological features and deposits (undesigned heritage assets) on this site are recorded through an archaeological excavation prior to development commencing. The archaeological excavation will include (a) the excavation of the footprints of the proposed blocks to formation levels and (b) the excavation of all service trenches, attenuation tanks and other excavations for services and utilities. It will be necessary to have an archaeological watching brief on all other groundworks (e.g. removal of foundations, storage tanks etc). The archaeological project must also include post-excavation analysis, reporting and publication of the results of the excavation; deposition of the archive with the Yorkshire Museum; and community access and involvement in the project. Standard conditions are proposed to ensure the requirements of Archaeology are achieved.

3.13 Environmental Protection Unit - concerned about noise, air quality and contaminated land and their affect on the health of and residential amenity of occupiers of the proposed development. In relation to noise Environmental protection are concerned that part of the site falls within Noise exposure category c where it is considered that permission should be not normally be granted unless there are no alternative quieter sites available where conditions should be imposed to ensure a commensurate level of protection against noise. An amended document is requested that will attenuate the building facing Lawrence Street to 35 dB(A) in living areas and 30 dB(A) in bedrooms during the night with an Lmax of no more than 45dB(A). In addition there are concerns about noise from existing public houses in the area for which there has been a number of complaints, sufficient noise has been witnessed to constitute a statutory nuisance should be considered in the amended report.

3.14 The site is located within an Air Quality Management Area (AQMA). Residential accommodation with windows opening on to a busy road would be classed as a relevant location in terms of local air quality management, particularly where habitable rooms (i.e. living rooms, bedrooms etc) are positioned towards a polluted carriageway facade. The plans indicate that the block facing Lawrence Street has habitable living spaces (at all levels) to the road façade. Sealed glazing, coupled with

mechanical ventilation from the rear of the block (away from the Lawrence Street facade) would satisfy concerns regarding exposure of future residents of the flats to poor air quality. The regular maintenance of mechanical ventilation systems is essential if they are to be installed. A condition is suggested to deal with this issue.

3.15 The site is located next to land that has historically been used for a tannery and the site has previously been used for road haulage. In order to deal with our concerns regarding potential contamination it is recommended that conditions should be attached to protect the health of future occupiers.

3.16 City Strategy - whilst the general principles of housing policies could be applied, it is more important to consider the proposals against policy ED10 (Student Housing), which looks at the issues specifically from a student accommodation provision perspective. The initial findings of City Development with regard to student housing is broadly similar to that outlined by the applicant in the submitted needs assessment. The principle of the development is considered to be acceptable. In terms of the other criteria within ED10, a condition should be attached that ensures that the development remains as student accommodation in perpetuity, without such a condition affordable housing would be required on the site. The site has good accessibility. The scale of the development needs considering carefully. The design of the building should be considered against policy GP1 and HE2. The applicant should provide information to accord with the requirements of GP4a. The resubmitted application appears to address many of the issues outlined in the comments to the previous planning application. Given this, and the emerging work the Council is currently undertaking on student accommodation, no policy objections are raised subject to the details being considered to be acceptable in terms of GP1 and HE2 and in relation to listed buildings and the conservation area boundary.

3.17 Engineering Consultancy - Object to the application. The details of the submitted drainage information do not address fundamental issues of capacity and attenuation. Finished floor levels are below existing ground levels and easement to a sewer that runs across the site have not been maintained and /or investigations to show that the sewer is abandoned have not been carried out.

3.18 Life Long Learning and Leisure - Assuming that there is no on site open space commuted sums should be paid for amenity open space to be spent in Hull Road Park or St. Nicholas Fields and sports pitches to improve facilities within the east zone of the sport and active leisure strategy.

## EXTERNAL

3.19 Police Architectural Liaison Officer - the inclusion of secure internal cycle storage is welcome, the external cycle parking should be covered by CCTV. Boundary treatment should prevent intrusion into the site via the narrow passageway between block 1 and 22 Lawrence Lane. Suggest the use of symbolic pillars to entrance to give the impression that the area beyond is private. Lighting levels should not be obstructed by new trees. To achieve BREEAM rating there should be discussions with the Police Architectural Liaison Officer prior to the application being submitted. It is vital that the complex has a 24-hour warden/security. The applicant is urged to consider applying for the Police Secured by Design scheme.

3.20 Conservation Area Advisory Committee - The panel concluded that their major objection was the impact of the new building on the Grade I Tower, Grade 2 church, the listed Alms houses and former mill building. The panel felt that the development does not address the setting of any of the heritage assets by virtue of the massing an architectural detail. The Panel also felt that the additional car parking that would ensue in the surrounding areas would have a detrimental impact on the Conservation Area.

3.21 Yorkshire Water Authority - The local public sewer network does not have capacity to accept any additional discharge of surface water from the site; sustainable systems may be a suitable solution for surface water disposal. The submitted drainage details are inadequate. If permission is to be approved conditions are suggested to ensure an adequate water supply to the site, that foul and surface water are on separate systems, details of means of foul water disposal are to be submitted and to ensure that works to provide adequate surface water drainage are in place before the development is brought into use.

3.22 English Heritage - English Heritage advise that their remit is limited in terms of the design of the building however if minded to grant permission there should be a robust archaeological mitigation strategy agreed with the city archaeologist especially bearing in mind the presence of civil war remains identified during the evaluation of the proposal site which may relate to other civil war remains found further east on Lawrence Street. The development should be determined in accordance with national and local guidance.

3.23 York Civic Trust - very concerned about the overdevelopment of the site and its detrimental effect on the nearby 11 listed buildings, a scheduled ancient monument and a conservation area. The high concentration of students on this site is bound to have an adverse affect on the amenities of near by residents which no amount of management plans will overcome. The scheme fails to meet the requirements of GP1. The fact that the Tannery is four storeys high is not a good indicator of the scale and type of material which could be considered in the area. The issue of lack of car parking continues to be of concern. However carefully managed there will be overflow parking on to adjacent streets. The scheme with the access road up against the Ellen Wilson homes will impinge on the amenities of the vulnerable residents.

3.24 Environment Agency - The site is located within flood zone 1 and is less than 1 hectare in size therefore the Environment Agency has no objections to the application. Attenuation of surface water drainage should be required.

3.25 13 Letters of objection have been received; including one which is on behalf of 58 residents of Barbican Mews have been submitted. The letters cover the following points:-

- Concerned that the new build will be approximately the same distance away as the existing building when occupied by students and with windows facing the site will impact on privacy of properties on The Tannery Development.
- Concerned about security of Tannery properties when site occupied by students
- Objectors has recently been students and therefore consider they have an understanding of the activities which students will get up to including loud noise,

littering, loutish behaviour as well as other problems including fights and impromptu social gatherings which may cause other students to arrive on mass

- Already sufficient noise around the area with the road and pub and working men's club across the road
- The proposed development would cause loss of sunlight to properties on the Tannery
- Could the development not be accommodated somewhere else\_
- It is suggested that the area should be provided as a green area for use by the public, particularly as the Tannery currently has no such area.
- The development would be both socially and physically intimidating
- Concerned about the height of block 1 in relation to the Ellen Wilson almshouses
- There are a lot of elderly residents in the area it will take an extremely good warden system for the proximity between the student site and elderly residents to work. Very little practical provision for a warden scheme is evident in the application.
- Concerned that students in the third and fourth floors may find the bell ringing intolerable.
- Concerned about the low level of parking provision. Consider that the level of parking will cause significant trespass on to the church site.
- The value of property will be significantly reduced in the area
- Both the number and height of the proposed blocks is excessive in relation to the surrounding area
- Parking will overflow into nearby residential areas
- Currently students already cause noise and disturbance in the area when cutting through Barbican Mews area from town early in the morning.
- There will be a loss of light to properties on Barbican Mews
- Area already affected by power cuts, the utilities cannot work efficiently with such a large complex.
- Barbican Management Company which represents 58 properties on the Barbican site consider that the development of student accommodation should be on campus and that there will be increase noise and loss of light as a result of the development. the access to the site from Lawrence Street is very difficult and was when the site was a garage.
- Having students living so close will increase living costs by increasing home and motor insurance
- Does York need more student accommodation?
- Concerned about the increase in discharge of water to sewer which are already overloaded
- The density of the development is significantly above that set out in the local plan in policy H5a
- Development does not meet the criteria of ED10 in that the scale and location of the development should be appropriate to the immediate surroundings and the scale of the development should be appropriate to its surroundings
- This number of students in this location fails to achieve a balanced community with a suitable mix of housing
- The scheme does not achieve the requirements of GP1 - the scheme has serious shortcomings in terms of density layout scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, spaces in the development are inadequate and inappropriate, Barbican Mews will be significantly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. The applicants own design objectives in this respect are not achieved

- The massing and height of the blocks adjacent to Barbican Mews is out of scale and context with the surrounding area.
  - Block six which has 10 plus windows facing barbican mews will result in overlooking and loss of privacy. If approved fixed and frosted windows should be conditioned.
  - View of the Church will be lost for most residents of Barbican Mews this contradicts the applicants own design objectives
- The mix of materials and the modern scale/ nature of the design do not seem in character with the surrounding area
- Management of the site will be concentrated within blocks rather than being able to focus on the real problem areas of access routes and external areas
  - The issues raised as part of the community involvement have not been addressed therefore the local communities views and serious concerns have not been properly reflected
  - A non-student residential scheme that does respect the character of the area, the local community and the prevailing planning policy criteria should be encouraged.

## PUBLICITY

3.26 The application has been advertised by means of a site notice posted on the 12th August 2010, by a press advert dated 14th August 2010 and via neighbourhood notification letters.

## 4.0 APPRAISAL

### 4.1 key Issues:-

- Principle of the development
- Design including impact on the setting of listed buildings and the conservation area.
- Landscaping and amenity areas
- Highways, access arrangements and parking
- Residential amenity
- Archaeology
- Sustainability
- Open Space
- Drainage and flood risk
- Biodiversity
- Crime Prevention
- Other issues

4.2 Planning Policy Statement 1 ("Delivering Sustainable Development") (PPS1) states that a number of key principles should be applied to ensure that decisions taken on planning applications contribute to the delivery of sustainable development. In particular, PPS1 promotes high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term but also over the lifetime of the development. Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted. High quality and inclusive design should create well mixed and integrated developments which avoid segregation and have well planned public spaces that bring people together and provide opportunities for physical activity and recreation. PPS1 also states that planning authorities should ensure the provision of

sufficient, good quality new homes (including an appropriate mix of housing and adequate levels of affordable housing) in suitable locations, whether through new development or the conversion of existing buildings.

4.3 Planning Policy Statement 3 - 'Housing' (PPS3) sets out Government policy on housing development and encourages more sustainable patterns of development through the reuse of previously developed land, more efficient use of land, reducing dependency on the private car and provision of affordable housing. PPS3 also advises that car parking standards that require more than 1.5 spaces per dwelling are unlikely to secure sustainable development.

4.4 Planning Policy Statement 5 - 'Planning and the Historic Environment' says the Government's overarching aim is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. To achieve this the Government's objectives for planning for the historic environment are to deliver sustainable development, to conserve England's heritage assets in a manner appropriate to their significance and to contribute to our knowledge and understanding of our past by ensuring that opportunities are taken to capture evidence from the historic environment and to make this publicly available.

4.5 PPS 5 says at paragraph HE7.5 that Local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use. At paragraph HE10.1 it says When considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. When considering applications that do not do this, local planning authorities should weigh any such harm against the wider benefits of the application. The greater the negative impact on the significance of the heritage asset, the greater the benefits that will be needed to justify approval.

4.6 PPS5 is supported by a practice guide, which provides more detailed advice on how to deal with applications in an historic environment. In particular paragraph 80 says policies HE7.5, HE9.5 and HE10 require attention to the extent to which the design of new development contributes positively to the character, distinctiveness and significance of the historic environment. A successful scheme will be one whose design has taken account of the following characteristics of the surroundings, where appropriate: The significance of nearby assets and the contribution of their setting. The general character and distinctiveness of the local buildings, spaces, public realm and the landscape. Landmarks and other features that are key to a sense of place. The diversity or uniformity in style, construction, materials, detailing, decoration and period of existing buildings and spaces. The topography. Views into and from the site and its surroundings. Green landscaping. The current and historic uses in the area and the urban grain. The guide says some or all of these factors may influence the scale, height, massing, alignment, materials and proposed use in any successful design.

4.7 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.

4.8 The following City of York Local Plan (2005) Policies are considered to be relevant to this proposal:

- Policy SP6 'locational strategy' says that development will be concentrated on brownfield land within the built up urban area of the city and urban extensions.

- Policy ED10 - Student housing says that off campus residential accommodation will need to meet certain criteria. These are that there is a recognised need for the development; there is good accessibility by foot, cycle and public transport to the relevant educational institution and local facilities; the location and scale of the development is appropriate to the immediate surroundings; the development would not be detrimental to the amenity of nearby residents and the design and access arrangements would have minimal impact on the local area; car parking is of a satisfactory standard.

- Policy GP1 'Design' includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use 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.

- Policy GP3 'planning against crime' requires new development where deemed appropriate to incorporate crime prevention measures

- Policy GP4a 'Sustainability' states that proposals for all development should have regard to the principles of sustainable development. Development should: provide details setting out the accessibility of the site by means other than the car and, where the type and size of development requires, be within 400 metres walk of a frequent public transport route and easily accessible for pedestrians and cyclists; contribute towards meeting the social needs of communities within the City of York and to safe and socially inclusive environments; maintain and increase the economic prosperity and diversity of the City of York and maximize employment opportunities; be of a high quality design, with the aim of conserving and enhancing the local character and distinctiveness of the City; minimize the use of non-renewable resources, re-use materials already on the development site, and seek to make use of grey water systems both during construction and throughout the use of development. Any waste generated through the development should be managed safely, recycled and/or reused. The 'whole life' costs of the materials should be considered; minimize pollution, including that relating to air, water, land, light and noise; conserve and enhance natural areas and landscape features, provide both formal and informal open space, wildlife area and room for trees to reach full growth; maximize the use of renewable resources on development sites and seek to make

use of renewable energy sources; and make adequate provision for the storage and collection of refuse and recycling.

- Policy GP9 requires where appropriate developments to incorporate a suitable landscaping scheme

- Policy SP3 'safeguarding the historic character and setting of York' gives a high priority to the protection of the historic character and setting of York. The policy requires the protection of the environmental assets and landscape features which enhance the historic character and setting of the City as well as the protection of the main gateway transport corridors into York from development which, cumulatively, could have an adverse impact on the character and setting of the corridor and the surrounding environment.

- Policy L1c)(Open Space Provision) of the York Development Control Local Plan is of particular relevance in considering this application. Developments for all housing sites or commercial proposals will be require to make provision for the open space needs of future occupiers

- Policy HE2 'Development in Historic Locations' says within or adjoining conservation areas, and in locations which affect the setting of listed buildings development proposals must respect adjacent buildings, open spaces, views, landmarks and other townscape elements which contribute to the character or appearance of the area.

- Policy HE10 'Archaeology' says that planning applications for development that involves disturbance of existing ground levels on sites within York City Centre Area of Archaeological Importance will be granted provided the extent and importance of any archaeological remains are evaluated and that the applicant can demonstrate that less than 5% of any archaeological deposits will be disturbed or destroyed.

#### PRINCIPLE OF THE DEVELOPMENT

4.9 The site is a vacant garage site, last used for both car sales and repairs. The existing permitted use is not considered to be an employment use as defined by the Town and Country (Use Classes) Order 2005. There is therefore nothing within the Local Plan which sets out sequentially preferable uses for the site. City Development has indicated that policy ED10 takes precedent over the other housing policies within the plan and that this policy forms the basis on which any development should be considered The Policy sets out the criteria against which off site campus accommodation should be considered. The criteria are set out in paragraph 4.8 above. City Development is currently in the process of exploring the issue of student housing. Whilst this work is in its early stages, the initial findings are broadly similar to the conclusions drawn by the applicant in the submitted needs assessment. The City Development is satisfied that the applicant's needs assessment successfully demonstrates a demand for student housing. As such, the principle of student housing on the application site accords with the needs requirement of Policy ED10 and is considered to be acceptable from this perspective.

## DESIGN INCLUDING IMPACT ON THE SETTING OF LISTED BUILDINGS AND THE SETTING OF THE CONSERVATION AREA

4.10 Advice in the CABE and English Heritage document 'Buildings in Context, new development in historic areas' considers what is the right approach to dealing with applications on sensitive sites. The belief underlying the publication is that the right approach is to be found in examining the context for any proposed development in great detail and relating the new development to its surroundings through an informed character appraisal. It suggests that a successful project will relate well to the geography and history of the place and the lie of the land, sit happily in the pattern of existing development and routes through and around it; respect important views; respect the scale of neighbouring buildings; use materials and building methods which are as high in quality as those used in existing buildings; create new views and juxtapositions which add to the variety and texture of the setting. These design principles are supported by the advice in the more recent practice guide to PPS5. The advice is PPS5 is set out above (paragraph 4.6).

4.11 The application is supported by a design and access statement and a heritage appraisal. The heritage appraisal concludes that the development would not have any direct negative impacts on the historic heritage of the area, would significantly enhance the application site and at worst have a neutral impact on the surrounding listed buildings.

4.12 The existing site has few redeeming features it is an industrial, hard surfaced area with no landscape features. There is one main industrial structure located on the western boundary of the site. Any visual quality the site has is a result of its relationship to adjoining sites, mainly through tree cover, and some boundary walls which have the potential to be significantly enhanced by the redevelopment of the site.

4.13 St. Lawrence Church, the adjoining Ellen Wilson almshouses, the church hall and the grade 1 listed church tower have a well defined, mostly walled, site boundary. It is officers view that the setting for the church and the surrounding listed buildings is mainly contained within this boundary wall as the environs and surrounding features which directly contribute to the atmosphere of the building are contained within this space. Despite the built up nature of the area there are views into and out of the church site which contribute to the visual quality of the area, in particular the approach to the church along Lawrence Lane footpath, the Ellen Wilson almshouses are visible along the Lawrence Street frontage and the church itself is visible above the adjacent buildings from most directions. In the context of the impact of the development on the church and adjacent listed buildings in Officers view the main issues to address are: the height of the development; its impact on views along Lawrence Lane; proximity of the new blocks to the church and the relationship of the development to the almshouses. The conservation area boundary includes the almshouses and cuts across the churchyard to the north of the church itself and therefore views into and out of the conservation area are an important consideration in relation to the Listed building and Conservation Area Act 1990 and the practice guide to PPS5.

4.14 The proposed block 1 on the Lawrence Street frontage of the site will almost match the height of the adjacent block on the flax mill development. The block is

deep plan and therefore designed with a double pile roof and stepped side gable elevation to present a narrower gable end to the street visible when approaching the site from the east. This block brings development significantly closer to the almshouses and closes up the street frontage so that little of the rear of the site will be visible from Lawrence Street, apart from through the access point also obscuring views of the side elevation of development on the Mill site. However the almshouses have a substantial boundary wall dividing them from the site and this change of scale is not inappropriate in a varied street scene. The setting of the listed mill building is not adversely affected. The design of block 1 has been improved in line with the requirements of the Design and Conservation Officer, it presents an acceptable visual presence along the street frontage subject to well executed detail including; boundary treatment, windows, window heads and sills and eaves details. All these elements of the building design are proposed to be conditioned.

4.15 Along the Lawrence Lane footpath frontage the proposed development is two and two and a half storeys (3 levels of accommodation). This block (block 6) is long at 31metres and has a height of between 8 metres and 9.5 metres as a maximum height to apex. The building is set back 6 metres from the Lawrence Lane frontage to better reveal views of the church from the south. The applicant has reduced the length of the building frontage by 3 metres to separate the block further from the church and to provide a better visual relationship with the adjacent garage on the Barbican Mews scheme. With this amendment the relationship between the existing church and the site is considered to be acceptable.

4.16 The height of the development overall is at its maximum 12.7 metres to apex on block 1 and 12 metres on blocks 2 and 3 the remainder of the development is lower. The more distant views of the church with its substantial height and presence will not be affected by this height and in terms of the setting of the listed building the height of the proposed structures is considered to be acceptable.

4.17 The Flax Mill to the west of the site is a grade II listed building. The redevelopment of this site means that there is already a considerable amount of development within its own curtilage and in Officers view this scheme has to a degree affected the setting of the listed building. The remaining qualities of the buildings setting lie in the height of the structure and its dominance of its immediate neighbours. The reduction in height of block 4 from four to three storeys has reduced the impact of the development on the end gable of the mill abutting the site, the height of block 3 at 12 metres will sit below the Flax mill structure and the proposed development will not compete with this structure for visual dominance. In relation to the setting of the Flax Mill the details of the proposed scheme are considered to be acceptable.

4.18 In considering the overall design the Design and Conservation officer concludes that the success of the scheme will depend on the detailed treatment although the relationship between the scheme and the listed church particularly the gables to blocks 2, 3 and 6 could be improved. The site is surrounded by a mix of development types with varying elevational treatments and a variety of materials, layout, scale, mass and design. This makes the identification of a particular urban grain (pattern of arrangement of street blocks and plots) for the area difficult. What can be identified is that the earlier structures surrounding the site benefit from slate roofs, good quality simple brick work and pitched roofs. The juxtaposition of buildings is varied as is the

scale and massing. In this context the use of the materials proposed (slate roofs and brick work) with the introduction of a modern element (grey metal panelling) would in Officers opinion relate the development to its surroundings. The scheme is self-contained within the plot but the access both pedestrian and vehicular remains related to the surrounding road/ footpath network. The roofscape is somewhat complicated and the asymmetric roofs, a result of the deep plan depth of the building and a desire to keep the height of the buildings to a minimum, are not a typical feature of the area. The asymmetric roofs will be most visible from the church curtilage and from Lawrence Lane when viewing the site from the north. However the asymmetric roofs are not considered to dominate the design as to warrant refusal of the application. Overall the design of the scheme meets the requirements of advice within the Buildings in Context document (referred to above), PPS5 and the requirements of local plan policies ED10 and GP1.

#### LANDSCAPING AND AMENITY AREAS

4.19 The Landscape Architect refers to three sycamore trees that are located within the adjacent church site but which overhang the application site. These trees will need to be pruned in order to develop the site. These trees are not worthy of a Tree Preservation Order and works to the trees (including their protection during construction) will be covered by conditions.

4.20 There is no established figure for the provision of external amenity areas nor would this necessarily be appropriate. It is more important to concentrate on the way in which such areas are designed, sited and related to the buildings to assess their benefit to future occupants. The blocks have been designed so that the majority of the units face into the site and the amenity areas have been located between them providing entrance courts/ landscaped areas with seating spaces. These areas are considered acceptable subject to minor changes in the positioning and species of trees. These minor changes can be dealt with within the landscaping condition.

#### HIGHWAYS, ACCESS ARRANGEMENTS AND PARKING

4.21 The site has formerly been used as a car garage, which would have generated significant levels of traffic, including HGV movements. Access is to remain from Lawrence Street however the existing northernmost access point is proposed to be closed up and the highway reinstated with cobbles, kerbs and footway as in the locality.

4.22 Negligible car parking has been provided on-site and is restricted to disabled students and limited provision for staff/wardens. The site is located close to the city centre and has bus stops within a short distance of the site, serving locations such as the university; this accords with the requirements of policy ED10. It is proposed to include a restrictive covenant within the lease agreements that the student occupiers do not bring vehicles to the site. This will be reinforced by a Travel Plan which will be required by condition.

4.23 Surrounding streets are protected by waiting restrictions. The site is therefore considered to be in a sustainable location and officers do not have concerns with little/no car parking being proposed on such a development in this location.

4.24 Highway Network Management consider that peak demand for car parking will occur during the term time start/end periods. In order to assist with the management of car parking during these periods informal areas for car parking have been provided within the site. A management plan is also to be implemented which will ensure that the units are occupied/vacated in a staggered approach in order to further minimise and manage the number of cars entering the site. Such an approach has been previously agreed by the authority at two adjacent sites on Navigation Road.

4.25 Covered and secure cycle parking has been provided at various locations around the site and, where possible, is integral to the building footprint. Cycle parking provision is at 64%, which compares favourably with recently approved schemes at Navigation Road and Heslington East where 50% provision has been approved.

4.26 The applicant has also confirmed in writing that they are willing to fund the provision of a real time BLISS display at the adjacent stop outside the Wagon and Horses public house. Conditions are proposed to ensure that the development is carried out to the satisfaction of Highways Network Management and includes requirements for a travel plan and method of works statement.

#### RESIDENTIAL AMENITY

4.27 Officers consider that the amenity concerns about the development can be split in to two main areas; the first being the impact of the structures themselves and second being the more general concern about the intensity of the development, the behaviour patterns of students and the impact of this behaviour on the residential amenity of existing residents.

4.28 Structures - The scheme has been amended since first submission to improve the relationship of the development with the existing residential development to the south of the site (Barbican Mews). The gable elevations of the properties face the site, with a small number of windows serving hallways and kitchens on the gable ends. The amendments to the development on this side of the scheme include the lowering of the land by 400mm so that the foundation level of the new development will be approximately the same as Barbican Mews, the reduction in overall height of all the blocks by 450mm, reduction of block four from a four storey to three storey, the number of windows being reduced and blocks 4, 5 and 6 pulled away from the boundary. The proposed development however introduces a significant amount of development along the southern boundary the majority of which will stand 8 metres high to eaves and 9.5 metres to apex (the apex sloping away from the boundary) Whilst the amount of development is significant, officers consider that given the orientation of the existing housing, its location on the south side of the proposed scheme, the height of the intervening boundary wall and the lowering of the development land by 400 mm, the structures can be accommodated without detracting from the amenity of residents of Barbican Mews.

4.29 There is one kitchen window in the upper floor of a flat facing the site adjacent to block 4. This window will have a reduced outlook because it relies on the application site for an outlook. The ground floor window of the flat below looks on to the boundary wall at a distance of less than a metre. Block 4 is located 1.7 metres

from the boundary so the clearance between the window and the building will be in the order of 2.5 to 3 metres. Given the reduction in height of block 4 and the location of the window on the northern elevation of the building, it is considered that the impact of the development on the kitchen window would not be sufficient to warrant refusal of the scheme.

4.30 To the west is the site of the former flax mill (also known as the Tannery). The flax mill building has been converted into apartments with ground floor business units. Within the boundary of the mill, new houses have been constructed, and on the application site boundary stands a three storey residential building. The only windows facing on to the site are roof lights to each unit, which provide light to the second bedroom and to the hallway. There are also glass bricks in the walls to bring a little additional light in to the buildings. To the front of the mill site on the western boundary is another 3 storey building, the side of which extends almost to the boundary. Blocks 1 (four storey) to 4 (three storey) of the proposed development are close to the western boundary, with single storey cycle stores up to the boundary.

4.31 The 4 and 3 storey elements of blocks 2 and 3 are between 2 to 4 metres from the boundary, and the design includes a mixture of roof styles so that the height of the buildings at their nearest points along the boundary is about 8 metres to eaves. The roof lights in the buildings on the flax mill site are set low in the roof and with internal floor levels of the building, do have some outlook over the application site. However with the distances from the boundary proposed in the scheme and the angle of the windows, it is considered that the buildings will continue to receive enough light for the proposed relationship to be acceptable. The 3-storey gable end of block will obscure windows in the converted flax mill about 3 metres away. However the windows are secondary lights to living rooms on the second and third floors and a bedroom window on the first floor. There will be some impact on the first and second floor windows; however given the angle of the gable of block 4 and the fact that two of the windows are secondary lights it is considered that the block will not so dominate the windows to warrant refusal of this application.

4.32 The higher element of block 3 will be located in the space between the end of the more recent building and the converted flax mill. In the flax mill development this area is hard surfaced and has a small seating area. The boundary of the site here is dominated by the existing building on the application site which is close up to the boundary. The replacement structure will introduce higher development into this gap, and, there will be some reduction in morning sunlight into this area, but at a distance of 2 to 4 metres from the boundary the outlook in this gap will be one of change rather than reduction in amenity.

4.33 Block 1 is set against the side elevation of the frontage building on the mill site. There are no windows in the side elevation and the building are comparable in both size and massing there will be no impact from the development of block 1 on the amenity of the adjacent site.

4.34 The single storey almshouses are located on the eastern side of the site close to the existing (and to be retained) entrance point for the development. The almshouses are sited 6 metres away from the boundary (a 2 metre wall) and 4 metres from a rear off-shot which has a small frosted window in the rear elevation. The gable end of block 1 faces the almshouses. This elevation has a proposed depth

of 15 metres staggered so that it is between 9 metres and 11 metres from the rear off-shots and 12.5 metres from the main rear wall of the almshouses. The almshouses are orientated so that their main windows and open area is facing away from the site and into the church grounds. The rear elevation of the buildings is dominated by the wall. The new buildings will not directly impact on the amenity of occupiers of the almshouses because of the existing boundary treatment between the two sites and the mainly westerly aspect of the almshouses.

4.35 Intensity of the development/use of site for students - many of the letters of objection raise concerns about the general behaviour pattern of students, which in essence is considered to be one of excess and the impact of having such an intense number of students in one location. The applicant has said that the site will be managed, has indicated that they would be happy to comply with a condition requiring a management plan to be submitted to and agreed by the Local Planning Authority and have set out the issues they anticipate to form part of the management of the site. These issues include car parking, change over days, security measures, anti-social behaviour, guests, maintenance, fire safety, student liaison and community involvement.

4.36 The site has two main entry points the vehicular and pedestrian access from Lawrence Street and the pedestrian access from Lawrence Lane. Access from Lawrence Street is set against a backdrop of a busy road and other commercial enterprises, which operate until the late evening. The access itself from Lawrence Street has been a commercial entrance and has had an established pattern of relatively frequent daytime use experienced by occupants of the adjacent almshouses. In the later evening there will be a certain reliance on the management plan proposed to ensure that residents entering and leaving the site have regard to neighbours, but this is not considered significantly different than would be expected in any residential area. Similarly the Lawrence Lane entrance as an established pedestrian route provides a separate route to the site, which passes relatively few dwelling frontages. Much of the development itself is facing into the site so that main room windows are away from the surrounding residential properties and shielded from them by the bulk of the buildings. The site therefore is relatively contained. Furthermore the management for the site would be an important tool in managing behaviour on the site. Officers consider that given the layout of the development and the conditioning of the scheme to ensure a management plan for the site that the development can be accommodated without significantly affecting the amenity of adjacent residents.

4.37 In respect of the Environmental Protection Unit's comments, an additional noise report and mitigation measures for the frontage building have been submitted to deal with the concerns raised. The further comments of the Environmental Protection Unit on this issue will be reported to Committee.

## ARCHAEOLOGY

4.38 The proposed development will have a substantial impact on the significance of the archaeological features and deposits (undesigned heritage assets) as outlined in the archaeologist's comments above, However the significance of these assets is not sufficient to warrant refusal of this application. Again as pointed out above, preservation in-situ will be very difficult to achieve given the scale of the

development and its associated groundworks. An archaeological excavation prior to development commencing and a watching brief on all other groundworks as part of the project described by the archaeologist would be required.

## SUSTAINABILITY

4.39 The application is supported by a Sustainability Statement which sets out the measures to be employed within the building to achieve a BREEAM rating 'very good' and indicates that a BREEAM pre- assessment has been carried out for a 'very good' rating. The Sustainability Officer has indicated that the achievement of a 'very good' rating should be commended and suggests a condition to ensure that a Post Construction assessment is submitted to secure a 'very good' rating. In terms of achieving 10% renewables on site the applicant has confirmed that a number of suitable renewable technologies are to be considered for the project including solar thermal technology, photovoltaic and air and water source heat pumps it is suggested that a combination of these technologies may be utilised to provide the required energy generation percentage. A condition to ensure 10% renewables is achieved for the development. Such a condition is in line with the requirements of the IPS on Sustainable Design and Construction. On the basis of the information submitted and with the conditions proposed it is considered that the development complies with the requirements of GP4a and the interim planning statement on sustainable development.

## OPEN SPACE

4.40 An off-site open space contribution would be required in connection with amenity open space and sports pitches. The applicant has previously indicated that such a commuted payment would be acceptable in principle. Officers will report directly to committee on the amount of commuted sum necessary for this site following further discussions with Life Long Learning and Leisure. A condition is proposed to secure the relevant contribution.

## DRAINAGE AND FLOOD RISK

4.41 The development is in low risk flood zone 1 and should not suffer river flooding. The application is supported by drainage strategy however further information was sought about drainage details. Structures and Drainage have received additional drainage information and it is anticipated that the drainage issues will be resolved before committee. Yorkshire Water Authority is raising no objections to the principle of the development subject to conditions. Their conditions will be reported and amended based on the further comments of our Structures and Drainage section. Officers will update members at committee on the drainage issue as well as providing appropriate drainage conditions.

## BIODIVERSITY

4.42 The existing buildings on site are considered to have low potential for supporting bats as most of the buildings are very open, however there is some possibility of summer roost or temporary roost for individual or small numbers. Therefore care should be taken during demolition. There is good habitat within the immediate surrounding area, particularly with the mature trees within the grounds of

the church and the river and the city wall embankments are also close. The development of the site is a good opportunity to carry out habitat enhancement work to benefit bats as well as other wildlife species known to use the surrounding area (e.g. swifts). A condition is suggested to ensure the incorporation of measures within the design of the building to accommodate enhanced wildlife.

## CRIME PREVENTION

4.43 The Police Architectural Liaison Officer says that the applicants have not been in contact with regard to crime prevention issues. It is indicated that boundary treatment will be an important element of the design in the success of crime prevention. Details of boundary treatment have been conditioned and it is considered within this condition a layout to the satisfaction of the Police Architectural Liaison Officer can be achieved. Lighting is also considered important to the overall success of the scheme from a crime prevention perspective again a lighting scheme has been conditioned which should be able to be designed to the satisfaction of the Police Architectural Liaison Officer.

## OTHER ISSUES

4.44 Occupancy - A condition is proposed to ensure that the student accommodation is occupied by students enrolled within York (Condition 14). This will ensure that the accommodation is used to alleviate the use of other housing in York for student accommodation as suggested in the needs assessment. City Development also suggest the condition could be used so that affordable housing could be secured were the site to revert to non-student housing. However it is Officers opinion that to return the use to a housing use would require planning permission and therefore affordable housing could be sought through any future planning applications.

## 5.0 CONCLUSION

5.1 Policy ED10 sets out the criteria against which off-site campus accommodation should be considered. The criteria are set out in paragraph 4.8 above. The application is supported by a needs assessment. The City Development team are satisfied that the applicant's needs assessment successfully demonstrates a demand for student housing. As such, the principle of student housing on the application site accords with the needs requirement of Policy ED10 and is considered to be acceptable from this perspective.

5.2 In terms of the design of the scheme including the impact of the development on the setting of surrounding listed building and the adjacent conservation area overall it is considered that the design of the scheme meets the requirements of advice within the Buildings in Context document (referred to above), PPS5 and the requirements of local plan policies ED10 and GP1.

5.3 The site is located close to the city centre and has bus stops within a short distance of the site, serving locations such as the university; this accords with the locational requirements of policy ED10.

5.4 Officers consider that the amenity concerns about the development can be split in to two main areas; the first being the impact of the structures themselves and

second being the more general concern about the intensity of the development, the behaviour patterns of students and the impact of this behaviour on the residential amenity of existing residents. In terms of the siting of the buildings there have been a number of amendments made to overcome concerns about the proximity between existing and proposed buildings, there remains a tight relationship between sites as is the nature of development in this location. The amendments submitted the structures are now sufficiently well related to surrounding properties to support the application.

5.5 The use of the site will be controlled through the imposition of a management plan, furthermore the contained nature of the site and the access locations on Lawrence Street frontage and Lawrence Lane and the existing industrial nature of the last use of the site together are sufficient site circumstances to support the application in terms of the occupation of the site by students.

5.6 In all other respects it is considered that the scheme can be adequately conditioned for the development to accord with policies in the local plan and national planning guidance.

#### **COMMITTEE TO VISIT**

6.0 RECOMMENDATION: Approve

1 TIME2

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

\*\*\*\*

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

3 VISQ8

4 VISQ7

5 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which 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: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

- 6 Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees as well as any works proposed to the trees shown within adjoining land but overhanging the site on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations shown on a plan of protective fencing, phasing of works, site access during demolition/construction, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles and storage of materials, location of marketing cabin.

Reason: To protect existing trees which are considered to make a significant contribution to the amenity of this area and/or development.

- 7 During the development of the site, 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 the locality

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

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

- 9 C1 Development on Land Affected by Contamination  
Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to c of this condition have been complied with:

a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is

subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

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

#### b. Submission of Remediation Scheme

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

#### c. Implementation of Approved Remediation Scheme

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 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 remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

11 ARCH2

12 The development hereby approved shall be constructed to a BREEAM standard of 'very good'. A formal Post Construction assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate shall be submitted to the Local Planning Authority prior to occupation of the building. Should the development fail to achieve a 'very good' BREEAM rating a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a 'very good' rating. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.'

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction'

13 No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority to demonstrate how the development will provide, from on-site renewable energy, 10 per cent of the developments predicted energy demand. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before first occupation of the development. The site thereafter shall be maintained to at least the required level of generation.'

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction'

14 The development hereby approved shall be let to or hired by and occupied by either students engaged in full time further or higher education within the City of York administrative boundary or who are delegates attending part time courses or conferences within the city, the details of which shall be included within an occupancy management plan to be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of any part of the development.

Reason: In order to ensure that the Council retain control over the future occupancy of the development and to ensure that the proposal accords with the submitted needs assessment dated June 2010.

15 Prior to the first occupation of student unit on the site, there shall be submitted by the applicants for approval by the Local Planning Authority a management plan that will seek to address the environmental concerns set out in the management statement dated June 2010 rev 1 and in particular shall include a compulsory tenancy agreement. The management plan and tenancy agreement shall remain operative at all times from the first occupation of any part of the development. Any variations to the management plan and tenancy

agreement shall be agreed in writing by the Local Planning Authority before such variations are implemented.

Reason: In the interests of visual and residential amenity.

16 HWAY10

17 HWAY17

18 HWAY18

19 HWAY19

20 HWAY21

21 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

- Real time BLISS display at outbound Lawrence Street bus stop outside of Waggon and Horses public house

Reason: In the interests of the safe and free passage of highway users.

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;

- the routing for construction traffic that will be promoted
- a scheme for signing the promoted construction traffic routing
- where contractors will park
- where materials will be stored within the site
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

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

23 The site shall not be occupied until a Full Travel Plan has been submitted and approved in writing by the LPA. The travel plan should be developed and implemented in line with local and national guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

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

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

- 24 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The Open space shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1c of the City of York Draft Local Plan.

- 25 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.

- Eaves
- heads, sill and reveals to all window types as appropriate
- window types and materials

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

- 26 No development shall take place until details have been submitted to and approved in writing by the Council of what measures are to be provided within the design of the new buildings to accommodate bats. The work shall be completed in accordance with the approved details. Features suitable for incorporation for this group include the use of special tiles, bricks, soffit boards, bat boxes. etc.

Reason: To enhance the habitat for bats in the locality in accordance with advice within Planning Policy Statement 9.

- 27 Prior to the commencement of the development or within such longer period as may be agreed in writing with the Local Planning Authority details of all repair works to boundary treatment and details of new means of enclosure within the site and to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the details approved shall be implemented before any part of the development is occupied.

Reason: In the interests of the visual and residential amenity of the area.

- 28 Prior to the commencement of the development or within such longer period as may be agreed in writing with the Local Planning Authority (LPA), a

statement of crime prevention measures to be incorporated in to the design of the scheme shall be submitted to and agreed in writing by the LPA. Thereafter the scheme shall be implemented to the satisfaction of the LPA before any dwelling is occupied. Crime prevention measures shall accord with the advice set out in Planning Policy Statement 1 (2005) and comply with the aims and objectives of 'secure by design'.

Reason: In the interest of the amenity of future occupiers of the development.

- 29 Prior to the commencement of the development or within such longer period as may be agreed in writing with the Local Planning Authority (LPA), details of the materials for all external hard surfaced areas within the development shall be approved in writing by the LPA and thereafter implemented in accordance with the approved scheme.

Reason: In the interest of visual amenity

- 30 A full Lighting Impact Assessment for all proposals involving lighting, undertaken by an independent assessor (not the applicant or the lighting provider), shall be submitted to and approved in writing by the Local Planning Authority. The Lighting Impact Assessment shall include the following:

- A description of the proposed lighting: number of lighting columns and their height, and proposed lighting units.
- Drawings showing the luminance levels (separate drawings for each item listed):
  - A plan showing horizontal luminance levels(Eh), showing all buildings within 100 metres of the site boundary
  - A plan showing vertical luminance levels (Ev), showing all buildings within 100 metres of the site boundary.
  - A specification of the Environmental Zone of the application site, as defined in The Institution of Lighting Engineers' Guidance Notes for the Reduction of Light Pollution.
  - A statement of the need for floodlighting.

The approved scheme shall be implemented to the satisfaction of the Local Planning Authority.

Reason: In the interests of residential and visual amenity

- 31 Notwithstanding the information contained on the approved plans, the height of each block shall be agreed in writing, as measured from the proposed ground level or existing ground level as appropriate. Before any works commence on the site, a means of identifying the existing ground level on the site and for identifying the ground level at which the development will be built from 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.

## **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 the following:-

Principle of the development

- Design including impact on the setting of listed buildings and the conservation area.
- Landscaping and amenity areas
- Highways, access arrangements and parking
- Residential amenity
- Archaeology
- Sustainability
- Open Space
- Drainage and flood risk
- Biodiversity
- Crime Prevention
- other issues

As such the proposal complies with Policies ED10, GP1, GP3, GP4a, GP9, NE1, L1c of the City of York Local Plan Deposit Draft and government advice within Planning Policy Statement 1 and Planning Policy Statement 3

#### 2. Open Space

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at \*\*\*\*

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the Local Planning Authority's enforcement powers in this regard.

#### **Contact details:**

**Author:** Diane Cragg Development Management Officer (Mon/Tues)

**Tel No:** 01904 551351

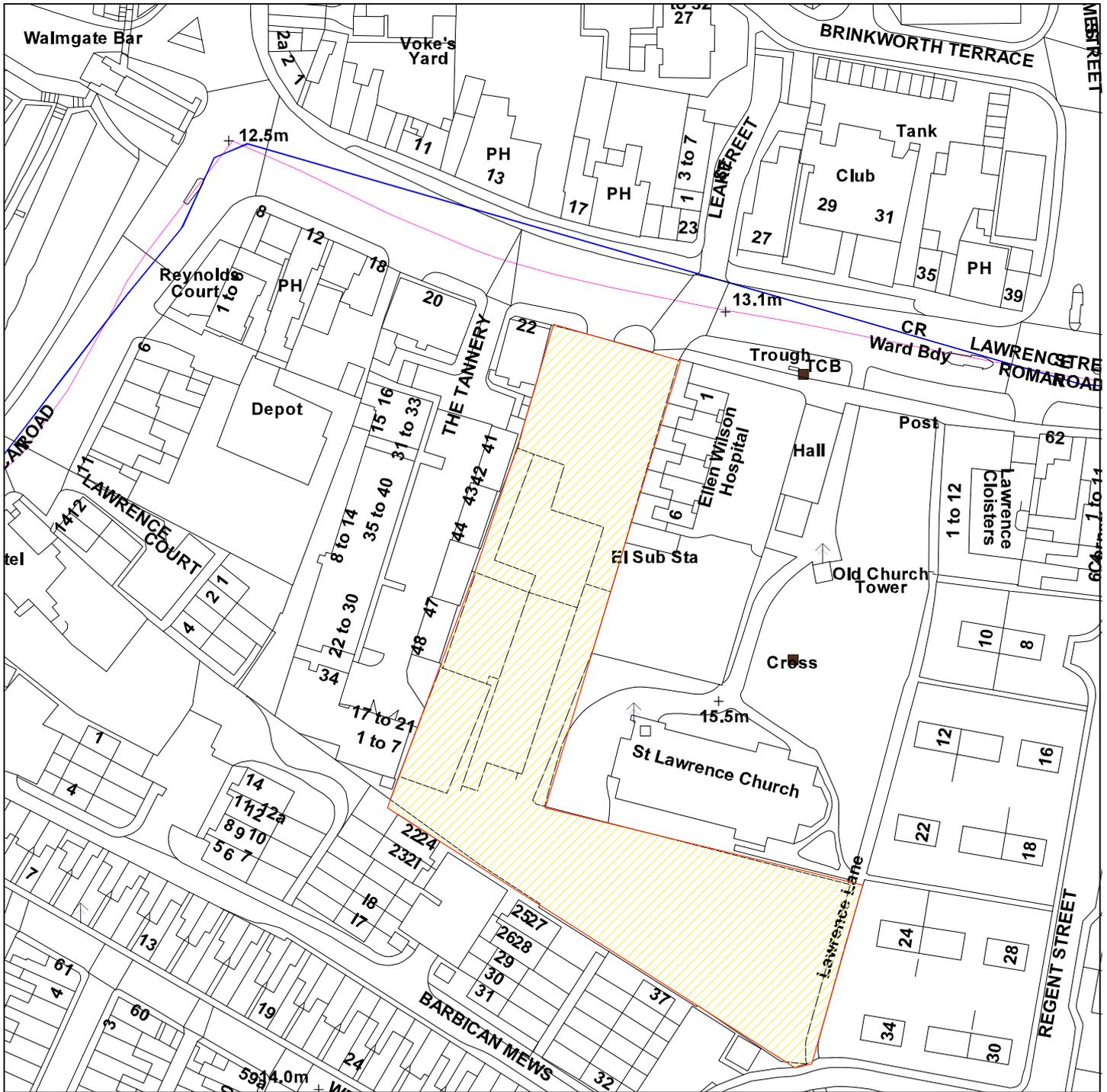
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# 32 Lawrence Street

10/01359/FULM



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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	
<b>Date</b>	13 September 2010
<b>SLA Number</b>	Not Set

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**East Area Planning Sub Committee**

12<sup>th</sup> August 2010

**West and City Centre Area Planning Sub Committee**

16<sup>th</sup> September 2010

**Planning Committee**

23<sup>rd</sup> September 2010

## Appeals Performance and Decision Summaries

### Summary

- 1 This report (presented to both Sub Committees and Main Planning Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate in the 3-month period up to 30<sup>th</sup> June 2010, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals as at 31<sup>st</sup> July 2010 is also included.

### Background

- 2 Appeal statistics are collated by the Planning Inspectorate on a quarterly basis. Whilst the percentage of appeals allowed against the Council's decision is no longer a National Performance Indicator, it has in the past been used to abate the amount of Housing and Planning Delivery Grant (HPDG) received by an Authority performing badly against the average appeals performance. Appeals performance has been close to the national average for a number of years.
- 3 Whilst the Inspectorate breaks down the appeals by type in reporting performance, the table below includes all types of appeals such as those against refusal of planning permission, against conditions of approval, enforcement notices, listed building applications and lawful development certificates. Figure 1 shows appeals decided by the Inspectorate, both by CYC area and decision type for the 3 months and also the combined area (CYC) 12 month performance.

**Fig 1 : Appeals Decided by the Planning Inspectorate  
For 3 months to 30<sup>th</sup> June 2010**

	East 3 months	West & CC 3 months	CYC 3 months	CYC 12 months
Allowed	1	2	3	11
Part Allowed	0	0	0	3
Dismissed	8	4	12	34
Total Decided	9	6	15	48
<b>% Allowed</b>	<b>11.11%</b>	<b>33.33%</b>	<b>20%</b>	<b>22.92 %</b>
% Part Allowed	0%	0%	0%	6.25%
Withdrawn	1	0	0	5

## Analysis

- 4 The table shows that for the 3 months to 30th June 2010, a total of 15 appeals relating to CYC decisions were determined by the Inspectorate. Of those, 3 were allowed. At 20%, the rate of appeals allowed is well below the national average but higher than the 9% reported as allowed in the preceding period.
- 5 For the 12 months up to 30<sup>th</sup> June 2010, CYC performance was 22.92% allowed, a better performance than the previously reported 12 month period of 26.32%.
- 6 The summaries of appeals determined in the 3 months to 30<sup>th</sup> June 2010 are included at Annex A. Details as to whether the application was dealt with under delegated powers or Committee (and in those cases the original officer recommendation) are included with each summary. In the period covered, 2 of the appeals determined related to applications refused by Committee:-
  - 09/00447/FUL:29 Church Street, Dunnington - dismissed. Officer rec. approve
  - 09/01215/FUL:57 York Road, Haxby - dismissed . Officer rec. refuse
- 7 The list of current appeals is attached at Annex B. There are 16 appeals lodged with the Planning Inspectorate, 10 in the East Sub Committee area and 6 in West and City Centre Sub Committee area. 13 are proposed to be dealt with by written representation process (W), two by Public Inquiry (P) and one by Informal Hearing (I).

## Consultation

- 8 This is essentially an information report for Members and therefore no consultation has taken place regarding its content.

## Corporate Objectives

- 9 The report is relevant to the furthering of the Council's objectives of making York a sustainable City, maintaining its special qualities, making it a safer city, and providing an effective organisation with high standards.

## Implications

- 10 Financial – There are no financial implications directly arising from the report
- 11 Human Resources – There are no Human Resources implications directly involved within this report and the recommendations within it other than the need to allocate officer time towards the provision of the information
- 12 Legal – There are no known legal implications associated with this report or the recommendations within it.
- 13 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

## Risk Management

- 14 In compliance with the Council's risk management strategy, there are no known risks associated with the recommendations of this report.

## Recommendation

- 15 That Members note the content of this report.

Reason: So that members can continue to be updated on appeal decisions within the CYC area and informed of the planning issues surrounding each case for future reference in determining planning applications.

## Contact Details

### Author:

Jonathan Carr,  
Head of Development  
Management,  
Directorate of City Strategy

01904 551303

**Specialist Implications Officer(s)** None.

**Wards Affected:**

### Chief Officer Responsible for the report:

Mike Slater  
Assistant Director Planning & Sustainable  
Development, Directorate of City Strategy

**Report Approved**  **Date** 31<sup>st</sup> July 2010

**All**

For further information please contact the author of the report

## Annexes

**Annex A – Summaries of Appeals Determined between 1<sup>st</sup> April to 30th June 2010**

**Annex B – Outstanding Appeals to 31<sup>st</sup> July 2010**

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## Appeal Summaries for Cases Determined 01/04/2010 to 30/06/2010

**Application No:** 09/00290/LBC  
**Appeal by:** Gateway Christian Centre  
**Proposal:** Retention of 1No.externally illuminated sign to Green Lane elevation  
**Site:** The Old School□Front Street□York□□  
**Decision Level:** DEL  
**Outcome:** ALLOW

The retrospective application for Listed Building Consent was refused on the grounds that the large static illuminated florescent strip light (measuring 5.2 metres in length) was considered to cause considerable harm to the visual amenity of the listed building and cause the sign to be unduly prominent within the streetscene and the conservation area. The strip light was considered to be out of scale, clumsy and discordant creating an appearance of clutter and excessive visual intrusion when seen in context of the listed building. The scale of illumination was considered in this location further to detract from the visual amenity of the area and the character and appearance of Acomb Conservation Area and listed building.□□The Inspector did not agree, despite the Local Plan policy being explicit in that trough lights would not be allowed in conservation areas and upon listed buildings. The inspector did not mention Policy HE8 in his decision and therefore no reasoning was given for why he did not consider this policy.□

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**Application No:** 09/00293/ADV  
**Appeal by:** David C Donkin, Gateway Church  
**Proposal:** Retention of 1no. externally illuminated lettering sign to Green Lane elevation (re-submission)  
**Site:** The Old School□Front Street□York□□  
**Decision Level:** DEL  
**Outcome:** ALLOW

The retrospective application was refused on the grounds that the strip light above the lettering measuring 5.2 metres in length would cause visual harm to the listed building and by virtue of the lighting unduly prominent within the streetscene. The sign was sited on an extension of a Grade II listed building within the Acomb Conservation Area. The trough light was considered to create a cluttered appearance and obscure the lettering reducing the simple modern visual impact of the lettering. The lettering together with the permanent illumination was considered to create an alien and discordant element within the overall street scene contrary to the terms of Policy GP21 and HE8.□□The Inspector did not agree, despite the Local Plan policy being explicit in that trough lights would not be allowed in conservation areas and upon listed buildings. The inspector did not mention Policy HE8 in his decision and therefore no reasoning was given for why he did not consider this policy.□

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**Application No:** 09/00447/FUL  
**Appeal by:** Mr Harry Johnson  
**Proposal:** Detached two storey dwelling and detached single garage (resubmission)  
**Site:** Westholme □ 29 Church Street □ Dunnington □ York □ YO19 5PP □  
**Decision Level:** COMM  
**Outcome:** DISMIS

This application was refused at East Area Planning Sub Committee (against officer recommendation) in October 2009. The application sought consent for a detached two storey house and single garage within the rear garden of 29 Church Street which is within the Dunnington Conservation Area. The application was refused for two reasons: 1) it was considered to be overbearing and over-dominant to the detriment of the outlook, amenity and privacy of occupiers of Stockhill Close; 2) it was considered to represent an incongruous form of development that would be out of scale and character with the semi-rural location and surrounding area. The appeal inspector dismissed the appeal as he felt that the proposal would introduce an uncharacteristic form of development into this important area, which would have a detrimental impact on its historic character and layout. He felt that the site makes a valuable contribution to the openness of the area to the rear of the Church Street frontages. The inspector concluded that the effect of the proposal on the living conditions of adjacent residents on Stockhill Close, in terms of outlook, privacy and light, would be insufficient on its own to render the proposal unacceptable. However it was considered to contribute to the overall conclusion that the appeal should fail.

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**Application No:** 09/00541/FUL  
**Appeal by:** Michael Hammill  
**Proposal:** Conversion of basement to form self contained flat (retrospective application)  
**Site:** Zero House □ Greycliffe Drive □ York □ YO30 6LL □  
**Decision Level:** DEL  
**Outcome:** APPWDN

The appeal was against the imposition of a condition of approval that restricted occupation to the appellant, his spouse, family and visitors for a maximum period of 3 years. This condition was imposed to allow for personal circumstances of appellant who was occupying the basement flat, but was considered necessary by the Council as the living conditions for occupants of the flat were considered to be unacceptable in terms of daylight and outlook. □ □ The appeal was withdrawn following an indication in writing by the Planning Inspectorate that the Inspector considered the living conditions of the flat also to be unacceptable and that dismissal of the appeal could result in the revocation of the personal planning permission granted by the Council.

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**Application No:** 09/01083/FUL  
**Appeal by:** Mr And Mrs Warner  
**Proposal:** Erection of 1no. dwelling with dormers to front and rear and associated access off Garth road (resubmission)  
**Site:** 9 Keith Avenue □Huntington □York □YO32 9QH □  
**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal site is a residential plot positioned between Keith Avenue and Garth Road Huntington. Permission was sought to erect a dormer bungalow within the rear garden area of 11 Keith Avenue with access off Garth Road. It was refused on the grounds that the proposal would conflict with the existing form and layout of the surrounding area to the detriment of the character, appearance and visual amenity of the area. Furthermore the proposal, if granted, would set a harmful precedent for similar developments on adjacent plots which would be difficult to resist, and which accumulatively would result in further harm to the character and appearance of the area. The Inspector agreed that the proposal would have a harmful effect on the character and appearance of Garth Road. The introduction of a dwelling with its front elevation just two metres or less from a narrow road with no footpath would be noticeably discordant and incongruous. Furthermore, technical issues such as distance from existing dwellings have only been satisfied at the expense of the quality of that living environment. The inspector also agreed that if the appeal was to be allowed there would be no reasonable basis for the council to resist further similar developments, the result would present too urban a character to this edge-of-city suburban location.

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**Application No:** 09/01084/FUL  
**Appeal by:** Mr And Mrs Knowles  
**Proposal:** Erection of 1No dwelling with dormers to front and rear and associated access off Garth Road (resubmission)  
**Site:** 11 Keith Avenue □ Huntington □ York □ YO32 9QH □  
**Decision Level:** DEL  
**Outcome:** DISMIS

The appeal site is a residential plot positioned between Keith Avenue and Garth Road Huntington. Permission was sought to erect a dormer bungalow within the rear garden area of 11 Keith Avenue with access off Garth Road. It was refused on the grounds that the proposal would conflict with the existing form and layout of the surrounding area to the detriment of the character, appearance and visual amenity of the area. Furthermore the proposal, if granted, would set a harmful precedent for similar developments on adjacent plots which would be difficult to resist, and which accumulatively would result in further harm to the character and appearance of the area. The Inspector agreed that the proposal would have a harmful effect on the character and appearance of Garth Road. The introduction of a dwelling with its front elevation just two metres or less from a narrow road with no footpath would be noticeably discordant and incongruous. Furthermore, technical issues such as distance from existing dwellings have only been satisfied at the expense of the quality of that living environment. The inspector also agreed that if the appeal was to be allowed there would be no reasonable basis for the council to resist further similar developments, the result would present too urban a character to this edge-of-city suburban location.

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**Application No:** 09/01215/FUL  
**Appeal by:** Mr And Mrs Jeremy Hansbro  
**Proposal:** Erection of 1no. four-bedroom detached house to rear of 57 York Road  
**Site:** 57 York Road □ Haxby □ York □ YO32 3EE □  
**Decision Level:** CMV  
**Outcome:** DISMIS

Planning permission was refused by Committee (as recommended) for the erection of a house in the rear garden of a detached house due to the impact on the occupiers of the existing house due to noise, disturbance and loss of privacy caused by the shared use of the access and driveway to the side of the existing dwelling. The inspector disagreed but dismissed the appeal anyway due to impact on the character of the area - which was not a concern of the council.

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**Application No:** 09/01236/OUT  
**Appeal by:** Mr Jim Stoyles  
**Proposal:** Outline application for the erection of a dwelling  
**Site:** Viewlands □ 227 Malton Road □ Huntington □ York □ YO32 9TD □  
**Decision Level:** DEL  
**Outcome:** DISMIS

Permission was refused for this application in the green belt as it was deemed inappropriate development which is, by definition, harmful to the Green Belt. The development would also have harmed the openness of the Green Belt. The Inspector identified 4 issues: (a) whether the development was inappropriate (b) the effect on openness of the green belt (c) off site open space provision (d) whether there are any special circumstances to outweigh a and b. He concluded the development was inappropriate and so by definition harmful, and that although a dwelling sympathetic to its surroundings could be designed, it would still by its presence cause (limited) harm to the openness of the green belt. In terms of (c) the inspector supported Local Plan Policy L1 c seeking a contribution towards open space provision which the appellant argued ought not to be necessary for a single dwelling. For (d), reference by the appellant to the Huntington Action Area north of the and partly in the green belt, to a now lapsed permission for 4 dwellings at a nearby garage site and to the sustainability credentials of the development did not persuade the inspector that there were very special circumstances to outweigh the presumption against this inappropriate development in the Green Belt.

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**Application No:** 09/01351/FUL  
**Appeal by:** Mr J Barrie  
**Proposal:** Erection of 1no. two storey detached dwelling. Alterations to existing dwelling: change of use of garage to games room (resubmission)  
**Site:** Marina House □ Naburn Lane □ Naburn □ York □ YO19 4RW □  
**Decision Level:** COMM  
**Outcome:** DISMIS

Permission was refused because (i) The development was inappropriate in the Green Belt (ii) No affordable housing was proposed on this rural site over 0.03 ha where more than one house would be expected (iii) the development would have an overbearing and over dominant impact on Marina House close by as well as suffer inadequate privacy because of an overlooking balcony on that property. The Inspector found the development was not infill development and no special circumstances to outweigh the harm to the green belt were brought forward. In terms of affordable housing, the provision of at least 2 houses was considered to potentially further harm openness of the Green Belt such that any development including affordable housing would not be acceptable. The Inspector agreed that the private space of the new dwelling would suffer overlooking from the balcony at Marina House and that the new development would be overdominant from Marina House.

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**Application No:** 09/01641/FUL  
**Appeal by:** Mr Shaun Binns  
**Proposal:** External alterations and balcony to front  
**Site:** The Lowther □ 8 Cumberland Street □ York □ YO1 9SW □  
**Decision Level:** DEL  
**Outcome:** DISMIS

Proposed 1st floor steel balcony of modern materials and horizontal emphasis. Refused due to visual impact, impact on conservation area and adjacent listed buildings. The attachment would generally not sit well with a building of this age and character. Also it would cut across detailing on the building, the required access, by increasing the size of window openings, would lose the existing symmetry, the structure, associated furniture and presence of patrons would draw further attention to what would be an incongruous feature. Attachment would detract from adjacent listed building, by being obtrusive and competing for attention. Amenity - residential terrace attached and balcony would be adjacent neighbour's window. A noise report submitted demonstrated noise levels would not exceed background levels and area would operate to restricted hours. As no evidence that noise levels would materially increase inspector found noise impact was not grounds for refusal.

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**Application No:** 09/01767/OUT  
**Appeal by:** Mr Ben Baldwin  
**Proposal:** Erection of 1 no. detached dwelling  
**Site:** Manor Farm □ Towthorpe Road □ Haxby □ York □ YO32 9SP □  
**Decision Level:** DEL  
**Outcome:** DISMIS

Planning permission was refused for the erection of a speculative house within a farm holding. Reasons were impact on the green belt and conservation area. Inspector dismissed the appeal on both grounds - and refused the appellant's application for costs.

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**Application No:** 09/01816/FUL  
**Appeal by:** Mr Steve Boyne  
**Proposal:** Single storey side extension, conservatory to rear and renovation works for swimming pool  
**Site:** 2 Station Cottages □ Naburn Lane □ Naburn □ York □ YO19 4RW □  
**Decision Level:** DEL  
**Outcome:** DISMIS

Application for extensions to dwelling already substantially extended refused under delegated powers on green belt grounds. Inspector concluded that the replacement swimming pool enclosure at rear of house would further increase the extended house and would therefore be disproportionate and due to the taller walls and higher roof ridge would be visually more assertive and evident in vistas from outside the site. As a result, the proposal would constitute inappropriate development that would unacceptably intrude upon the openness of the green belt and character and appearance of the area. No 'very special circumstances' existed to outweigh this harm. The appeal was dismissed.

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**Application No:** 09/02013/ADV  
**Appeal by:** Mr Nicholas Northam, Realstar Hote  
**Proposal:** Display of 7no. internally illuminated fascia signs, 1no. internally illuminated totem sign, 13no. non illuminated freestanding signs, 4no. non illuminated fascia signs, 4no. floodlights and 1no. flagpole  
**Site:** Holiday Inn□Tadcaster Road□Dringhouses□York□YO24 1HF□  
**Decision Level:** DEL  
**Outcome:** DISMIS

The application site is within the Tadcaster Road Conservation Area. The application was for the replacement of a signage to the Holiday Inn and additional floodlights. The application was part approved/part refused. The elements refused were the floodlighting, and the replacement totem sign to front of the building.□□The inspector dismissed the appeal. He considered that the proposed totem sign would be a bulky and ungainly structure. Whilst the precise position of the sign was unclear it would be sited closer to Tadcaster Road, and was therefore considered to have a greater presence in the street scene than the existing sign. As such it would be a discordant and intrusive feature that would be at odds with the prevailing character of the street scene and the Conservation Area.□□The Inspector also considered the floodlighting to be harmful and dismissed the appeal. He took into account the existing streetlighting, and the illuminated signage on the site permitted by the Council, and floodlighting (no consent). Night time photographs submitted by the council showed lit windows in the side and end elevations of the building. The main hotel building is set back from Tadcaster Road, from where the floodlit façade would be observed at an oblique angle and with intervening foliage.□The Inspector considered that the amount of existing and permitted illumination in, on and around the building, and considered the proposed floodlighting to be excessive, reinforcing the presence of the site during the hours of darkness to an unacceptable degree.□

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**Application No:** 09/02018/FUL  
**Appeal by:** Roger Lee And Sally Hayes  
**Proposal:** First floor flat roof side extension with balcony to front. Alterations to front boundary including new gates (1.8m high).  
**Site:** 29 Albemarle Road□York□YO23 1EW□  
**Decision Level:** DEL  
**Outcome:** DISMIS

Relates to an early C20 semi-detached red brick house overlooking the knavesmire. Proposed was a 2-storey side extension with a flat roof, clad in grey render. The extension involved the loss of a chimney. □Inspector objected to the materials and roof shape, that would be out of character. The chimney loss was also objected to on the grounds this would lead to a loss of symmetry of the pair of semi-detached houses.□

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**Application No:** 09/02089/FUL  
**Appeal by:** Mr Andrew Thompson  
**Proposal:** Part first floor part two storey side extension and alteration to roof of existing single storey part. (resubmission)  
**Site:** 81 Lower Priory Street □ York □ YO1 6HD □  
**Decision Level:** DEL  
**Outcome:** DISMIS

The application was refused as the size, location and subsequent proximity to surrounding houses of the extension would appear overbearing over 22 and 23 Hampden Street and would appear overbearing and cause a loss of light to the kitchen and rear yard of 48 Victor Street. The Inspector agreed that from the pleasant small rear yard of 48 Victor Street the extension would be imposing and overdominant and would reduce sunlight. He also agreed that the gable wall of the extension would be overbearing from the rear of 22 and 23 Hampden Street.

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**Application No:** 09/02142/FUL  
**Appeal by:** Mr And Mrs Harvey  
**Proposal:** Pitched roof dormer to rear  
**Site:** 3 Main Street □ Heslington □ York □ YO10 5EA  
**Decision Level:** DEL  
**Outcome:** ALLOW

The retrospective application was refused as the dormer was considered disproportionately large in relation to the scale of the building, and appeared as an uncharacteristic feature that was intrusive in the street scene. It was therefore harmful to the character and appearance of the conservation area. The inspector disagreed that it was harmful; concluding that being to the rear it was not prominent and could only be seen from discreet views. He also argued the materials were sympathetic and that there were other dormers to properties within the vicinity.

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<b>Decision Level:</b>	<b>Outcome:</b>
DEL = Delegated Decision	ALLOW = Appeal Allowed
COMM = Sub-Committee Decision	DISMIS = Appeal Dismissed
COMP = Main Committee Decision	PAD = Appeal part dismissed/part allowed

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## Outstanding appeals

<b>Officer:</b> Billy Wong						<b>Total number of appeals:</b> 1
<b>Received on:</b> 11/05/2010	<b>Ref No:</b> 10/00024/REF	<b>Appeal Ref No:</b> APP/C2741/A/2128424/NW/F	<b>Process:</b> W	<b>Site:</b> Land To The West Of Metcalfe Lane Osbaldwick	<b>Description:</b> Change of use of agricultural land into nature conservation area with public access	
<b>Officer:</b> Erik Matthews						<b>Total number of appeals:</b> 1
<b>Received on:</b> 04/03/2010	<b>Ref No:</b> 10/00015/REF	<b>Appeal Ref No:</b> APP/C2741/A/10/2124163/NW/F	<b>Process:</b> W	<b>Site:</b> Wellgarth House Wetherby Road Rufforth York YO23	<b>Description:</b> Outline application for construction of 4no two-storey dwellings after demolition of existing dwelling	
<b>Officer:</b> Hannah Blackburn						<b>Total number of appeals:</b> 2
<b>Received on:</b> 20/07/2010	<b>Ref No:</b> 10/00032/FUL	<b>Appeal Ref No:</b> APP/C2741/A/10/2131700/NW/F	<b>Process:</b> W	<b>Site:</b> OS Field 0553 Elvington Lane Dunnington York	<b>Description:</b> Erection of stable block (retrospective)	
01/07/2010	10/00030/EN	APP/C2741/C/10/2131736	P	OS Field 0553 Elvington Lane Dunnington York	Appeal against	
<b>Officer:</b> Heather Fairy (Mon - Wed)						<b>Total number of appeals:</b> 1
<b>Received on:</b> 20/04/2010	<b>Ref No:</b> 10/00023/REF	<b>Appeal Ref No:</b> APP/C2741/A/10/2127003/NW/F	<b>Process:</b> W	<b>Site:</b> 9A Green Lane Acomb York YO24 3DA	<b>Description:</b> First floor rear extension	
<b>Officer:</b> Jonathan Kenyon						<b>Total number of appeals:</b> 1
<b>Received on:</b> 20/05/2010	<b>Ref No:</b> 10/00025/REF	<b>Appeal Ref No:</b> APP/C2741/A/10/2129020/NW/F	<b>Process:</b> W	<b>Site:</b> 4 Skeldergate York YO1 6DG	<b>Description:</b> Change of use from hairdresser (use class A1) to hot food takeaway (use class A5)	
<b>Officer:</b> Kevin O'Connell						<b>Total number of appeals:</b> 2
<b>Received on:</b> 08/07/2010	<b>Ref No:</b> 10/00033/REF	<b>Appeal Ref No:</b> APP/C/2741/X/10/2132047	<b>Process:</b> P	<b>Site:</b> 22 Mill Lane Wigginton York YO32 2PX	<b>Description:</b> Lawful Development Certificate for the existing use of an outbuilding to the rear of 22 Mill Lane as a retail shop (Class A1)	
18/03/2010	10/00017/REF	APP/C2741/A/10/2125131/NW/F	W	5 Northfields Strensall York YO32 5XN	Erection of 3no. dwellinghouses to rear of 5 and 6 Northfields (amended scheme) (resubmission)	

<b>Officer: Michael Jones</b>						<b>Total number of appeals: 1</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
31/03/2010	10/00020/REF	APP/C2741/A/10/2126146/NWF	I	Bonneycroft 22 Princess Road Strensall York YO32	Outline application for erection of nursing home	
<b>Officer: Matthew Parkinson</b>						<b>Total number of appeals: 2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
30/03/2010	10/00019/REF	APP/C2741/H/10/2125667	W	Inner Space Stations 339 - 341 Hull Road Heslington	Display of 1no externally illuminated fascia sign (retrospective) (resubmission)	
17/06/2010	10/00029/EN	APP/C/2741/C/10/2130522	W	106 Albion Avenue York YO26 5QY	Appeal against	
<b>Officer: Neil Massey</b>						<b>Total number of appeals: 3</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
24/05/2010	10/00026/REF	APP/C2741/A/10/2129336/WF	W	52 School Lane Fulford York YO10 4LS	Two storey pitched roof extension to rear	
11/06/2010	10/00028/FUL	APP/C2741/D/10/2130066	W	Victoria Farm House Victoria Farm Estate York	Erection of wall, pillars, gates and railings to east and north boundaries	
13/04/2010	10/00022/REF	APP/C2741/A/10/2126679/WF	W	1 Springfield Cottages Hull Road Dunnington York	Change of use from domestic outbuilding to dwelling with additional storage building to side	
<b>Officer: Victoria Bell</b>						<b>Total number of appeals: 2</b>
<b>Received on:</b>	<b>Ref No:</b>	<b>Appeal Ref No:</b>	<b>Process:</b>	<b>Site:</b>	<b>Description:</b>	
09/04/2010	10/00021/REF	APP/C2741/A/2126475/WF	W	Acomb Chiropractic Clinic 60A York Road Acomb York	Erection of detached bungalow to rear after demolition of existing garage	
07/07/2010	10/00031/REF	APP/C2741/A/10/2131958/NWF	W	38 Leven Road York YO24 2TJ	Change of use from 1no. house to 2no. flats	
<b>Total number of appeals: 16</b>						

**10/01743/OUTM Outline Application for Erection of Student Housing Comprising 282 Bedspaces within 75 Unit Clusters within 5 Blocks on the Site of the CO OP Dairy 6 to 18 Hull Road:- Committee Update 23/09/2010.**

- i) Two further letters of objection have been received from the residents of nearby properties since the Committee Report was prepared, no new issues over and above those previously mentioned have been raised.
- ii) Subsequent to the Committee Report being prepared comments in respect of the proposal have been received from the Authority's Sustainable Project's Officer. He is supportive of the proposal providing any permission is conditioned to require the submission for prior approval of a renewable energy strategy together with a detailed report of how the development would achieve a BREEAM rating of "Very Good". The absence of a commitment to the Institute of Civil Engineers (ICE) Demolition Protocol was noted along with the requirement for a Site Waste Management Plan. The applicant has subsequently indicated in writing his commitment to both aspects.
- iii) Further comments have been received in respect of Archaeology seeking the substitution of Draft Conditions 14 and 15 for one bespoke to the site. It would be worded as follows:- " No demolition shall take place until the applicant has secured the written approval of the Local Planning Authority for the content and implementation of an archaeological mitigation strategy which consists of: demolition and level reduction to the top of surviving archaeological deposits under archaeological supervision; archaeological excavation of features and deposits associated with the 19<sup>th</sup> Century tannery and its subsequent development; analysis, reporting and publication of the results of the excavation; deposition of the archive with the Yorkshire Museum; an archaeological watching brief on all other ground disturbances; and community access and involvement in the project. "

Reason:- "The archaeological features and deposits on this site are of archaeological significance which must be recorded prior to construction taking place".

- iv) Draft Condition 7 should be amended to read as follows:-  
Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 14.8 metres, to ridge height and 15.8 metres to maximum stack height, 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 upon the character of the surrounding area."

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**Update for Committee item 10/1359/FULM  
– Student accommodation at Lawrence Street York**

The actual number of units is 237.

As a result of consultation on amendments to the scheme the following additional comments have been received:-

English Heritage comments remain unchanged by the amendments

8 further letters have been received from objectors to the scheme covering the following points:-

- The amendments do not represent a significant reduction in the height of the development and in fact with some flat roofs being changed to pitch there are areas of higher development.
- The buildings are too close to the boundary of Barbican Mews
- The height of the 3 storey blocks will totally overshadow the adjoining properties and destroy the view
- There will certainly be noise pollution
- Parking is not provided for students and additional parking will block the streets
- Devaluation of properties
- All previous objections remain the amended scheme does not affect this view.
- 26 Barbican Mews will be overshadowed by the block adjacent to it (Block 4)
- Had experience of students next door made life hell
- Amended plans do little to improve the scheme and its relationship to adjoining sites concerned about the overall height the impact on view from the second bedroom of 44 Tannery Mews
- No noise survey has been carried out to test the acoustic affect within the complex especially when loud music is played.
- The travel plan is poorly argued
- Area would benefit from a more sympathetic development, a small medical dental facility or even the creation of open space/children's play area.

St Lawrence Church has written to withdraw its objection to the scheme although it is hoped that the developers will liaise constructively with residents, that there will be a good warden on site and the proximity of some bedrooms to the church bells.

York Civic Trust - amended sections needed to understand the impact of the reduction in height. However the reduction in height does not alter original concerns about the density, scale and mass and especially the design of the buildings. All considered to be incompatible with the character of the area. Also question the high number of students next to permanent residents.

Further comments of the Environmental Health Officer have been received (paragraph 4.37 of the report):

Additional noise information has been submitted confirming the noise exposure categories for the remainder of the site. The Environmental Health Officer is satisfied that the development can be supported subject to the following additional condition:-

32 The building envelope shall be constructed so as to provide sound attenuation against externally generated noise to achieve internal noise levels of not more than 30dB(A) Leq 8 hour from 11.00pm to 7.00am, 45 dB(A) Lmax between 11.00pm and 7.00am, and 35dB(A) Leq from 7.00am to 11.00pm in all bedrooms of the development, with alternative methods of ventilation where required. The detailed scheme shall be approved by the local planning authority and fully implemented before the use hereby approved is constructed. All works which form part of the scheme shall be completed before any part of the development is occupied. The works provided as part of the approved scheme shall be permanently retained and maintained as such except as may be agreed in writing by the Local Planning Authority. The aforementioned written scheme shall demonstrate that the noise levels specified will be achieved.

Reason:- In the interests of the residential amenity of the future occupiers of the site.

Additional highway requirement:-

Condition 18 is amended to ensure that visitor cycle parking is provided for blocks 1, 2 and 3

Life Long Learning and Leisure have confirmed that the commuted sum for off site open space is a total of £76,432. £53,788 of this is for adult outdoor sport and £22,644 for amenity open space. It is confirmed that there is a deficiency of sport provision within the area and that the money will be spent as part of the community accessible facilities at Heslington East.

Drainage issues update (paragraph 4.43). Following additional drainage information being submitted Engineering Consultancy raise no objections to the proposal subject to the following conditions:-

33 The site shall be developed with separate systems of foul and surface water.

Reason: In the interest of satisfactory and sustainable drainage

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

Reason: In the interest of satisfactory and sustainable drainage

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

Reason: In the interest of satisfactory and sustainable drainage

36 The development shall be lowered in accordance with the approved plans and in any case shall not be raised above the existing levels.

Reason: In the interest of satisfactory and sustainable drainage and in order to prevent run off from the site affecting nearby properties.

Informative notes:

In agreement with the Environment Agency / City of York Council, peak run-off from developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

Details to be provided to include:

- a. Construction details of surface water flow control manhole limiting the surface water discharge to the agreed 53 l/sec.
- b. Construction details of surface water attenuation.
- c. Details of the future maintenance/management of surface water system.

Plan numbers for condition 2 as follows:-

Block One 851/08/Block1/200 Rev D  
851/08/Block1/201 Rev G  
Block Two 851/08/Block2/200 Rev C  
851/08/Block2/201 Rev E  
851/08/Block2/202 Rev D  
Block Three 851/08/Block3/200 Rev D  
851/08/Block3/201 Rev C  
851/08/Block3/202 Rev D  
Block Four & Five 851/08/Block4/200 Rev E  
851/08/Block4/201 Rev E  
851/08/Block4/202 Rev E

Block Six 851/08/Block6/200 Rev D  
851/08/Block6/201 Rev D  
851/08/Block6/202 Rev E  
General 851/08/002 Rev A - Proposed Location Plan  
851/08/100 Rev N – Proposed Site Plan  
851/08/101 Rev I - Site Section A & B  
851/08/102 Rev H – Site Section C & D  
851/08/105 Rev C – Covered Cycle Storage  
851/08/118 Rev A – Uncovered Cycle Store  
851/08/119 – Proposed Boundary Treatments  
851/08/120 – Existing Site Section A-A & B-B  
851/08/121 – Existing Site Section C-C & D-D  
851/08/122 Rev B – Proposed Lawrence Street Elevation  
Outline Drainage Plan HS70086-D-002 rev D  
Existing Drainage Plan HS70086-D-003 rev B  
Design & Access Statement – June 2010  
Heritage Statement – June 2010  
Management Plan - June 2010 rev 1  
Needs Assessment – March 2010  
Planning Policy Statement – June 2010  
Statement of Community Involvement – May 2010  
Travel Plan – June 2010  
Road Noise Impact Assessment