



Notice of meeting of

Planning Committee

To: Councillors Williams (Chair), Galvin (Vice-Chair), Ayre, Boyce, Cunningham-Cross, D'Agorne, Doughty, Firth, Funnell, King, McIlveen, Merrett, Reid, Simpson-Laing, Watson and Watt

Date: Wednesday, 15 June 2011

Time: 4.30 pm

Venue: The Guildhall, York

The site visit will commence at 12.30pm on Tuesday 14 June 2011 meeting at the corner of Holgate Road and Lowther Terrace

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 - 14)

To approve and sign the minutes of the last meeting of the Planning Committee held on 24 March 2011.

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 Tuesday 14 June 2011**. 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 application:

a) Holgate Villa, 22 Holgate Road, York YO24 4AB (11/00436/FULM) (Pages 15 - 30)

Erection of part 3 part 4 storey hotel with associated parking and landscaping following demolition of existing office building [Micklegate Ward] [Site Visit]

5. York Central Historic Core Conservation Area Appraisal: Consultation Draft (Pages 31 - 48)

This report sets out details of the appraisal of the York Central Historic Core Conservation Area undertaken by Alan Baxter Associates for public consultation. Members are asked to approve the Draft Appraisal together with the proposed consultation method.

[Please note that hard copies of the appraisal will be available at Explore York, Reception, 9 St Leonard's Place and in the Members Library. The CD referred to at Annex 4 of the report will be circulated to Members later in the week]

6. Updated Commuted Sum Payments for Open Space in New Developments (Pages 49 - 66)

This report seeks Members approval to update and republish the commuted sum payments contained within the Guidance Note 'Commuted Sum Payments for Open Space in New Developments – A Guide for Developers'.

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

Democracy Officer:

Name: Jill Pickering

Contact Details:

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

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

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

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- Review existing policies and assist in the development of new ones, as necessary; and
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PLANNING COMMITTEE

SITE VISIT

TUESDAY 14 JUNE 2011

Meeting on site at the corner of Holgate Road and Lowther Terrace

| TIME (Approx) | SITE | ITEM |
|--------------------------------|--|-------------|
| 12.30pm | Holgate Villa, 22 Holgate Road, York YO24 4AB (11/00436/FULM) | 4a |

City of York Council

Committee Minutes

| | |
|-----------|---|
| MEETING | PLANNING COMMITTEE |
| DATE | 24 MARCH 2011 |
| PRESENT | COUNCILLORS R WATSON (CHAIR), AYRE, BOYCE, D'AGORNE, FIRTH, FUNNELL, HORTON, HYMAN, MERRETT (VICE-CHAIR), MOORE, MORLEY, REID, SIMPSON-LAING, B WATSON, WISEMAN AND GILLIES (SUB FOR CLLR GALVIN) |
| APOLOGIES | COUNCILLOR GALVIN |

40. 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 Merrett declared a personal non prejudicial interest in relation to Plans Item 4a (6-18 Hull Road, York 11/00050/OUTM) in respect of cycling issues as an Honorary Member of the Cyclists Touring Club, a member of York Cycle Campaign, a member of the Cycling England Board and as CYC Cycling Champion.

Councillor Ayre declared a personal non prejudicial interest in relation to Plans Item 4a (6-18 Hull Road, York 11/00050/OUTM) as a member of the Civil Service Cricket Club at the Outgang, Heslington.

Councillor Gillies declared a personal non prejudicial interest in relation to Plans Item 4b (Beetle Bank Farm, Moor Lane, Murton, York 11/00002/FULM) as the Council's representative on and Board member of Visit York.

Councillor Wiseman declared a personal non prejudicial interest in relation to Agenda item 5 (Three Conservation Area Appraisals for Strensall, Strensall Railway Buildings and Towthorpe Village Conservation Areas: Results of Consultation and Final Drafts for Approval) as the Local Member for the Stensall Ward.

41. MINUTES

RESOLVED: That the minutes of the last meeting of the Committee held on 17 February 2011 be approved and signed by the Chair as a correct record subject to the amendment of Minute 39 – The University of York Travel Plan – 2010-15 in relation to bullet points one, three and four which should be amended to read:

- Concerns in relation to the travel plan and in particular to the base data which provided information on car parking which had clearly not been prior to *development* of the first phase *and appeared to have counted development related parking*.
- Science Park *now* required greater traffic penetration which breached the *original proposals permission approach*.
- Need to ensure cycle routes both on and off campus were adequate. Connectivity required to the west from Walmgate Stray/Millennium Bridge across *the west campus and a route to the north with early implementation to provide a safe attractive cycle route*.

42. PUBLIC PARTICIPATION

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

43. PLANS LIST

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

43a 6 -18, Hull Road, York (11/00050/OUTM)

Members considered a major outline application, submitted by Uniliving Ltd, for the demolition of an existing dairy distribution facility and the development of student accommodation comprising of 123 unit clusters (329 bed spaces) in 5 no. blocks plus ancillary office and warden studio with associated access and parking.

Officers circulated updates at the meeting which detailed the following (the full updates are attached to the agenda for this meeting):

- Recommend an additional condition to secure the implementation of the submitted travel plan.
- Inclusion of an additional informative to cover the issue of an affordable housing contribution.
- Amendment of recommendation to state 'that in the event of a satisfactory unilateral undertaking not being forthcoming that officers in consultation with the Chair and Vice Chair being delegated authority to refuse the application as not making provision for a financial contribution towards offsite open space'.
- Concern had been raised in respect of the level of cycle parking provision on the site. The applicant had confirmed that the same

ratio of 1:2 would be provided as adopted at the recent development of the University campus at Heslington East.

Representations were received on behalf of Osbaldwick Parish Council and Meadlands Area Residents' Association in objection to the proposed scheme. Reference was made to earlier applications for the site and to refusal of a scheme for 332 bed spaces on the grounds of overdevelopment which was felt still applied to this application. It was pointed out that Policy ED10 of the Council's Local Plan stated that any extra demand for student numbers would be accommodated within the Heslington East campus which it was pointed out did not appear to be the case.

Representations in support of the application were received from the applicant's agent who confirmed that, following receipt of outline approval for the site, further discussions had been undertaken with officers. A more contemporary design approach had now been undertaken with this scheme which made better use of the internal space available providing a better quality development. He confirmed that the scheme used an identical footprint, with no change to the height, scale and massing, enhanced sustainability and the use of high quality materials with a variety of finishes.

Members questioned a number of aspects of the proposals the main ones being:

- Concerns at the level of cycle provision and cycle access to the site.
- Although the new design was an improvement on the earlier scheme concern at the blank brick wall which would be visible to drivers entering the city. The applicant confirmed that he would be happy to re examine this issue with officers.
- Site density confirmed at 212 properties per hectare.
- Use of off site Section 106 open space contribution. Officers confirmation that this contribution could be used at any or all the following venues, Melrosegate Playing Fields, the Outgang, Heslington, Hull Road Park and the Sustrans cycle route.
- Possible adjacent parking issues. Confirmation from the applicant that this would be covered by the parking management plan, the tenancy agreement and travel plan together with an on site warden and resident bike offer.
- Confirmation that the principle of the bin store had not changed from the earlier application.
- Need to ensure that Condition 18 referred to conference accommodation being ancillary to the prime purpose of the scheme.

Following further discussion it was

RESOLVED: i) That the application be approved subject to the conditions listed in the report, the under mentioned amended and additional conditions and to the submission of an acceptable Unilateral Undertaking under Section 106 of the 1990 Town and Country Planning Act on behalf of the applicant covering the

payment of a commuted sum in respect of off-site open space provision on or before 11 April 2011. In the event of a satisfactory unilateral undertaking not being forthcoming that officers in consultation with the Chair and Vice Chair of this Committee be delegated authority to refuse the application as not making provision for a financial contribution towards offsite open space in line with York Development Control Local Plan Policy L1c.

Amended Condition 18: 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 as an ancillary use*, 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.

Amended Condition 20: The development hereby approved shall be constructed to a BREEAM standard of "*excellent*". A 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 "*excellent*" 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 "*excellent*" rating. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Amended Condition 25: The development hereby authorised shall be undertaken and operated in strict accordance with the submitted Operational Management Statement Vs 2, *specifically in relation to car and cycle parking arrangements* unless otherwise agreed in writing by the Local Planning Authority.

Additional Condition: The site shall not be occupied until a travel plan, developed and implemented in line with local and national guidance has been submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be occupied in accordance with the aims measures and outcomes of the 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 Local Planning Authority. Results of yearly travel surveys shall thenceforth be submitted annually to the Local Planning Authority for approval.

Additional Informative: In the event that the premises hereby authorised should at any time cease to be used for student accommodation the applicant's attention is drawn to the need for a formal grant of planning permission for change of use to open

market housing at which point the need for a commuted sum financial contribution in respect of affordable housing will be considered.

- ii) That the Assistant Director Planning and Sustainable Development in consultation with the Chair and Vice Chair be delegated authority to hold further discussions with the applicant in relation to details of the elevational treatment of the gable facing the junction of Greendykes Lane and Hull Road.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the principle of development, affordable housing/occupancy, impact upon the character and appearance of the area, impact upon the 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, H10, L1c) and T4 of the City of York Development Control Local Plan.

**43b Beetle Bank Farm, Moor Lane, Murton, York YO19 5XD
(11/00002/FULM)**

Consideration was give to a major full application, submitted by Ms Angela Serino, for the change of use of land to a visitor attraction comprising open farm and wildlife sanctuary with associated barn, two storey amenity building and car park.

Officers updated that following further discussions with the Highway Authority it had been confirmed that Reason 4 in the Officers report for refusal of the application could be adequately covered by condition in any approval. Officers therefore recommended removal of this reason from their recommendation.

Representations in objection to the application were received from a member of Murton Parish Council. She confirmed that the Parish Council felt that due to its overall scale the proposals would have a significant impact on the Green Belt. It was not considered that the road access was suitable for such large-scale use with much of the site being water logged in winter months. They also raised concerns that no exit strategy had been prepared in the event of the cessation of the proposed use.

Representations in support were then received from the applicant who outlined her intentions for the use of the land and its development as a visitor attraction. She referred to the suitability of the adjacent highways, discussions with the Planning Department and conservation bodies prior to submission of the application. She also referred to additional information

subsequently requested by the Planning Department and to the shortened lead in time for determination of the application.

Members questioned a number of aspects of the application including:

- Confirmation that Highways had agreed that there was now no requirement for a Traffic Impact Assessment.
- Information in respect of the creation of ponds.
- Size of wooded area required for red squirrels and its viability.
- Details of associated facilities ancillary to the farm and wildlife sanctuary.

Following further discussion it was

RESOLVED: That the application be refused for the under mentioned reasons:

- REASON: 1. It is considered that whilst the open farm and wildlife sanctuary elements of the attraction fall within the definition of essential facility for outdoor recreation, the play areas, seating area, coffee shop, party rooms and other associated facilities within the proposed amenity building fall outside the list of purposes set out under paragraph 3.4 of Planning Policy Guidance no.2 "Green Belts" and Policy GB1 of the City of York Draft Local Plan. As such they are considered to be inappropriate development in the Green Belt. Given their inappropriateness in the Green Belt they are, by definition harmful to the green belt, contrary to the national planning advice contained within Planning Policy Guidance no.2 "Green Belts" and Policy GB1 "Development in the Green Belt" of the City of York Draft Local Plan.
2. By virtue of its overall height, scale, external appearance and massing together with its dominance when viewed from Moor Lane and Bad Bargain Lane to the north of the application site, it is considered that the proposed two storey amenity building would, if approved have a harmful and irreversible impact on the open character and visual amenities of York Green Belt and the purpose of including land within the Green Belt, contrary to, in particular paragraphs 3.5 and 3.15 of Planning Policy Guidance no.2, policies SP2 and GB1 of the City of York Draft Local Plan, and the guidelines set out in Murton Village Design Statement.
3. Details regarding the numbers and types of farm animals/livestock including farm equipment to be accommodated within the proposed animal barn have not been provided, without which it is not possible to assess whether the scale of the proposed

development is proportionate to the size of the proposed visitor attraction and open farm and whether it complies with the national planning advice set out under paragraphs 3.5 and 3.15 of Planning Policy Guidance no.2, policies SP2 and GB1 of the City of York Draft Local Plan and the guidelines set out in Murton Village Design Statement.

43c Hungate Development Site, Hungate, York (10/02527/OUTM)

Members considered a major outline application, submitted by Hungate (York) Regeneration Ltd, for the variation of Condition 3 of planning approval 08/00737/FUL for mixed use redevelopment to amend the approved plans and documents to allow revisions to the phase 2 building and to the siting of the focal building and variations of Condition 6 to allow an increase in height of the phase 2 building.

In answer to Members questions the applicant's agent confirmed that the footprint of the focal building was identical to that agreed in the 2008 amended permission.

Following further discussion it was

RESOLVED: That the application be approved subject to a Section 106 Agreement and the conditions listed in the report.

REASON: 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;

- implications on the comprehensive redevelopment of the Hungate site
- design and appearance
- landscaping
- affordable housing /mix of house types
- highway safety
- sustainability

As such the proposal complies with Policies GP1, GP4a, GP9, HE2, H2A, H3C and T4 of the City of York Development Control Local Plan.

43d Hungate Development Site, Hungate, York (10/02534/REMM)

Consideration was given to a major reserved matters application, submitted by Hungate (York) Regeneration Ltd, for the variation of Conditions 1, 6 and 8 of planning approval 07/01901/REMM for the erection of part 5, part 6 storey residential building with ground floor commercial units to allow revisions to the elevations, an increase in height, an increase in the number of residential units from 154 to 175 and reduction in the amount of commercial floorspace.

Officers confirmed receipt of amended landscaping plans for the courtyard area which provided more usable garden space and cycle parking. Details of riverside planting and landscaping work between the river wall and pavement work had also been received and was displayed at the meeting.

The applicant's agent made representations in support of the application. He referred to the phasing of the development and the need to amend the scheme in line with market changes. Confirmation was received that although an increase in the number of units was proposed it was not their intention to exceed the 720 units. Details of the various scheme changes were outlined including the proposed height increase to part of the building, which would result in increased levels of sustainability.

Members went on to question a number of points including:

- Amendments to the riverside walkway with reduced overlooking and the effect this could have on cyclists/pedestrian safety. Confirmation that the riverside footpath width had not been reduced as the ground floor properties had previously been recessed. Officer's confirmation that both the adjacent pedestrian/cycle bridge over the River Foss and the Friars Quay areas would be active areas providing additional safety for footpath users.
- Street lighting detail, which was confirmed would be identical to Phase 1, including diffused lighting.
- Confirmation that Pound Lane which was not within the site boundary.
- Details of commercial use cycle parking.
- Some concerns at building height increase.

Following further discussion it was

RESOLVED: That approval be granted subject to a Section 106 Agreement and the conditions listed in the report.

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:

- design and appearance
- landscaping
- affordable housing/mix of house types
- sustainability

As such the proposal complies with Policies GP1, GP3, GP4A, GP9, GP11, GP15, HE2, H2, H3C, T4 and S6 of the City of York Local Plan Deposit Draft.

44. THREE CONSERVATION AREA APPRAISALS FOR STRENSALL, STRENSALL RAILWAY BUILDINGS AND TOWTHORPE VILLAGE

CONSERVATION AREAS: RESULTS OF CONSULTATION AND FINAL DRAFTS FOR APPROVAL.

Members considered a report, which presented the results of a public consultation exercise in respect of three separate draft Conservation Area Character Appraisals for the neighbouring Conservation Areas of Strensall, Strensall Railway Buildings and Towthorpe Village.

Details of the comments received to the three consultations together with officer's recommendations for proposed amendments had been set out at Annex C to the report. It was confirmed that all responses had been given full consideration and assessed in relation to government policy and English Heritage guidance. Network Rail were also now in support of the proposed boundary extension to include the former station site following amendments to the wording of paragraph 7.05.

Officers confirmed that a number of suggestions had been made during the consultation for amendment to the existing conservation area boundaries. However these had had to be assessed not only on individual merit but also whether they would make a special contribution to the character and appearance of the area as a whole. It was therefore only proposed to extend the boundaries of Strensall Railway Buildings and Towthorpe Conservation Areas as recommended in the draft appraisals and detailed on the plan at Annex E of the report.

The Chair thanked officers for their work in the preparation of these informative reports.

RESOLVED: That the Committee agree Option 1, to approve the three draft appraisals (Strensall, Strensall Railway Buildings and Towthorpe Village), as proposed in Annex D1, D2 & D3 and as amended by Annex C of the officers report, for planning purposes.¹

REASON: The documents represent a thorough analysis of the character and appearance of each conservation area and they have been prepared in accordance with current guidance from English Heritage. The boundary reviews have been carried out in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 and they conform with the latest policy guidance on the historic environment - PPS 5 and the related planning practice guide. The documents are clearly written and accessible to a wide range of users. The consultation method and range accords with previous practice. Information and views of consultees have been carefully considered in the amendments proposed. The approval of the documents will assist with the formulation and determination of development proposals both within and adjacent to the 3no conservation areas.

Action Required

1. Commence use of appraisals for planning purposes. KA, JR

45. CHAIRS REMARKS

As this was possibly the last Planning Committee meeting that Councillor R Watson would Chair prior to the forthcoming elections, he thanked both Members and Officers for their hard work over a number of years.

Members went on to thank Councillor Watson for his exceptional chairmanship of the Committee during the last 8 years.

R WATSON, Chair

[The meeting started at 4.30 pm and finished at 6.50 pm].

COMMITTEE REPORT

Date: 15 June 2011 **Ward:** Micklegate
Team: Major and Commercial **Parish:** Micklegate Planning Panel
Team

Reference: 11/00436/FULM
Application at: Holgate Villa 22 Holgate Road York YO24 4AB
For: Erection of part 3 part 4 storey hotel with associated parking and landscaping following demolition of existing office building
By: The Villas Venture
Application Type: Major Full Application (13 weeks)
Target Date: 16 June 2011
Recommendation: Approve

1.0 PROPOSAL

1.1 The application is for demolition of the Holgate Villas office building, and replacement with a hotel building. The proposed building would be 4-storey in height, but stepping down to 3-storey at the south end, it would predominantly be of brick although the south end elevation would in part be clad in copper. The hotel would provide 95 bedrooms. The existing building dates from the mid C20, it is 5-storey at the south end, where it overlooks Holgate and drops to 3-storey as it runs parallel to Lowther Terrace. The building has flat roofs and is of concrete construction, with curtain walling to the elevations. The building is raised almost 1m from street level and is surrounded by hardstanding which accommodates car parking.

1.2 Along Holgate the streetscene is characterised by terraced buildings, of domestic appearance, typically 2 or 3 storey. To the east of the application site is the rear of The Crescent, another curved terrace, with taller 3-storey domestic buildings (compared to those on Holgate) fronting the street and outbuildings at the rear, some of which have been converted to residential use. There are 4-storey high residential blocks on the west side of Lowther Terrace. North of the site are some single storey buildings, the one to the immediate north is occupied, used as offices. There is a car park further to the north.

1.3 The site is within the city centre area of archaeological importance, but otherwise it is not allocated in the Local Plan. It is just outside the city centre area and the Central Historic Core Conservation Area, both of which terminate at the east boundary of the site. The land to the immediate north of the site is within the York Central site. The Draft Core Strategy, that is intended to replace the Local Plan, describes the vision for the area. York Central is intended to be a new piece of city, that complements and enhances the historic core, retains and promotes the qualities of York and connects and integrates into the surrounding built and natural form. The site will provide employment land and make a key contribution to meeting the City's housing needs.

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:
York North West Boundary GMS Constraints: York North West Boundary CONF

2.2 Policies:

| | |
|--------|--|
| CYV1 | Criteria for visitor related development |
| CYSP7 | The sequential approach to development |
| CYGP1 | Design |
| CYHE10 | Archaeology |
| CYT4 | Cycle parking standards |
| CYE3B | Existing and Proposed Employment Sites |
| CYV3 | Criteria for hotels and guest houses |

3.0 CONSULTATIONS

CITY DEVELOPMENT

3.1 Advise that the site lies within the York Central Action Area as defined in the 2005 Development Control Local Plan, but lies outside of the York Central site boundary (but within the York Northwest corridor) as defined in the draft Submission Core Strategy approved by Full Council 7th April 2011.

3.2 The proposed development would not conflict with the Draft Core Strategy. Given its scale, nature and location, the proposed development would not be spatially prejudicial to the comprehensive development of the York Central site, or the wider development of the corridor. Given the nature of existing uses on the site, the development would not be prejudicial to the comprehensive approach to transport mitigation. The development would help to deliver aspirations in terms of "enhancing York's commercial, retail, leisure and tourism offer" and "holistic, integrated and innovative approach to sustainable living in an urban setting".

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

Design

3.3 Advised that in the scheme originally submitted the proposed building appeared too dominant due to its continuous height/massing and roof design. It was added that the building materials and setting back of various elements did not succeed in breaking up the apparent mass of the building. The palette of materials and design of the building also did not respect, and integrate with, the surrounding area. A public face to the building, from Holgate Road is desirable.

3.4 Officers considered that the scale of the building, as revised, feels a lot better adjacent to existing terraces on Holgate Rd. Officers asked for further details on the plant room on the roof (preference is that this is not prominent) and details/colour samples of the proposed copper cladding to the end elevation.

Sustainable Construction

3.5 It is asked that before works commence on-site details of how the development will achieve a suitable BREEAM ('very good') rating and renewable energy be submitted to the Local Planning Authority. Also as demolition is proposed the developer should, in accordance with the requirements of the councils planning statement on sustainable design and construction, maximise the reclamation of materials so they may be re-used and recycled.

3.6 The proposed source of renewable energy has not been specified, nor has the expected energy demand for the hotel. Of the considered options it is also noted that Government incentives to install certain types of renewable technologies, such as photovoltaic panels, has not been considered in their financial appraisal.

Countryside Officer

3.7 The site is situated within close proximity to foraging habitat and commuting corridors, and there are records of bat activity within the overall surrounding area, including several records of known roost sites close by. However the host building has been inspected and there is no evidence of recent use by bats and officers consider a bat survey is not required. It is asked that the roof be removed with care, in the case that bats are/have been present. This can be covered as a condition.

3.8 It is asked that bat habitats, such as bat tiles and bricks be included in the new building and that the overall wildlife value of the site be enhanced. The latter could be achieved by the planting on the green roof, recommended is a mixture of sedum and drought tolerant wildflowers, which can provide extra interest both in terms of ecology and colour, and can still be a lightweight and low maintenance option if this is required.

Archaeology

3.9 An archaeological evaluation of the site has been carried out. Two trenches were excavated. These demonstrated that the site contains archaeological features and deposits dating to the Romano-British period. The proposed development will have a significant impact on archaeological deposits that are preserved on this site. It will be necessary therefore to mitigate the impact of the development through (a) an archaeological excavation of those areas of ground disturbance which lie outside the footprint of the existing building; (b) an archaeological excavation of the location of the lift-pits for the new development; (c) an archaeological watching brief on all other ground disturbances.

HIGHWAY NETWORK MANAGEMENT

3.10 Along Lowther Terrace officers asked for the footpath to continuously be a minimum of 2m and the road 4.1m, the latter would allow two cars to pass.

3.11 As a consequence of the proposed development, 2 resident's parking spaces (respark) would be lost. This is not objected to (the res park currently has 38 spaces and 41 permits plus attendance permits and authorisation cards (for visitors) have been issued) although the applicants will need to fund the required traffic order.

3.12 Cycle parking - it is asked that staff parking is accommodated within the proposed building. Visitor parking should be obvious, overlooked, covered and secure.

3.13 Details of servicing/deliveries and that a travel plan be developed have been requested.

POLICE ARCHITECTURAL LIAISON OFFICER (ALO)

3.14 Advise that officers have not been consulted by the applicants at the design stage, which is recommended. Advise that overlooking and lighting of the car parking area in this location is desirable and the cycle store should be covered and secure.

DRAINAGE

3.15 Pending

VISIT YORK

3.16 Pending

ECONOMIC DEVELOPMENT UNIT

3.17 Pending

CONSERVATION AREAS ADVISORY PANEL

3.18 Original plans - regard the scheme as a missed opportunity to enhance the appearance of this part of the conservation area. A building that respects its context, in terms of massing (stepping down toward Holgate Road) and materials (predominantly brick) was suggested.

ENGLISH HERITAGE

3.19 Original plans - The existing building onsite is out of scale with its surroundings and its removal is not objected to. However consider redevelopment of the site should include building(s) of a domestic scale, to consolidate the historic form of this part of the city.

PLANNING PANEL

3.20 Pending

PUBLICITY

3.21 Seven objections have been received. Objections are as follows:

- Loss of (affordable) office space
- The proposed building would be an eyesore - design and materials out of keeping with the area. It would be unduly large and appear over-dominant.
- Disruption caused during building works (road closed for access)
- Impact on amenity of residents due to noise as a consequence of the proposed use
- guests coming and going / 24 hour nature of hotel, rather than offices that operate 9-5 during the week only (in particular on race days and weekends). Also noise from traffic. There would also be detriment to the community in this respect. Residents and office workers are familiar with, and respect each other. Due to the transient nature of guests at a hotel, it is considered this would detract from the community. There would also be harm to guest houses in the area. Children would lose playing space on the streets due to extra traffic.
- Overshadowing and overlooking of surrounding houses due to height of the building. In particular single storey premises at the rear of The Crescent. Loss of privacy due to the intensified use of the building.
- Increased congestion/traffic that would have an adverse impact on highway safety. In particular if cars and service vehicles are unable to pass on Lowther Terrace. In conflict with pedestrians using the street.
- Not enough car parking on-site to accommodate demand, where would overspill go
- Whether drains in the area will have the capacity to accommodate the proposed development.

4.0 APPRAISAL

4.1 The key issues regarding this planning application are deemed to be:

- Whether a hotel on this site fits with planning policy.
- Design
- Amenity of surrounding occupants.
- Sustainable design and construction.
- Highway network management.
- Drainage and flood risk.
- Archaeology.

Principle of the proposed use

Loss of office space

4.2 National policy document PPS4 seeks to promote sustainable economic development. Hotels are classed as tourism related development which, as offices, are deemed to be economic uses. At local level PPS4 advises evidence bases are to be used to plan positively. LPA's are expected to assess the need for floorspace for types of economic development and assess current and future land supply. York does not have an evidence base regarding the supply and demand for hotel uses. York does have an employment land review which identifies the current supply and predicted demand for office space up to 2029.

4.3 Policy E3b of the Local Plan makes a presumption in favour of retaining office space in its existing use. A change of use may only be permitted where there is a sufficient supply of alternative office space, in terms of type and size to meet immediate and longer term requirements.

4.4 Holgate Villas was designed to be accommodated by a single user. However due to a lack of demand it has been let as low cost office space on short term agreements, to a number of smaller occupiers.

4.5 York Enterprise data shows that there are presently offices spaces of a similar size available in sequentially preferable locations (i.e. within the defined city centre) examples being Hudson House, at Hungate, Ryedale House on Piccadilly, 54 Micklegate, 5 Clifford St, 9 St Saviourgate and 31 Bootham. Smaller office spaces are available in Stonebow House and Rowntree Wharf.

4.6 In the long term, the Council's Employment Land Review predicts that between 2006 and 2029 around 200,000 sq m of office floorspace will be required in the city. The employment review shortlists a portfolio of sites, their size and type of use they'd be suitable for. Based upon this data, loss of the host site could occur without compromising the amount of available office space in the city as there would be adequate office space at sites which are either sequentially preferable, or comparable to the host site (for example York Central and the remainder of the Hungate site).

4.7 The site does presently provide low cost office space in a sequentially preferable central location. Whilst this loss is regretful, evidence base documents show there are comparable alternative sites within the city centre. As such current Local Plan policy advises the proposed change of use should not be resisted in principle.

Proposed hotel use

4.8 PPS4 advises that hotels should only be located outside the defined town centre when it is demonstrated that alternative, sequentially preferable site are not available, suitable or viable, or when sites are designated for such use in an up to date development plan. The site is regarded as edge of centre as it is immediately outside the city centre as defined in the Local Plan.

4.9 Of the Local Plan Policy V3: Visitor related development prefers that hotels are at sites which are well related in terms of walking, cycling and access to public transport in relation to York City Centre or other visitor attractions. In the Local Plan the site is within the York Central site, which is identified in the Local Plan for mixed

uses. Policies YC1 and V4 of the Local Plan advise that hotels would be appropriate on the site. However the Core Strategy, which will replace the Local Plan, does not include the site within the York Central Site. The Core Strategy has not yet been adopted.

4.10 Due to the proximity of the site to the train station the application site is favourably located in terms of access by public transport. It is also within walking distance of the city centre. The principle of the proposed hotel is not objected to considering PPS4 as the site is sequentially suitable and as it is allocated for hotel use in the Local Plan. In addition alternative sites in the defined city centre are either unavailable at present or unsuitable. Hungate and Piccadilly are unavailable and are being comprehensively re-developed, other vacant sites, which are allocated for housing in the local plan, such as Trinity Lane, Lord Major's Walk and Peel Street would not be suitable for a hotel of around 100 bedrooms due to the shape/size of the plots and their historic surroundings.

Design

4.11 PPS1 states that it is the Government's objective to 'ensure high quality development through good and inclusive design'. It goes on to state this applies to all development and that good design should contribute positively to making places better for people. Design which is inappropriate to its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted. Because of PPS1, the existing building does not set a precedent for re-development of the site and the replacement scheme should be appropriate to its context. Such requirements are established in building for context, which is design guidance endorsed by Central Government.

4.12 Of the Local Plan policy GP1 refers to design, for all types of development. It states that development proposals will be expected to, respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area; using appropriate materials; avoid the loss of open spaces, vegetation and other features which contribute to the quality of the local environment; retain, enhance, or create urban spaces and other townscape features which make a significant contribution to the character of the area; provide and protect amenity space; provide space for waste storage. These principles are re-iterated in policy V3, which relates to hotel proposals.

4.13 The site is at the edge of the Central Historic Core Conservation Area, therefore policy HE2 applies also. HE2 states that within locations which affect conservation areas development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regards to local scale, proportions, details and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks and other townscape elements, which contribute to the character or appearance of the area.

4.14 The existing building appears out of place along Holgate due to its height and shape. It is 5-storeys high at the south end, whilst Holgate Road is characterised by terraced buildings of a domestic appearance, typically 2 or 3 storey in height.

4.15 The proposed building would sit more comfortably in the streetscape. Its massing would be broken up by a variation in building lines and heights, and the prominent southwest corner would step down to 3-storey in height. The building would otherwise be 4-storey. However the taller parts of the building would not be prominent along Holgate, and would be seen in context alongside the houses along The Crescent and the 4-storey residential blocks on the opposite side of Lowther Terrace. The building would be predominantly of brick, in-keeping with the streetscape along Holgate. The south end elevation would be clad in copper coloured metal cladding (copper or chestnut brown coloured rather than blue-green). Large scale detailing of the cladding, to clarify dimensions of sheeting and standing seams shall be required as a condition of approval, as would the finish. This element would introduce a different material to the streetscape which would contribute, rather than detract from the character and appearance of the area.

4.16 The cities skyline, viewed from the City Walls, is typically of pitched roofs with occasional variations in eaves and ridge heights. To avoid a continuous flat roof, which would be somewhat out of keeping with the cities skyline, the solar/photovoltaic panels would articulate the roof, creating a series of pitched roof structures to the building; there is also a variation in roof heights. As such the profile of the building, when viewed from the City Walls and other elevated viewpoints would not detract from the cities' townscape.

4.17 Policy NE7 of the Local Plan seeks to encourage new wildlife habitats and such features can be installed on the proposed building. These can be required as a condition of approval.

Amenity of surrounding occupants.

4.18 Policy V3 of the Local Plan advises that in determining applications for hotels consideration should be given as to whether the proposed use would have a detrimental impact the residential character of an area. Policy GP1 is also relevant and requires that proposed buildings have no undue adverse impact from noise disturbance, overlooking, overshadowing or from overdominant structures.

4.19 The surrounding area is predominantly residential in character, there are residential buildings to the east (The Crescent and buildings behind the terrace have been converted also to residential use), 20 Holgate Road to the south and on the west side of Lowther Terrace, 24/26 Holgate Road and 1-10 Winchester House.

4.20 The proposed building would not be unduly overdominant or overbearing. The north part of the building would be some 2.5m higher than the existing building in this area. This increase in height would not have a material impact on the surrounding houses though; those to the west are 20m away and the rear elevation of The Crescent over 40m away. CABE: By Design document advises that when building heights are 4-storey a separation distance of 18-30m would be expected. There are some outbuildings behind The Crescent and behind no.3 these are in residential use. However the proposed building would be further from these outbuildings than the existing structure. The proposed building would be lower than the existing where it would be opposite no.24 (which has no windows on its side elevation that faces the site) and no.26. The footprint of the proposed building, in relation to the existing

building, significantly improves outlook and removes overlooking over the rears of nos. 16-20 Holgate Road.

4.21 The layout has been revised so pedestrian access to the hotel is directly from Holgate. There is a secondary access on the rear, which is more direct for the car park and the pedestrian route through to the railway station. Deliveries will occur at the rear of the building. As such there would not be a material amount of additional activity along Lowther Terrace that would either cause noise disturbance or impact the residential character of the area. In considering residential character it also has to be remembered that the east side of Lowther Terrace has, and will likely in the future not be in residential use.

Sustainable design and construction.

4.22 The council's interim planning document on sustainable design and construction (IPD) asks that commercial developments of over 500 sq m floorspace achieve a BREEAM rating of at least very good and that at least 10% of the projected energy demand be supplied by on-site renewable sources.

4.23 The policy requirements can be secured by condition and there is no reason why a new building cannot meet the standards of BREEAM in terms of construction, water and energy efficiency. The roof design incorporates solar and photovoltaic panels, which it is expected will be able to create over 10% of the buildings energy requirements.

Highway network management.

4.24 Policy SP8 of the LP seeks to reduce dependence upon the car. It is suggested this occurs through locating large scale development close to bus routes and pedestrian and cycle networks and through the provision of cycle parking. The objectives of the LP and PPG13: Transport (national planning policy) are to promote accessibility to jobs by public transport, walking and cycling and to reduce the need to travel, especially by car. Policy T4 of the LP requires appropriate cycle parking provision and T13a requires developments to adopt a travel plan when over 30 employees are likely to be employed.

4.25 The site is within walking distance of the train station and a hotel here would be appropriate in that there are alternatives to private car use. There is space for 18 cycles in a covered enclosure onsite, which exceeds the minimum requirements established in the Local Plan (1 space per 10 rooms). A travel plan will be required which will encourage trips not made by the private car. As such and as there would be 25 car parking spaces on-site the proposals take adequate steps to avoid guests parking on-street.

4.26 T5 asks that developments do not have an adverse effect on road safety and policy V1 of the LP requires that hotel developments have adequate servicing arrangements.

4.27 The proposed development will increase the width of Lowther Terrace, which will allow vehicles to pass a footpath would be introduced on the east side of the

road (there is not one presently). These measures will lead to the loss of 2 res-park spaces, but will ease traffic and pedestrian movement within the street. Guests will be encouraged, through the required travel plan, not to arrive by car, however the nature of the proposed use means that guests will arrive at variable times and the proposed use, on this basis would not have an adverse impact on highway safety. Delivery vehicles would park off street at the rear of the building and could enter and leave in a forward gear.

Drainage and flood risk.

4.28 Policy GP15a of the LP advises that in new development, discharges should not exceed the capacity of the sewer system and surface water run-off should not exceed the existing rate.

4.29 The existing site is all hardstanding. The proposed scheme would introduce some areas of planting and there would be a sedum roof above part of the single storey aspect of the scheme. These elements will reduce surface water run-off in relation to the existing rate. The site is not in a flood risk area. Overall the scheme reasonably complies with policy GP15a. A detailed drainage scheme can be secured as a condition of approval.

Archaeology.

4.30 The site is within the city centre area of archaeological importance. Policy HE10 of the LP seeks to preserve important archaeological remains and requires that applications demonstrate no more than 5% of archaeological deposits are disturbed or destroyed during works. A condition will require an excavation and analysis and a watching brief on all groundworks.

5.0 CONCLUSION

5.1 The proposed use is deemed to be acceptable in principle, as there would not be an undue loss of office space in the city, and as the proposed use is regarded as economic development, which PPS4 seeks to encourage in sequentially preferable locations, such as the application site. The proposed building would improve the appearance of the area, replacing a building which appears out of place, with a building which would be more in keeping with the area, by virtue of its scale and materials. The proposed building would also be energy efficient and environmentally friendly. There would not be an unacceptable impact in terms of highway safety or the amenity of local residents. Overall officers recommend the scheme be approved.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawings 1074 020:

Site plan: 30D received 24.5.2011.

Floor plans: 31B and 32B received 24.5.2011.

Elevations: 33B and 34B received 24.5.2011.

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

3 Prior to occupation of the building hereby approved a formal BREEAM assessment or equivalent, for the design and procurement stages for the building and a post construction review shall be submitted to and approved in writing by the Local Planning Authority. All assessments shall confirm the minimum 'Very Good' rating, or equivalent, and the development implemented accordingly.

Reason: In the interests of sustainable development, in accordance with the requirements of policy GP4a of the Draft Local Plan and the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction.

4 At least 10% of the predicted energy requirements for the development hereby approved shall be obtained from on-site renewable resources. Details of how this will be achieved shall be submitted to the Local Planning Authority and approved prior to first use of the development hereby approved and the development carried out accordingly thereafter.

Reason: To ensure that the development is sustainable and accords with Policy GP4a of the Draft City of York Local Plan and the City of York Interim Planning Statement on Sustainable Design and Construction.

5 VISQ7 Sample panel ext materials to be approved

6 Samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials. It is preferred the copper is a natural finish, rather than pre-patinated.

Reason: So as to achieve a visually cohesive appearance.

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

- a - Canopy to the entrance area and how it connects to the main building.
- b - Windows, cladding panels, doors and their surrounds. Windows to be set well within their reveals as indicated on the approved plans.
- c - Fascia, soffit and roof profile of recessed top floor areas.
- d - Copper cladding (to include dimensions of sheeting and any standing seams to be shown in context).
- e - Plant room enclosure and housing to solar/photovoltaic panels on the roof.

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

8 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed hard and soft landscaping scheme (to include changes to the highway/pavement along Lowther Terrace, any lighting and the sedum roof). This scheme shall be implemented prior to completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the conservation area and setting of the proposed building.

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

- a. A plan of how demolition work is to be carried out to accommodate the possibility of bats being present (in particular in the roof area).
- b. Details of what provision is to be made within the new building for habitat creation. Features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards, bat boxes and bat lofts.
- c. The timing of all operations

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

Reason: To take account of and enhance habitat for protected species in accordance with PPS9, which requires developments to provide a net gain in wildlife value, and policy NE7 of the Local Plan.

INFORMATIVE

If bats are discovered during the course of the work, then work should cease and Natural England consulted before continuing.

Other species such as House Martin and Swift can also be accommodated and would further enhance the biodiversity interest of the development.

10 The covered space for cycles as shown on the proposed site plan 1074/020/030 shall be provided on-site prior to first use of the building, and retained thereafter, using Sheffield type stands or similar, spaced at 1m intervals.

Reason: To provide adequate secure and covered cycle parking facilities, as required in the Local Plan and in accordance with the thrust of PPG13: Transport.

11 A travel plan, developed and implemented in line with local and national

guidelines (see Department for Transport good practice guidelines), shall be submitted and approved in writing by the Local Planning Authority prior to first opening. The development shall thereafter operate in accordance with the aims, measures and outcomes of said Travel Plan.

Reason: To reduce private car travel in accordance with PPG13: Transport, and policy T13a of the City of York deposit Draft Local Plan.

12 ARCH1 Archaeological programme required

13 ARCH2 Watching brief required

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

Reason: To protect the amenity of local residents and businesses.

15 No external signage shall be applied to the south entrance canopy.

Reason: To preserve the appearance of the building.

16 Prior to commencement of the development, an Environmental Management Scheme for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority. Construction site management shall occur in accordance with the Considerate Constructors Scheme or equivalent.

Reason: To protect the amenity of local residents and businesses

7.0 INFORMATIVES: Notes to Applicant

1. Secure by design

The applicants attention is drawn to potential crime reduction by considering the Police 'Secured by Design' Award Scheme for this site. Full details and an application form for the scheme can be found on www.securedbydesign.com

2. The developer is reminded that the development would result in the need to amend existing Traffic Orders in the vicinity of the site, potentially involving the removal of 2 residents parking bays from Residents Parking Zone R3. The costs of

undertaking such amendments are expected to be in the region of £2,000 and need to be funded by the applicant.

3. 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 principle of the change of use, visual and residential amenity, highway safety and archaeology.

As such the proposal complies with national policy established in PPS1, PPS4 and PPS5 and Policies SP7A, SP7B, GP1, GP3, GP4A, HE2, HE10, T4, E3B, V1, V3 and V4 of the City of York Development Control Local Plan.

Contact details:

Author: Jonathan Kenyon Development Management Officer

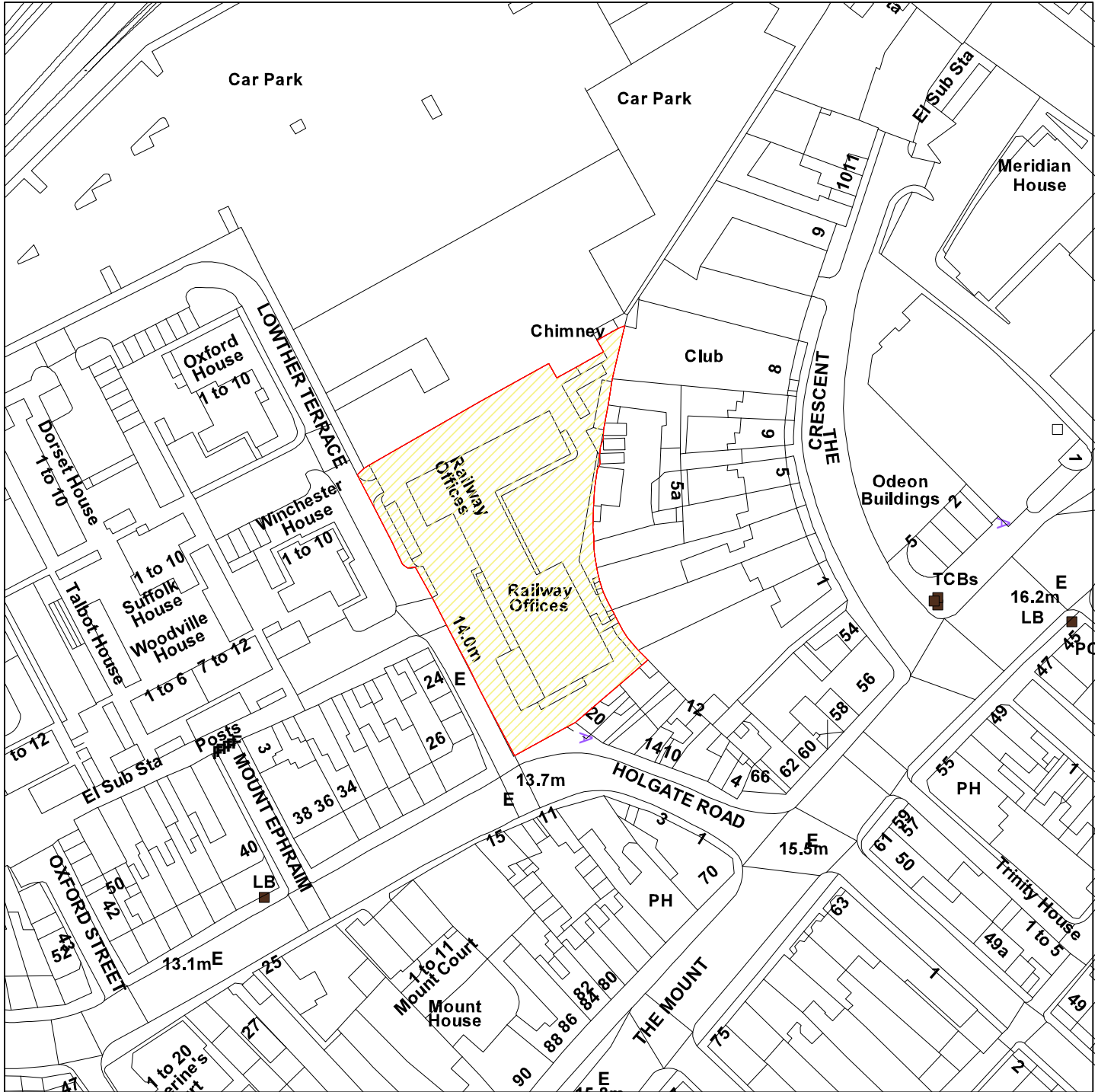
Tel No: 01904 551323

Holgate Villa 22 Holgate Road

Ref: 11/00436/FULM



GIS by ESRI (UK)



Scale : 1:1250

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|---------------------|------------------|
| Organisation | Not Set |
| Department | Not Set |
| Comments | Application Site |
| Date | 06 June 2011 |
| SLA Number | Not Set |



Planning Committee

15th June, 2011

Assistant Director City Strategy (Planning and Sustainable Development)

**York Central Historic Core Conservation Area Appraisal:
Consultation Draft**

Summary

1. Conservation areas are 'areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'. To enable City of York Council to better discharge its statutory responsibilities in this regard Alan Baxter Associates were appointed to undertake a detailed appraisal of the York Central Historic Core Conservation Area; including analysis of key strategic long distance and local views, in December 2010. The appraisal is jointly funded by English Heritage and City of York Council and is an important component of the evidence base for the City of York Local Development Framework. The draft document has benefited from detailed input from a key stakeholder group, and has now reached the stage of a public consultation draft. Members are asked to approve the York Central Historic Core Conservation Area Appraisal – Consultation Draft - (Annex 4) for public consultation.

Background

2. The York Central Historic Core Conservation Area was first designated in 1968 and extended in 1975 following public consultation. The boundaries have not been reviewed since that time and no detailed appraisal of character and special interest has been carried out.
3. Section 69 of the Planning (Listed Buildings and Historic Areas) Act 1990 requires local planning authorities to designate as conservation areas any 'areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'. In addition, authorities are required to carry out periodic reviews of the conservation areas under their control.
4. Section 71 of the same Act requires local authorities to formulate and publish proposals for the preservation and enhancement of conservation areas and to submit them to a public meeting for consideration. Following designation the local authority, in exercising its planning powers, must pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area (Section 72 of the Act).
5. The lack of an appraisal of the York Central Historic Core Conservation Area was identified as a key weakness of the evidence base for the Local

Development Framework to inform the policies and proposals of the City Centre Area Action Plan and other Development Plan Documents and Supplementary Planning Documents.

6. York's Central Historic Core Conservation Area is a large and complex conservation area. Completing a comprehensive appraisal is a significant undertaking and has required a significant commitment by the council. The appraisal has to go beyond mere description in capturing the very essence of the special character and interest of the area and explaining its value and significance.
7. Funding for this work was formally secured in February 2010 including a 50% grant from English Heritage.
8. Following a detailed tender process, Consultants Alan Baxter Associates were appointed in December 2010 to undertake the appraisal. Work commenced immediately.
9. The project is managed through the Renaissance Team by the Heritage Renaissance Officer reporting to a Project Management Team including English Heritage and Officers from Design, Conservation and Sustainable Development.
10. The Appraisal is divided into two parts. Part one deals with understanding the City, including a detailed assessment of twenty-four character areas and an analysis of key views and building heights. Part two deals with management recommendations setting out informed proposals for further work and action.
11. An Executive Summary is provided with this report as Appendix 1.
12. The most significant and immediate of the reports recommendations include suggestions for
 - a. Changes to the Conservation Area boundary at seven locations, five extensions and two reductions;
 - b. Article 4 directions for a number of streets;
 - c. Major improvements to the public realm including; gateway streets, bars, traffic and movement.
 - d. Use of Regulation 7 of the Town and Country Planning (Control of Advertisements) Regulations 1992 to remove for sale and to let signs from the conservation area;
13. Following the public consultation, the final edited report will be presented to Members for approval and adoption as part of the Local Development Framework evidence base. This gives the opportunity for The City Centre Area Action Plan to take account of the Management Recommendations set out in the Appraisal.

Consultation

14. A key stakeholder group has advised the project team throughout. The group comprises: The York Civic Trust; The York Archaeological Forum; The Conservation Area Advisory Panel; and, English Heritage.
15. Two stakeholder workshops have informed the project and a stakeholder draft has generated extensive comment which has directly informed the Consultation Draft of the document.
16. The public consultation draft presented to Members has benefited from this stakeholder input as well as input from the council's City Development, Forward Planning, Design, Conservation and Sustainable Development teams.
17. The consultants were appointed to deliver a document that was legible, accessible and light in text, using maps, diagrams and illustrations wherever possible. They were also asked to ensure that the document could be accessed primarily through web pages. This, has been achieved and although the full document is lengthy – it was always conceived as a modular document
18. The Public consultation will include the following activity:
 - a. a leaflet (Annex 2) drop via Local Link to each property within the conservation area and selected properties around the boundaries (Annex 5);
 - b. article in "Local Link" magazine to all properties in CYC area;
 - c. article in "Your Ward" for Guildhall, Micklegate, Fishergate and Clifton Wards;
 - d. A manned exhibition in Explore York for Friday 15th and Saturday 16th July;
 - e. an evening presentation to interested groups and others;
 - f. presentations to relevant Ward meetings;
 - g. York "Press" and local radio;
 - h. paper copies available at Explore York and Reception, 9 St Leonard's Place;
 - i. appropriate web pages with suitably sized PDF documents and an on-line consultation form.
19. The consultation period is hoped to run from the 4th of July until the 12th of August to take advantage of the final month before summer breaks and to allow a generous period for the consultants to incorporate comments and prepare their final copy for the autumn.

20. Consultation responses will be recorded in a bespoke matrix showing a clear audit trail from comment through to proposed action.

Options

21. Option 1 – approve the draft document for consultation purposes and to approve the method and range of consultation;

22. Option 2 – to approve the draft document for consultation with amendments to the draft document and/or changes the method and range of the consultation process;

23. Option 3 - do not approve the draft document for consultation

Analysis

24. Approval for the draft document to be published for consultation on the 15th of June will allow the consultation period to run before the school holiday season and provide sufficient opportunity for the consultants to prepare the final report for adoption in late 2011 as part of the evidence base for the Local Development Framework and specifically to inform the City Centre Area Action Plan

25. Delay to this programme will fall outside the project timetable as agreed with the consultants and a final edit deadline would have to be negotiated and there will be potential risks to the Local Development Framework timetable.

Corporate Priorities

26. York Central Historic Core Conservation Area Appraisal will deliver against “The Sustainable City”. It will also form an essential part of the Local Development Framework evidence base and will complement, “York New City Beautiful: Toward an Economic Vision”.

Implications

27.

- **Financial** Public consultation will be funded from existing budgets.
- **Human Resources (HR)** No implications.
- **Equalities** An EIA has been completed for this project and identified that some proposed outcomes such as a Public Realm Strategy and Streetscape Manual will require separate EIA's as there will be particular issues around disability to deal with. The Appraisal itself has no equality issues.
- **Legal** No implications.

- **Crime and Disorder** No known implications.
- **Information Technology (IT)** The Council web site will be used to host the draft document.
- **Property** No implications.

Risk Management

28. There should be no risks at this stage.

Recommendations

29. Members are asked to approve the Draft York Central Historic Core Conservation Area Appraisal for public consultation.

It is also requested that Members approve the consultation method proposed.

Reasons:

- the document has adopted a rigorous approach to the assessment of the York Central Historic Core Conservation Area, and is in accordance with relevant guidance documents;
- the boundary review has been carried out in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 and the latest guidance documents from English Heritage;
- The document has been subject to intensive peer review through the key stakeholder group;
- the proposed consultation process is based on previous best practice.

Contact Details

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Renaissance Team
City Strategy

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Mike Slater
Assistant Director City Strategy (Planning and Sustainable Development)

Tel No.01904-551329

Report Approved **Date** 6 June 2011

Specialist Implications Officer(s)

None

Wards Affected: *Guildhall; Micklegate; Fishergate and part Clifton.*

All

For further information please contact the author of the report

Background Papers:

There are no relevant background papers.

Annexes

Annex 1:

Executive Summary.

Annex 2:

Consultation list.

Annex 3:

Map showing areas for leaflet distribution.

Annex 4:

CD, containing a high resolution PDF copy of the York Central Historic Core Conservation Area Appraisal (**Members will receive a copy of the CD later this week**).

Executive Summary

Aims & Objectives

City of York Council, in association with English Heritage, appointed Alan Baxter & Associates to prepare an appraisal of the city's Central Historic Core Conservation Area. This is the first in-depth study of the Conservation Area - which encompasses the medieval walled city and the early suburbs - to be undertaken since the Area was designated in 1968.

The appraisal will help the Council to fulfil a statutory duty to draw up and publish proposals to preserve and enhance conservation areas. It does this by defining the unique characteristics which make the historic core of York so special and identifying the threats and opportunities to its conservation and enhancement. These are the foundation for developing practical policies and proposals for the management of the Conservation Area which will enable it to play a positive role in shaping an economically and socially successful city.

Policy Framework

The appraisal was commissioned as one of a suite of documents forming the evidence base for the Local Development Framework. It interfaces with other evidence base documents, notably the *Heritage Topic Paper*, the *City Centre Movement and Accessibility Framework* and the *New City Beautiful Economic Vision*.

The recommendations and ideas it contains will inform the policies and proposals of the City Centre Area Action Plan and other Development Plan Documents and Supplementary Planning Documents.

The appraisal is also intended to aid rational and consistent planning decisions by clearly and publicly articulating the special interest of the Conservation Area. Legislation and government policy, such as *Planning Policy Statement 5: Planning and the Historic Environment*, require all decisions on planning applications in the conservation area to be founded on such understanding.

Finally, the Appraisal is conceived as one of the documents that will form the basis for a World Heritage Site Management Plan if a future bid is successful.

Methodology and Structure

The methodology and structure of the report follow best practice as set out in English Heritage guidance, adapted to the particular demands of a conservation area as exceptionally large and complex as this.

The main body of the report is divided into two parts:

- **Part One: Understanding the City:** Here the Area's development and character is analysed first at the level of the city and then by dividing it into two dozen character areas. These character areas allow more detailed analysis to be undertaken.

The purpose of this section is to identify, first, the Conservation Area's special interest, second, those issues that threaten to harm this interest and, third, the opportunities that exist for enhancing its appearance and character.

- **Part Two: Management Strategy,** sets out a series of practical management recommendations to enable the Council, its partners and the local community to address the threats and opportunities identified in Part One. The recommendations are incorporated into an Action Plan which identifies the priorities for action and those responsible for implementing them.

Key characteristics of the project have been:

- **Partnership** with council and English Heritage officers
- **Consultation** with a Key Stakeholder Group at workshops and now with the public, and:
- **Accessibility,** by produce a readable and engaging document that would hopefully neither bore the professional nor alienate the general public.

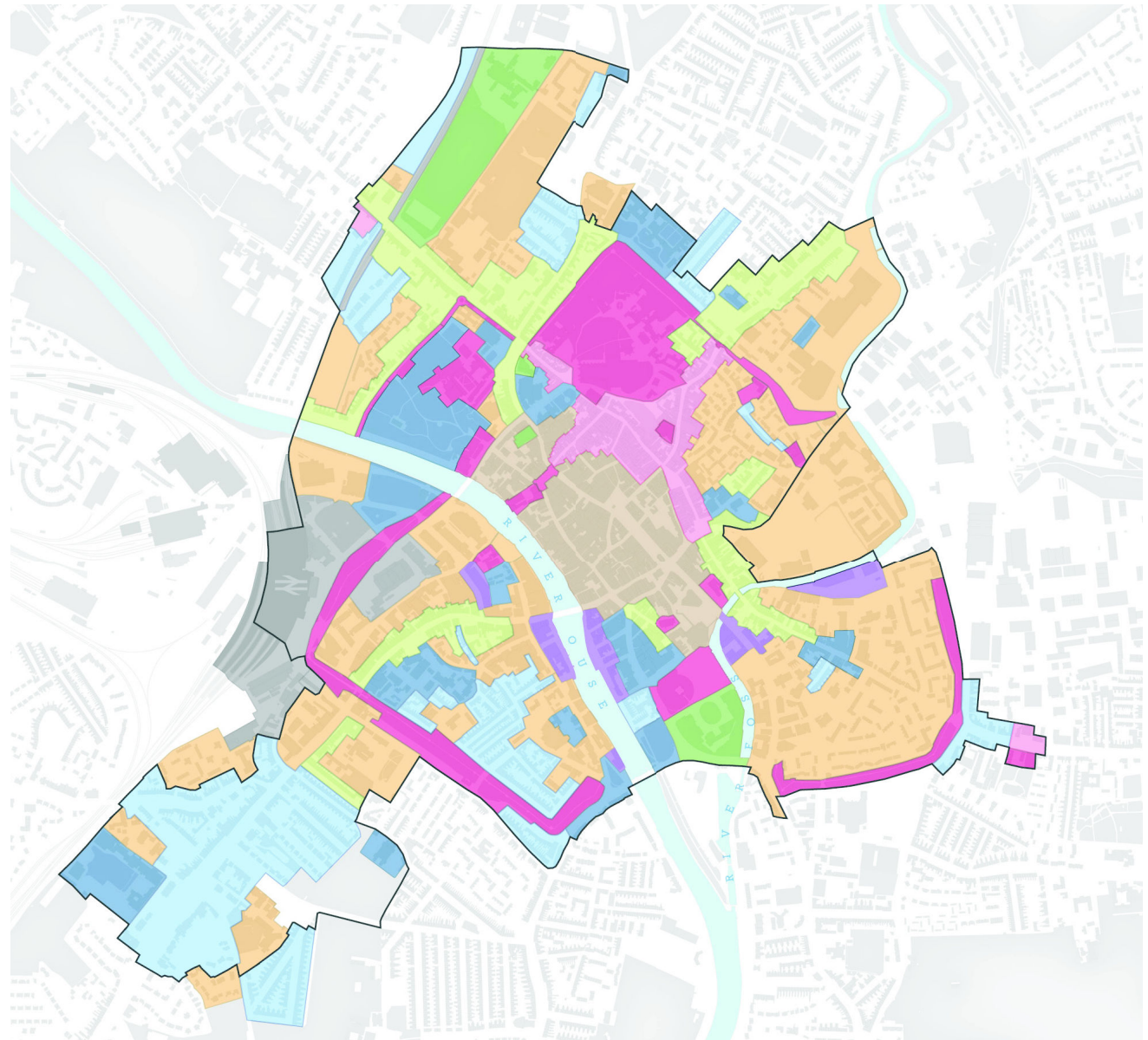
Executive Summary

- Medieval and Tudor shops and houses
- Medieval and Tudor civic and religious

- Georgian shops and houses
- Georgian civic and religious

- Victorian and Edwardian housing
- Victorian and Edwardian civic and religious
- 18th/19th century quayside and commercial
- 19th century railway development
- 19th / 20th century shopping area

- 20th / 21st century development
- Current Conservation Area boundary



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Prevailing townscape and building character

What Makes the Historic Core of York Special?

The necessary precursor to effective management of any conservation area is the identification and definition of the special character which it is the purpose of designation to conserve and enhance.

York's historic core is an inherently complex place whose character and appearance is the unique outcome of a subtle fusion of many factors: historical development and change, architectural style and materials, topography, spaces and landscape, landownership and uses. The Core Strategy *Heritage Topic Paper* has identified 6 Principle Characteristics which define the qualities, interest and cultural significance of York which sets it apart from other English cathedral cities. As they explain the special interest of the historic core they are:

Strong Urban Form There are few places in the British Isles where a two thousand year legacy of urbanism can be appreciated in such detail as York. Today's street pattern combines the principal roads of the Roman settlement with Anglo-Scandinavian and medieval streets and building plots and Georgian and Victorian highway improvement. It is relatively little scarred by postwar redevelopment and engineering. The results is a rich townscape of intimate streets, small irregular public spaces and above all contrast and surprises, twists and turns, juxtapositions of forms and materials and sequences of ever-changing vistas and panoramas.

Compactness York retains a very compact, densely-populated historic core. The City Walls play a significant role in the survival and the perception of this. The centre is therefore a highly walkable place.

Landmark Monuments The Conservation Area contains historic buildings and structures of the highest architectural and historic interest: in the Minster, one of the greatest Gothic buildings of Europe; in the City Walls and Clifford's Tower, the most extensive medieval wall circuit in England, and one of the best preserved in Europe; in the guildhalls and churches the greatest concentration of medieval civic and religious buildings in the country; and in the Eye of York the grandest group of 18th century public buildings outside London.

Architectural Character Tremendous architectural variety – from medieval houses and tenements to Georgian terraces, the monuments of the Railway Age, the legacy of industrialisation and redevelopment in the 20th century – causes endless juxtapositions of style and form. Yet there is an overriding harmony in materials – plaster/timber, brick or Magnesian Limestone – and in building lines and roof lines, and in the humane scale.

Archaeological Complexity The peculiar sub-surface conditions of York have ensured that the archaeological evidence for 2,000 years of occupation and activity survives in a remarkable sate of anaerobic preservation which can only be matched by a small handful of site worldwide. The archaeology of the city centre is therefore of outstanding international importance.

Landscape and Setting A settlement was founded and prospered here because it is a good crossing point on the River Ouse and a natural centre for regional communications. The Ouse and the Foss not only play a significant part in defining the character of the townscape, but as a thriving international port were fundamental to the past prosperity and growth of York. Because the Vale of York is a low-lying bowl surrounded on three sides by higher ground, long distance and close quarters views of the Minster are numerous and treasured. Through these views the relationship between the city and its landscape setting is illustrated, and the city reaches into the consciousness of people many miles away.

These six characteristics combine to create a conservation area of extraordinary and perhaps unparalleled variety and richness. This is what makes it unique. Moreover, this variety is not limited to built form; it is inextricably linked to the diversity and the vitality of use – residential communities, businesses, educational and cultural life – which are as fundamental to the special character of the Conservation Area as its archaeological deposits or medieval monuments.

Character Areas

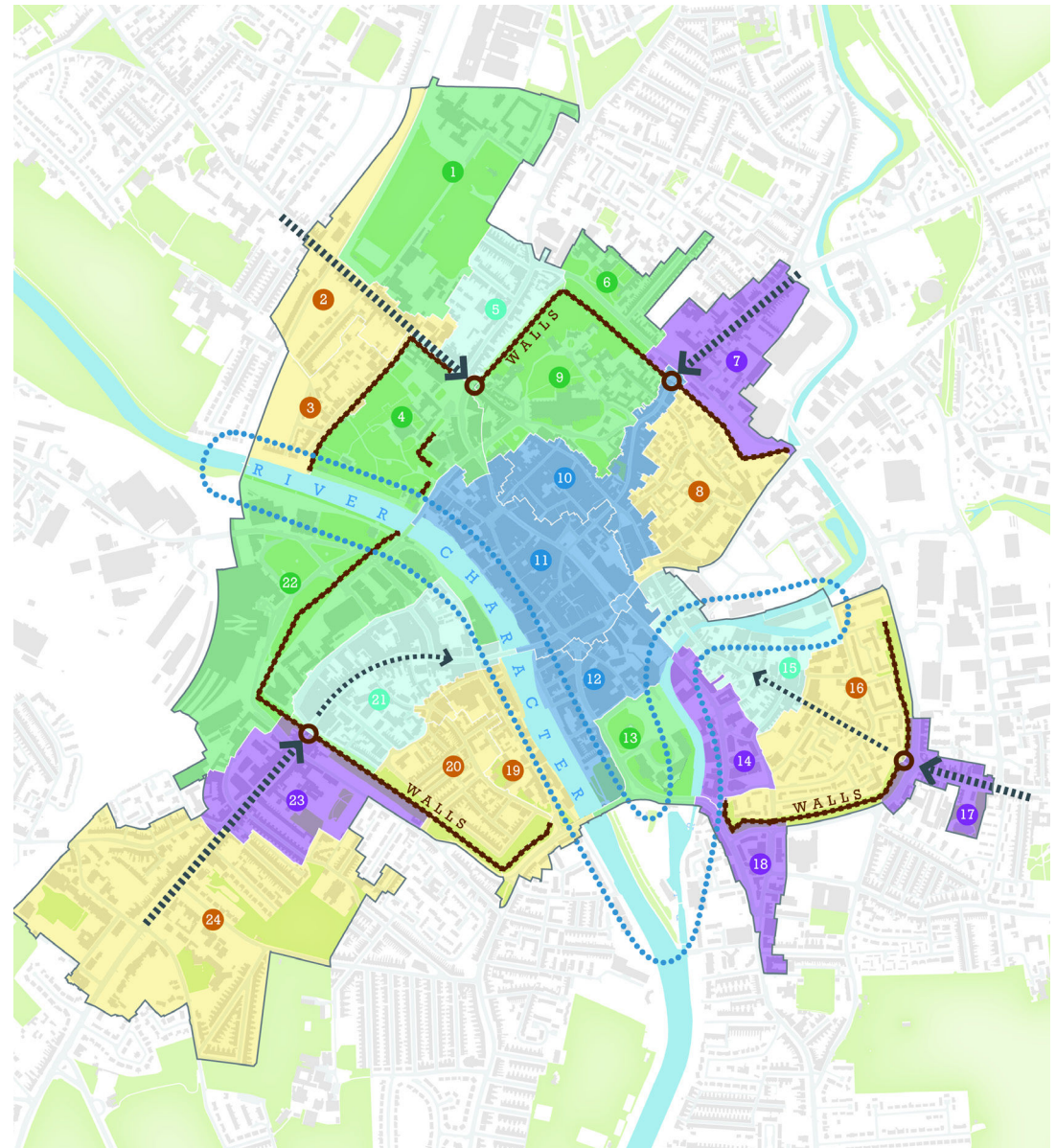
- 1 Bootham Park Hospital
- 2 Bootham
- 3 Marygate
- 4 Museum Gardens & Exhibition
- 5 Square
- 6 Gillygate
- 7 Lord Mayor's Walk
- 8 Monkgate
- 9 Aldwark
- 10 Minster Precinct
- 11 The Medieval Streets
- 12 Central Shopping Area
- 13 King's Staith & Coppergate Centre
- 14 Castle
- 15 Piccadilly
- 16 Fossgate & Walmgate
- 17 Outer Walmgate
- 18 Walmgate Bar
- 19 Fishergate
- 20 Queen's Staith & Skeldergate
- 21 Bishophill
- 22 Micklegate
- 23 Railway Area
- 24 Blossom Street
The Mount

Character Area grouping

- Grand institutions and monuments set in green space
- The dense historic commercial core – the pedestrian realm
- Edge of centre, independent retail/commercial streets on through routes
- Mixed-use approach roads often dominated by road infrastructure
- Residential: compact neighbourhoods within the city walls and grander suburbs on the city approaches

Overarching influences

- The celebrated city walls and landscaped ramparts enclose and define the city's core and limit cross-movement
- Rivers Foss and Ouse influence land use, activity, public space and access and further define the central core
- Approaches to the core along the ancient routes into the city, defined by views to the Bars, walls, Minster and increasing commercial activity



Character Area Summary

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Threats & Opportunities

Having defined the unique character of the Conservation Area, the Appraisal considers the threats to its conservation and opportunities for its enhancement. These form the basis for the study's management recommendations.

Overall, the Conservation Area is a vibrant place in good material condition. Nevertheless, there a number of challenges for the City of York Council and its partners to address if the Area is to play its fullest role in the future economic and social prosperity of the city:

Defining the Special Interest of the Conservation Area

- broadly speaking the existing boundary of the Conservation Area, last reviewed in the 1970s, corresponds to the historic core of the City, but developments since then mean some of minor changes are required (see Priorities plan, below)
- the appraisal identifies buildings which detract from the character and appearance of the Area and unlisted Buildings of Merit which make a special positive contribution and could be added to the proposed Local List.

Conserving its Special Interest

The appraisal identifies a number of threats to the built character of the conservation area, as well as management tools to address them:

- buildings at risk and underused upper floors where concerted action is required
- unlisted residential streets whose character is being eroded by piecemeal change such as replacement doors and windows; Article 4 Directions could be used to control this
- unsympathetic shopfronts and associated signage and uncontrolled sale and letting advertising
- the need for policy direction to regulate the retrofitting of existing buildings to reduce their carbon emissions.

Views and Building Heights

- views across and into the Conservation Area and the city's little-altered skyline are some of its most precious but fragile qualities and development could harm them if not carefully managed

- this Appraisal identifies 26 Key Views which define the character and image of the core, as well as numerous other views of local significance (see plan)

Development and Design

- there are few large development sites in the Conservation Area, but those and others on its periphery could have a significant impact on its character and appearance
- new architecture should be of a standard befitting the qualities of York's townscape. This requires encouragement, education and co-operation

Streets and Spaces

- public spaces are few in number, mostly small (compared to other cities) and often cluttered, detracting from the functionality of the spaces and setting of buildings
- footstreet surfacing, signage and management is inconsistent and confusing
- parks and gardens are under-utilised and remain unexplored by many visitors; some are not well linked to neighbouring spaces

Transport and Movement

- pressure of road traffic is a major threat to the character and quality of the Area
- it is particularly bad along the inner ring road and the approaches; gateway streets and Bars are especially compromised
- it has an environmental impact (e.g. in Gillygate), a physical impact (e.g. damage to Bars) and a visual impact (e.g. Exhibition Square and Bootham Bar)

The Rivers

- are an underutilised asset; more could be done to extend access to their banks and improve the quality of public spaces along them

The City Walls

- the setting of these defining elements of the townscape is scarred by the inner ring road and faces further pressure from development
- the full potential of the walls and ramparts as a linear park is not currently realised.

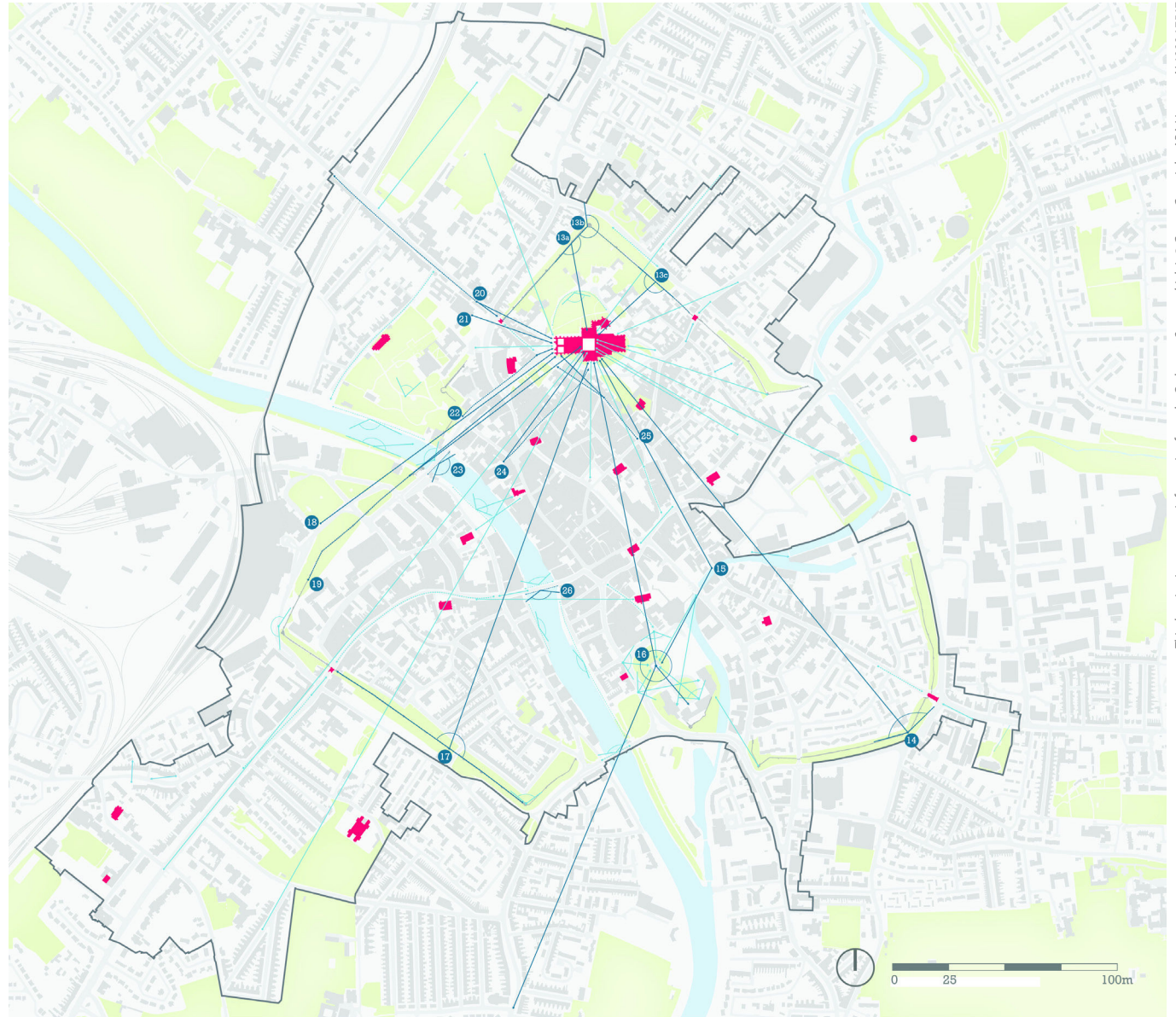
Executive Summary

| Key Views | Local Views | |
|-----------|-------------|-----------------------------------|
| | | Fixed with focal point |
| | | Dynamic |
| | | Dynamic with focal point |
| | | Panorama |
| | | Panorama with focal point |
| | | Dynamic panorama |
| | | Dynamic panorama with focal point |

Building Heights

| | |
|--|-----------------|
| | Towers & Spires |
| | 8+ Storeys |
| | 7 Storeys |
| | 6 Storeys |
| | 5 Storeys |

Key and Local Views within the Conservation Area



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Conclusions: Principles for Management & Priorities for Action

This Appraisal has found the York Central Historic Core Conservation Area to be a place of outstanding quality and, arguably, of unparalleled richness and variety. No other British city can boast such extraordinary evidence of settlement over 2000 years, and such a range of outstanding important buildings, structures and streets. Whilst the Appraisal has also found the Conservation Area to be in generally good health and robust condition, the study has identified numerous ways in which its conservation could be improved and its character and appearance enhanced. These improvements would not only benefit the historic environment, but as this heritage is the foundation of York's present vitality, they would also sustain the city's long-term economic and social prosperity.

There are many recommendations. All have been carefully considered with stakeholders, and all of them would bring important benefits. Nevertheless, at the end of this exercise it is necessary to stand back and identify the outstanding themes and the key priorities in order to focus energy and scarce resources on the most important management issues facing the City and its partners:

Principles for Management

Recognise in policy and in action that the future economic prosperity and growth of the city centre is founded on conserving, enhancing and celebrating the unique and remarkable character and appearance of the Conservation Area, and work in partnership with stakeholders and the public to achieve this.

Communicate the remarkable interest and importance of the historic core and the principles and priorities for its conservation and enhancement to all in the Council and to residents, workers, developers, businesses and visitors.

Maintain and foster the remarkably rich mix of uses and the continued presence of substantial residential communities, which are fundamental to the historic core's social and economic strength and as essential to its special character as the medieval walls and Georgian buildings.

Rebalance the movement needs of the City in order to reduce the impact of traffic on the character, condition and human experience of the Conservation

Area, whilst supporting its economic growth: this should be a city centre first and last for pedestrians.

In recognition of all of the above, City of York Council should identify conservation as a 'first tier' consideration by giving greater political commitment to the management and enhancement of the historic core's special character and better co-ordinating activity to use existing resources more intelligently.

Priorities for Action

Develop a strategy for communicating the remarkable values of the Conservation Area and the recommendations of this study to all relevant parts of the Council, and to the residents, businesses, institutions and landowners of York.

Develop a strategy and working practices to better co-ordinate council activity in order to use its resources more intelligently, make better use of existing partnerships and develop new partnerships with the people of York.



Develop a public realm strategy incorporating a streetscape manual to sit alongside the City Centre Area Action Plan, in order to declutter and improve streets, transform signage and wayfinding and enhance the quality and extent of public access to the rivers.

Commission and implement public realm masterplans for the key civic spaces of Parliament Street and surrounds, the Station approaches, the Minster Precinct, Exhibition Square and the Castle.

Implement a Views and Building Heights Policy to conserve and enhance key views and the core's fragile skyline.

Reduce the impact of traffic on the most sensitive sections of the ring road and the Bar junctions identified on the accompanying plan.

Adjust the boundary of the Conservation Area to better reflect its special character and apply Article 4 Directions to certain residential streets, as identified on the accompanying plan.

-  Priority for public realm improvements
-  Reduce vehicle traffic on sections of ring road which have a significant negative impact on the Conservation Area
-  Priorities for Bar junction improvement and decluttering
-  Potential for new or improved riverside public space
-  Proposed Article 4 Directions
-  Existing Conservation Area boundary
-  Proposed changes to Conservation Area boundary
-  Significant development sites

Priorities for Action



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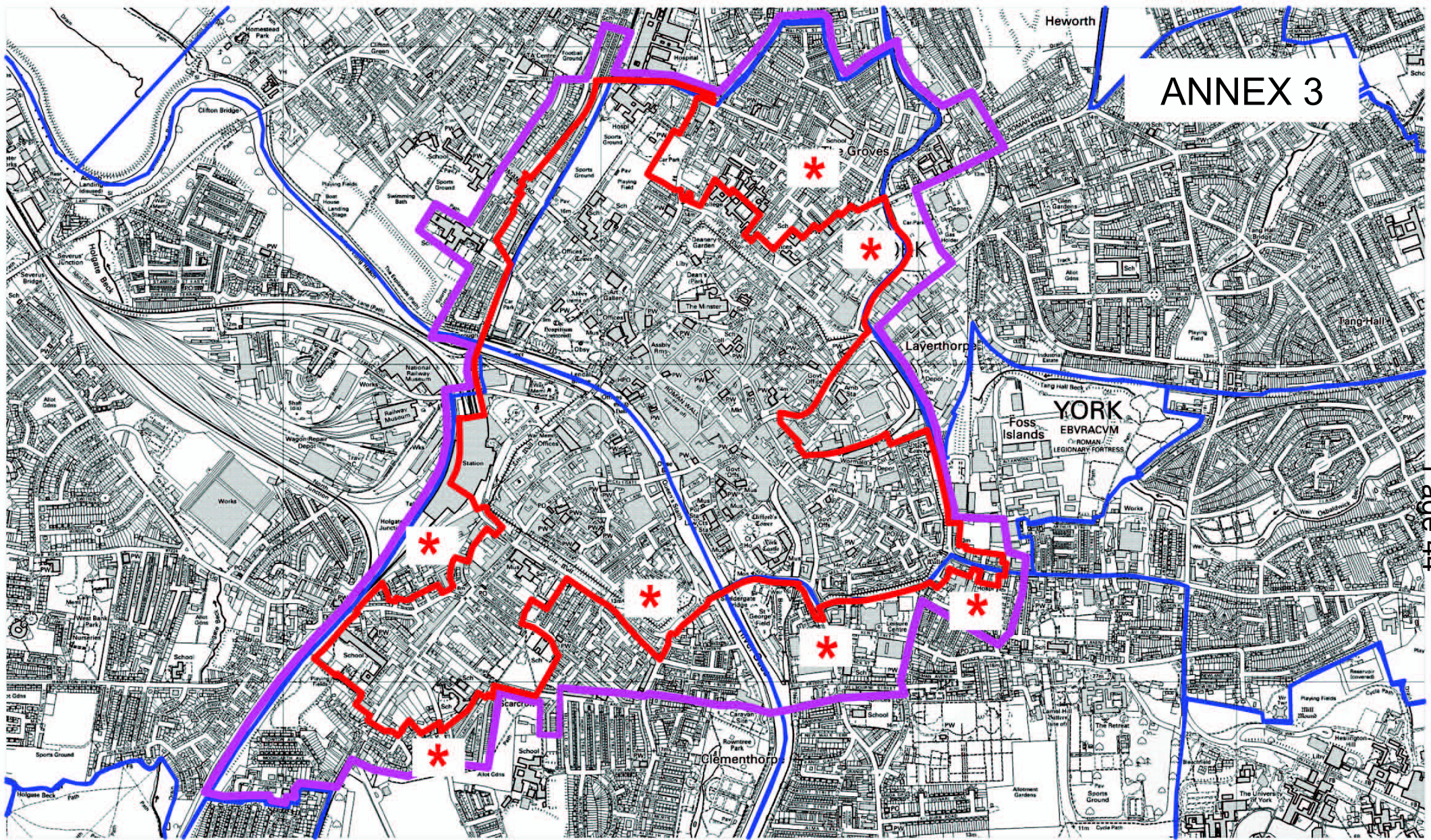
ANNEX 2

York Central Historic Core Conservation Area Appraisal
LIST OF CONSULTEES

* The **Key Stakeholder Group** already includes: the Conservation Areas Advisory Panel; English Heritage; York Civic Trust & York Archaeological Forum.

1. **Ward Councillors** for Guildhall, Micklegate, Fishergate & Clifton
2. **Planning Panels** (all York)
3. **Parish Councils**
4. **Statutory Organisations** including: British Waterways; Network Rail; Statutory Undertakers
5. **Amenity Groups & Organisations** including: York Open Planning Forum; York Georgian Society; Victorian Society; 20th Century Society; River Foss Society; Yorkshire Architectural & Archaeological Society; CPRE; York Natural Environment Panel; Railway Heritage Trust; Friends of York Walls; Friends of the Earth.
6. **Schools** to include Primary & Secondary Schools throughout the City.
7. **Residents' Associations** including: Bishophill Action Group; South Parade Society; Walmgate Community Association.
8. **Transport Operator and User Groups** including: First York; Freight Transport Association.
9. **Cycling Organisations** including: Cyclists' Touring Club; York Cycle Campaign.
10. **Disability Groups** including: Disabled Persons' Advisory Group; York Access Group.
11. **Older People's Groups** including: Age Concern; Older People's Assembly.
12. **Trade & Commerce Associations** including: Federation of Small Businesses; York & North Yorkshire Chamber of Commerce.
13. **York Youth Council**
14. **Built & Historic Environment Group** a sub-group of the Without Walls Environment Partnership.
15. **Tourist & Cultural Groups** including: Visit York; York Museums Trust.
16. **York Minster & City Centre Churches**
17. **University of York and University of York St John**
18. **Safer York Partnership**
19. **York Environment Forum**
20. **Vision for York team** (Prof. Alan Simpson & Partners)
21. **York Design Awards**
22. **RIBA** (Royal Institute of British Architects) & **RTPI** (Royal Town Planning Institute) Yorkshire Region branches.
23. **Adjoining Local Authorities**
24. **Internal Officer consultations** including with: Heads of Economic Development; Strategic Transport; Major Development Projects & Initiatives.

ANNEX 3



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Location of Proposed Amendments to Conservation Area Boundary



Conservation Area Boundary



Ward Boundary



Suggested Area for Leaflet Distribution



CITY OF
YORK
COUNCIL

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

YORK CENTRAL HISTORIC CORE CONSERVATION AREA APPRAISAL

SCALE: NTS
Originating Group:

DRAWN BY: PSL
Project

DATE: 2/6/2011
Drawing No.

CHCCAALD





Planning Committee**15 June 2011**

Report of the Director of City Strategy

Updated Commuted Sum Payments for Open Space in New Developments**Summary**

1. This report seeks Members approval to update and republish the commuted sum payments contained within Guidance Note 'Commuted Sum Payments for Open Space in New Developments – A Guide for Developers'
2. It also seeks approval in future to amend published figures annually without Members approval, subject to them being based on the building inflation trades data from the Royal Institute of Chartered Surveyors (RICS) 'Building Costs Information Service all in Tender Price Index'. A minor change to the Guidance Note wording is required for this to happen.
3. No other changes to the policy or Guidance Note are proposed and the updated commuted sum payments will remain an interim basis for decision making in development management, until the Local Development Framework is sufficiently advanced to be used for deciding planning applications.

Background

4. Policy L1c - Provision of New Open Space in Development (attached as Annex A) was approved for development management purposes by Members in April 2005, as part of the 4th Set of Changes to the City of York Local Plan. This policy outlines that in certain circumstances, a commuted sum payment may be acceptable instead of on-site provision. However, the policy does not specify the amount of commuted sum payment in monetary form.
5. The Guidance Note 'Commuted Sum Payment Figures for Open Space in New Developments – A Guide for Developers' was produced by Officers and agreed by Planning Committee in April 2007 to assist Development Management officers in applying policy L1c of the City of York Local Plan. It aims to provide a consistent and transparent approach towards commuted sum payments for off site provision. The guide is provided as Annex B.

6. Since 2007 approximately £250k per annum has been received in S106 payments (although some of this amount related to planning consents approved before 2007). These payments have contributed to the improvement in quantity, quality, and accessibility of play grounds (children's and teenager facilities), open spaces (formal parks and gardens, allotments and general amenity land) and sports pitches (football, cricket, tennis and bowls facilities) across the City. In many cases this money has supported or helped obtain other funding streams - examples are; Lottery, Football Foundation and Playbuilder.
7. The Guidance Note included a set of robust commuted sum figures for children's equipped open space, informal open space and outdoor sports facilities. These were based on a sample of actual schemes undertaken within the City of York, in 2005/6 and 2006/7 involving children's equipped play space, amenity open space and outdoor sports pitches.
8. Although Officers have used updated figures in negotiations with developers, the overall published figures which form the starting point for discussion have not been updated to date.
9. Using the RICS 'Building Costs Information Service all in Tender Price Index' the base line figures in the approved Guidance Note would be as set out in Table 1 below. This reflects the reduction in building costs arising from the recession. Table 1 also shows the previous figures for comparison purposes. The figures have been rounded to allow for a consistent payment per bedroom.

Table 1: Existing and proposed commuted sum payment figures

| No of bedrooms in a single dwelling | Children's equipped Play Space (£) | | Informal Amenity Open Space (£) | | Outdoor Sports Facilities (£) | |
|-------------------------------------|------------------------------------|----------|---------------------------------|----------|-------------------------------|----------|
| | Existing | Proposed | Existing | Proposed | Existing | Proposed |
| 1 | £N/A | £N/A | £149 | £141 | £211 | £199 |
| 2 | £522 | £492 | £298 | £282 | £422 | £398 |
| 3 | £1044 | £984 | £447 | £423 | £633 | £597 |
| 4 | £1566 | £1476 | £596 | £564 | £844 | £796 |
| 5+ | £2088 | £1968 | £745 | £705 | £1055 | £995 |

10. To allow the Council's approach to be responsive to market conditions, it would be beneficial to allow the figures to be updated annually in line with the RICS 'Building Costs Information Service all in Tender Price Index'. This would clearly need to be reflected in the Guidance Note itself.

Consultation

11. Consultation previously took place on the draft Guidance Note between November 2005 and January 2006, prior to it being approved by Members for Development Management purposes. Given that the

proposed changes are factual rather than policy changes, no public consultation is proposed.

Options

12. There are two options for Members to consider:
 - Option 1: Approve the updated set of commuted sum payment figures to be incorporated in the approved Guidance Note, together with automatic updating and clarified text;
 - Option 2: To instruct Officers to take an alternative approach.

Analysis

13. Option 1 would be based on robust up to date figures, reflecting current market conditions and inflation. Consequently, this would give a degree of robustness and clarity to the Council's approach towards requiring commuted sum payments towards open space, and would strengthen the Council's case at planning appeals, by quoting figures approved by Members.
14. However, if Option 2 were to be agreed by Members, it could result in commuted sum payment figures which weren't in line with current market conditions and inflation. This would risk our commuted sum figures being open to challenge by developers and applicants through the planning application and appeal process.
15. Based on the above considerations, Officers believe that Option 1 above would be the most appropriate option to take at this stage and in future the figures will be updated automatically in line with the Council's approach as set out above.

Corporate Priorities

16. The option outlined above accords with the following Corporate Strategy Priorities:
 - Improve the actual and perceived condition and appearance of the city's streets, housing estates and publicly accessible spaces;
 - Improve the health and lifestyles of people who live in York, in particular among groups whose levels of health are the poorest.

Implications

17. The following implications have been assessed.
 - **Financial** – *Proposal would give certainty, clarity and accountability to the amount of money the Council receives from commuted sum payments for open space.*
 - **Human Resources (HR)** - *None*

- **Equalities** - None
- **Legal** – The proposal has been agreed by Legal Services
- **Crime and Disorder** - None
- **Information Technology (IT)** - None
- **Property** - None
- **Other** - None

Risk Management

18. There are no known risks in this proposal.

Recommendations

19. Members are asked to:
- (i) Approve the revised commuted sum payment figures highlighted in Table 1 of this Report;
- Reason: To update the open space commuted sum payments in line with current market conditions.
- (ii) Instruct Officers to annually update the commuted sum payment figures in the Guidance Note, in line with the RICS 'Building Costs Information Service all in Tender Price Index'.
- Reason: To ensure that the commuted sum payment figures are updated regularly in line with current market conditions

Contact Details

| | | | |
|--|--|---|--|
| Author: | | Chief Officer Responsible for the report: | |
| <i>John Roberts Assistant Development Officer City Development (01904) 551464.</i> | | <i>Richard Wood Assistant Director for Strategic Planning and Transport</i> | |
| Report Approved | | <input checked="" type="checkbox"/> | Date 8/4/11 |
| Specialist Implications Officer(s) <i>List information for all</i> <i>Legal Services</i> <i>Name Martin Blythe</i> <i>Title: Senior Assistant Solicitor</i> <i>Tel No. 551044</i> | | | |
| <i>List information for all</i> <i>Parks and Open Spaces</i> <i>Name: Dave Meigh</i> <i>Title: Head of Parks and Open Spaces</i> <i>Tel No. 553386</i> | | | |
| Wards Affected: <i>List wards or tick box to indicate all</i> | | | All <input checked="" type="checkbox"/> |
| For further information please contact the author of the report | | | |

Background Papers:

- City of York Local Plan (4th Set of Changes) – April 2005;
- Royal Institute of Chartered Surveyors (RICS) 'Building Costs Information Service all in Tender Price Index'

Annexes:

(A) Policy L1c (Provision of New Open Space in Development);

(B) Commuted Sum Payment Figures for Open Space in New Developments
– A Guide for Developers

Annex A:

**City of York Local Plan Policy L1c (Provision of New Open
Space in Development)**

City of York Draft Local Plan Incorporating the 4th Set of Changes (April 2005)

Policy L1c (Provision of New Open Space in Development)

Developments for all housing sites or commercial proposals over 2,500m² gross floor space will be required to make provision for the open space needs of future occupiers. This should be provided in addition to any area required for landscaping.

For sites of less than 10 dwellings a commuted sum payment will be required towards off site provision.

For sites of 10 or more dwellings, an assessment of existing open space provision accessible to the proposed development site including its capacity to absorb additional usage will be undertaken. This is to ascertain the type of open space required and whether on-site or a commuted sum payment for off-site provision is more appropriate (this will include the cost of land purchase), based on individual site circumstances.

The level of provision or commuted sum equivalent will be based on the following figures (a breakdown of these figures for each dwelling will be provided in a Supplementary Planning Guidance document covering open space).

The following provision of open space (or commuted sum equivalent) will be required:

- a) 0.9ha per 1,000 population / or 1,000 employees of informal amenity open space;

In addition, for housing developments:

- b) 1.7ha per 1,000 population of sports pitches;
- c) 0.7ha per 1,000 population for children's equipped playspaces.

Applicants will be expected to enter into a Section 106 Agreement towards ensuring the provision and future maintenance (whether by means of a commuted sum payment or by some other means) of the open space facility for a period of 10 years.

Rest homes and nursing homes will only be expected to provide amenity open space. Single bedroom dwellings and student accommodation will not be expected to provide children's playspaces.

11.12 The Council considers that all residents should have access to safe, attractive and useable public open space and the Local Plan Strategy aims to promote accessible open space in new residential, employment, retail and leisure developments.

- 11.13 Policy L1c aims to secure open space of a useable and maintainable standard in new residential, employment, retail and leisure developments. The thresholds for the policy to come into force have been chosen to ensure the deliverability of open space of a size, which will be of use to the community who will use it and would be viable for applicants to provide.
- 11.14 Where residential applications are for less than 10 dwellings, in most cases, a commuted sum payment towards open space provision will be acceptable. In residential developments of 10 or more dwellings and commercial developments of 2,500m² gross floor space an assessment will be undertaken of existing open space in the vicinity of the proposed development. The results of this assessment will help to determine what form the open space should take and whether it should be provided on-site, or a commuted sum payment should be made towards off-site provision (this will include the cost of land purchase). The assessment should also consider whether existing non-public open space or sports pitches can be brought into public usage.
- 11.15 A commuted sum payment will also be expected from applicants to cover future maintenance of open space, in accordance with Circular 1/97. A period of 10 years will be applied when calculating the maintenance payment to ensure that the open space can become an established feature within the local community.
- 11.16 Policy L1c should be read in conjunction with any planning advice note produced by the Council on open space at that particular time.

Annex B:

**Commuted Sum Payments for Open Space in new
Developments – A Guide for Developers (Approved by
Planning Committee on 26th April 2007 for the purposes of
Development Control)**



City of York

Commuted Sum Payments for Open Space in New Developments – A Guide for Developers

Approved by Planning Committee on 26th April 2007 for the purpose of Development Control



Introduction

The purpose of this advice note is to advise developers of the levels of commuted sum payments for open space provision, where it is established that a commuted sum will be required for residential development, and employment, retail and leisure developments of 2,500m² gross floor space or greater.

This advice note should be read in conjunction with policy L1c (Provision of New Open Space in Development) from the City of York Development Control Local Plan (April 2005), attached as Appendix A to this advice note. Advice on the application of this policy will be provided by the Development Control case officer – see contact details at the end of this advice note.

Where it is established that a commuted sum payment is required in lieu of provision of open space on site, the following standards will apply.

For residential developments:

Policy L1c (Provision of New Open Space in Development) requires a commuted sum payment towards open space provision in residential developments :

- of less than 10 dwellings; and
- of 10 or more dwellings, where there is not enough space to meet open space requirements on-site.

In developments of 10 or more dwellings, on-site provision should be provided, unless it could be proven that on-site provision would not be feasible, in which case, a commuted sum payment should be provided. Where a commuted sum payment is proposed, the payment will be made towards increasing capacity and accessibility of existing provision.

The table below shows the commuted sum payments required for residential developments. Commuted sum payments will be secured by a Section 106 Agreement.

Commuted sum required per dwelling for increasing capacity and access of existing provision (excluding the land cost element)

| No of bedrooms in a single dwelling | Children's equipped Play Space (£) | Informal Amenity Open Space (£) | Outdoor Sports Facilities (£) |
|-------------------------------------|------------------------------------|---------------------------------|-------------------------------|
| 1 | £N/A | £149 | £211 |
| 2 | £522 | £298 | £422 |
| 3 | £1044 | £447 | £633 |
| 4 | £1566 | £596 | £844 |
| 5+ | £2088 | £745 | £1055 |

(Source: Based on existing schemes within the City of York, upgraded, using the 2007 inflation figure from the Building Costs Information Service Tender Price Index 3rd Quarter Figures, as provided by the Royal Institute of Chartered Surveyors. Prices will be increased annually in line with the Building Costs Information Service Tender Price Index each April)

Please note that inflation at the time of the signing of the Section 106 Agreement must be added to the above figures, where necessary – for example, if the Section 106 Agreement was signed after revised figures were published to take into account of annual inflation.

However, in situations where commuted sum payments are required for the provision of new open space, appropriate land values at the time of determining the planning application would need to be considered in addition to the figures shown in the table above, to allow for the purchase of new land. This would normally occur when adequate, accessible open space does not exist close to the development site.

For employment, retail and leisure developments:

Policy L1c also establishes the need for employment, retail and leisure uses with a gross floorspace of 2,500m² or greater, to provide for *amenity open space*.

If it is established that a commuted sum payment is appropriate, an amount of £149 per employee would be required (calculations based on 9m² of open space per employee).

Where a planning application does not establish a number of employees within a development, the following figures would be used to calculate the required payment.

| Proposed Use Class | Number of employees per hectare |
|--|---------------------------------|
| B1 (Business) uses within the City Centre, as shown on the City of York Local Plan Proposals Map (April 2005) | 667 |
| B1 (Business) uses outside the City Centre, as shown on the City of York Local Plan Proposals Map (April 2005) | 200 |
| B2 (General industrial) uses | 133 |
| B8 (Distribution or storage) uses | 100 |

These figures are based on average densities on B1 / B2 / B8 schemes undertaken within the City of York.

In schemes which don't specify the breakdown of B1 / B2 / B8, the number of employees used in calculating the required commuted sum payments will be based on the highest number of employees per hectare.

Due to the diversity of possible uses within retail and leisure proposals over 2,500m² gross floorspace, it is difficult to establish the average number of employees. Therefore, where retail and leisure uses are proposed, officers will establish an estimate of the number of employees through discussion with the applicant.

Appendix A: City of York Draft Local Plan Incorporating the 4th Set of Changes (April 2005)

Policy L1c (Provision of New Open Space in Development)

Developments for all housing sites or commercial proposals over 2,500m² gross floor space will be required to make provision for the open space needs of future occupiers. This should be provided in addition to any area required for landscaping.

For sites of less than 10 dwellings a commuted sum payment will be required towards off site provision.

For sites of 10 or more dwellings, an assessment of existing open space provision accessible to the proposed development site including its capacity to absorb additional usage will be undertaken. This is to ascertain the type of open space required and whether on-site or a commuted sum payment for off-site provision is more appropriate (this will include the cost of land purchase), based on individual site circumstances.

The level of provision or commuted sum equivalent will be based on the following figures (a breakdown of these figures for each dwelling will be provided in a Supplementary Planning Guidance document covering open space).

The following provision of open space (or commuted sum equivalent) will be required:

- a) 0.9ha per 1,000 population / or 1,000 employees of informal amenity open space;

In addition, for housing developments:

- b) 1.7ha per 1,000 population of sports pitches;
- c) 0.7ha per 1,000 population for children's equipped playspaces.

Applicants will be expected to enter into a Section 106 Agreement towards ensuring the provision and future maintenance (whether by means of a commuted sum payment or by some other means) of the open space facility for a period of 10 years.

Rest homes and nursing homes will only be expected to provide amenity open space. Single bedroom dwellings and student accommodation will not be expected to provide children's playspaces.

11.12 The Council considers that all residents should have access to safe, attractive and useable public open space and the Local Plan Strategy aims to promote accessible open space in new residential, employment, retail and leisure developments.

- 11.13 Policy L1c aims to secure open space of a useable and maintainable standard in new residential, employment, retail and leisure developments. The thresholds for the policy to come into force have been chosen to ensure the deliverability of open space of a size, which will be of use to the community who will use it and would be viable for applicants to provide.
- 11.14 Where residential applications are for less than 10 dwellings, in most cases, a commuted sum payment towards open space provision will be acceptable. In residential developments of 10 or more dwellings and commercial developments of 2,500m² gross floor space an assessment will be undertaken of existing open space in the vicinity of the proposed development. The results of this assessment will help to determine what form the open space should take and whether it should be provided on-site, or a commuted sum payment should be made towards off-site provision (this will include the cost of land purchase). The assessment should also consider whether existing non-public open space or sports pitches can be brought into public usage.
- 11.15 A commuted sum payment will also be expected from applicants to cover future maintenance of open space, in accordance with Circular 1/97. A period of 10 years will be applied when calculating the maintenance payment to ensure that the open space can become an established feature within the local community.
- 11.16 Policy L1c should be read in conjunction with any planning advice note produced by the Council on open space at that particular time.

For more information on planning applications and the planning application process, please contact:

Head of Development Control
Planning & Sustainable Development
City of York Council
9 St Leonard's Place
York
YO1 7ET
Tel: (01904) 551553

For more information on the planning issues of open space provision, please contact:

City Development Team
City of York Council
9 St Leonard's Place
York
YO1 7ET
Tel: (01904) 551464

For more information on commuted sum payments and existing open space provision, please contact:

Head of Parks & Open Spaces
Education & Leisure
Lifelong Learning & Leisure
City of York Council
Back Swinegate
York
Tel: (01904) 553386

For more information on design of open spaces and play areas, please contact:

Environment & Conservation
Environment & Development
Planning & Sustainable Development
City of York Council
9 St Leonard's Place
York
YO1 7ET
Tel: (01904) 551312



4a) Holgate Villas, 22 Holgate Road, York YO24 4AB (11/00436/FULM)

Planning Committee update – 15 June 2011

Revised plans

Latest drawings and images dated 14.6.

Site plan: 30F

Floor plans: 31E and 32E

Elevations: 33F and 34F

Also images dated 13.5.

Alterations include:

- Clarification on materials – metal panels in copper colour and cladding between in metal panels rather than obscured glass.
- Delivery vehicle swept paths and deliveries info.

“Delivery vehicles: we anticipate that this will be done by smaller 10m box sided vans with the following anticipated frequencies:

Food delivery – twice a week.

Linen pick up / drop off – once a day

We do not anticipate that there will be many coaches coming to the hotel”.

Drawings show such vehicles can turn within the site to leave in a forward gear.

- Revised layout so road 4.5m wide minimum.
- Perspectives provided.
- Area of plant room (on the roof) reduced in area.

Comments Micklegate Planning Panel received (separate attachment).

Additional condition suggested:

Prior to first use of the development hereby approved the road and footpath shall be constructed in accordance with the arrangement shown on the site layout drawing 1074/020/030E.

Reason: To ensure appropriate access and egress, in the interests of highway safety and the convenience of the public.

HIGHWAYS (revised comments)

Experience of other sites around the city coupled with data contained within the nationally recognised TRICS database identify that the proposed development is likely to lead to a reduction in traffic generated by the site.

Proposed hotel would lead to around 28 trips at each rush hour (8-9am and 5-6pm). Not a significant amount.

Car parking is in accordance with CYC Annex E standards and uses a similar approach of limiting car parking as can be seen in other hotels in the city and immediate locality.

The hotel would not be eligible for on street (respark) parking permits

Lowther Terrace is to be widened to 4.1m, which meets national guidance for accommodating 2-way traffic flows together with the provision of a 2m footway on the Northern side of Lowther Terrace.

Extra conditions

- HWAY17 – Removal of Redundant Crossing (reinstate redundant Kerbing and Footway).
- HWAY39 – Off Site Highway Works, Details Required (Carriageway and Footway Widening).
- **Method of Works:**
Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the LPA. Such a statement shall include at least the following information;

the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours

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

Amendment to conditions

7 – large scale details. More specific on details of cladding material, added details of entrance glazing and louvres to elevations, details of enclosure between entrance area and boundary wall (shared with 20 Holgate Road).

10 – requires cycle store to be covered, details required.

Environmental Protection Unit comments

Suggested extra conditions

Delivery vehicles to the development hereby approved shall be confined to the following hours:

| | |
|---------------------------|----------------|
| Monday to Saturday | 08.00 to 18.00 |
| Sundays and Bank Holidays | 09.00 to 17:00 |

Reason: To protect the amenity of local residents and businesses.

Noise levels within bedrooms shall not exceed World Health Organisation Community Noise Guideline standards for habitable rooms: 30dB(A) Leq 8 between 23:00 and 07:00 and Lmax 45dB(A), 35dB(A) Leq 16 between 07:00 and 23:00.

Reason: To protect the amenity of occupants of the development hereby approved.

Land 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.

Reporting of Unexpected Contamination

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

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

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.

City of York Council

Extract from the Committee Minutes

| | |
|-----------|---|
| MEETING | HOLGATE AND MICKLEGATE WARD COMMITTEE |
| DATE | 9 JUNE 2011 |
| PRESENT | COUNCILLORS ALEXANDER, CRISP, FRASER, GUNNELL AND RICHES |
| APOLOGIES | COUNCILLORS MERRETT |

3. PROPOSED HOTEL DEVELOPMENT AT HOLGATE VILLA

- 3.0 Cllrs Gunnell and Crisp had to leave the meeting at this point to attend Planning Committee meeting. Cllr Riches had to leave the meeting due to another appointment.
- 3.1 Cllr Fraser said that developer was invited to the meeting, but chosen not to attend.
- 3.2 Andy Chase has explained to the meeting the application process and offered to go through the current hotel development application with whoever was interested.
- 3.3 It was explained to the meeting that the application was not yet approved and residents have the right to make a representation and register to speak at Planning Committee meeting next week.

Residents were given opportunity to raise questions.

Q - Why the developers are not here today?

A - The developer was invited, but decided not to attend. We have also asked if the developer would like to hold separate meeting that we would advertise and this offer was turned down as well.

Q - The developer has done absolute minimum regarding the consultation with residents and it's apparent that there was no good will to make representation to this meeting.

A - We are not here to defend them, the developer was asked to make the representation to the meeting, but that opportunity was turned down.

Q - Why the developer is planning to build a hotel, is there a demand for it?

A - It is entirely up to the developer what their plan for the investment is. We cannot stop developers from making applications.

- Q - The planned hotel is a low budget investment and it might attract drug users and dealers. What will you do in our estate to keep the children safe from drugs? We have asked for the park to be located on that site, not the hotel. What provision are you planning for those children?
- A - We don't know if the planning permission will be granted and when the developer will proceed with works. They will have 5 years to start works before the planning permission expires. We will address those questions with developer and get back to you. The purpose of the meeting today is to hear your comments and concerns.
- A - I don't understand the planning application process entirely and how planning officers make their decisions.
- Q - Planning officers make their recommendations purely on the project plan. Police Architectural Liaison Officer will make comments on application on how the development will impact on crime.
- Q - It seems that the planning permission will be granted anyway, as there is press for it in the area. Let the developer pay for the planning permission and then start to protest. Surely developer cannot run the business without local residents support.
- A - Not necessarily, not all submitted applications are going ahead. Residents should make the representation and pass the concerns forward to planning panel. Planning Committee has to consider all aspects before making the decision. There is only one application submitted for that site at the moment.
- Q - Does the developer own the land?
- A - Anyone can submit an application and the ownership of the land do not affect that right.
- A - Do all the applications have to be considered?
- Q - Yes, there is a timetable and all the applications have to go through the same process. There is a charge for submitting an application.
- Q - How soon will we be notified if the development is going ahead?
- A - Planning permission will be published on City of York Council website.

The following comments and queries were raised in the meantime.

- Resident expressed the concern regarding the impact of the hotel on the traffic and sewers in the area.
- Keith Chapman, Planning Panel Member, advised the meeting that the method to get their concerns across is to write them down and present the issues at the Planning Committee on Wednesday 15th June. Notification that they want to speak
- Resident commented that present owners of the building do not see the future for it and that the proposed development might be beneficial.

The meeting was announced closed at 18:50pm.