

Notice of a public meeting of

Planning Committee

- To:** Councillors Horton (Chair), Cunningham-Cross, Galvin (Vice-Chair), Ayre, Boyce, Burton, D'Agorne, Doughty, Firth, King, McIlveen, Reid, Riches, Simpson-Laing, Williams and Wiseman
- Date:** Thursday, 22 November 2012
- Time:** 4.30 pm
- Venue:** The Guildhall, York

AGENDA

Members are asked to note that Site Visits for this meeting will commence at 12:30 from Memorial Gardens on Tuesday 20th November.

1. Declarations of Interest

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda

2. Minutes (Pages 5 - 6)

To approve and sign the minutes of the meeting of the Planning Committee held on 25th October 2012.

3. Public Participation

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by **5pm on Wednesday 21st November 2012**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

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

4. Plans List

This item invites Members to determine the following planning applications:

a) **32 Lawrence Street, York (12/02609/FULM).** (Pages 7 - 44)

A Major Full Application for the demolition of existing car showroom and erection of 3, 4 and 5 storey high blocks of student accommodation comprising 244 bedrooms within 43 clusters together with associated external works. [Fishergate Ward] [*Site Visit*].

b) **Land Lying to the West Of Metcalfe Lane, Osbaldwick, York (12/01878/REMM).** (Pages 45 - 46)

A reserved matters application for details of siting, design, external appearance and landscaping of 346 dwellings (phases 3 and 4) granted under outline permission 03/02709/OUT. [Osbaldwick Ward] [*Site Visit*].

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

Democracy Officer:

Name: Laura Bootland

Contact Details:

- Telephone – (01904) 552062
- E-mail – laura.bootland@york.gov.uk

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

- Registering to speak
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- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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PLANNING COMMITTEE

SITE VISITS

Tuesday 20th November 2012.

TIME	SITE	ITEM
12:30	Coach leaves Memorial Gardens.	
12:40	32 Lawrence Street	4a
13:20	Derwenthorpe	
	(i) Site Entrance Meadlands Road	4b
	Then moving on to:	
	(ii) Site Entrance Fifth Avenue.	

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City of York Council

Committee Minutes

MEETING	PLANNING COMMITTEE
DATE	25 OCTOBER 2012
PRESENT	COUNCILLORS CUNNINGHAM-CROSS, GALVIN (VICE-CHAIR), AYRE, BURTON, D'AGORNE, DOUGHTY, FIRTH, KING, MCILVEEN, REID, RICHES, SIMPSON-LAING, WILLIAMS, WISEMAN AND WATSON (SUBSTITUTE)
APOLOGIES	COUNCILLORS HORTON AND BOYCE

16. DECLARATIONS OF INTEREST

At this point in the meeting, Members were asked to declare any personal, prejudicial or disclosable pecuniary interests they might have in the business on the agenda.

None were declared.

17. MINUTES

RESOLVED: That the minutes of the last Planning Committee held on Thursday 20th September be approved and signed as a correct record by the Chair.

18. PUBLIC PARTICIPATION

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

19. PLANS LIST

Members considered a report of the Assistant Director (City Development and Sustainability) relating to the following planning application (Former Terrys Site item only not the presentations), which outlined the proposal and relevant planning considerations and set out the views of the consultees and officers.

20. 16:35 - PRESENTATION BY PERSIMMON HOMES REGARDING RESERVED MATTERS FOR THE GERMANY BECK DEVELOPMENT.

Members received a presentation by Persimmon Homes regarding the reserved matters for the Germany Beck development.

RESOLVED: That the presentation be noted.

REASON: To keep Members informed on future applications.

21. 17:05 - PRESENTATION BY UNIVERSITY OF YORK ST JOHN REGARDING HAXBY ROAD PLAYING FIELDS.

Members received a presentation by O'Neill Associates and York St John in respect of plans for Haxby Road Playing Fields.

RESOLVED: That Members noted the presentation.

REASON: To keep Members informed on future applications.

22. 17:35 - PRESENTATION BY ASKHAM BRYAN COLLEGE FOR DEVELOPMENT PROPOSALS.

Members received a presentation from Askham Bryan College for Development Proposals.

RESOLVED: That Members noted the presentation.

REASON: To keep Members informed on future applications.

23. FORMER TERRY'S FACTORY SITE, BISHOPTHORPE ROAD, YORK, YO26 1NA (09/01606/OUTM).

Members considered a report relating to the Terry's Factory site which asked them to authorise Officers to vary the provisions of the legal agreement in respect of affordable housing to accord with the Council's interim policy.

Members noted the contents of the report.

RESOLVED: That Officers be authorised to vary the provisions of the legal agreement in respect of affordable housing.

REASON: To accord with the Council's interim policy.

CLLR J GALVIN, Chair

[The meeting started at 4.30 pm and finished at 6.15 pm].

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COMMITTEE REPORT

Date: 22 November 2012 **Ward:** Fishergate
Team: Major and **Parish:** Fishergate Planning
 Commercial Team Panel

Reference: 12/02609/FULM

Application at: 32 Lawrence Street York

For: Demolition of existing car showroom and erection of 3, 4 and 5 storey high blocks of student accommodation comprising 244 bedrooms within 43 clusters together with associated external works

By: Mr Richard Lockey

Application Type: Major Full Application (13 weeks)

Target Date: 22 November 2012

Recommendation: Approve

1.0 PROPOSAL

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

1.2 The site is located on the south side of Lawrence Street one of the main routes into York. It is an L-shaped plot which has a frontage to Lawrence Street of 28 metres with vehicular access from this frontage. The site extends back as far as the boundary with properties on Barbican Mews, approximately 100 metres and then turns east wards and extends to a frontage with Lawrence Lane (approximately 38 metre frontage). The site is 0.55Ha in size and the ground level rises from north to south with a height of 13.4 metres AOD on Lawrence Street and 15. 8 Metres AOD on the area near Lawrence Lane. Lawrence Lane is a well used pedestrian link between the city centre and surrounding outer areas. Opposite the site on the Lawrence Lane frontage the site of Local Authority pre -fabricated bungalows have been replaced by three storey flats, two storey houses and single storey bungalows. The site is bounded to the south by existing residential development on Barbican Mews, to the west is the grade II listed flax mill (also known as the Tannery) which has been converted into apartments and ground floor business units and developed within its curtilage to form addition residential units. St Lawrence Church, a grade II listed building, the tower of the former church , a grade I listed building and site of archaeological importance and the Ellen Wilson grade II listed single storey almshouses, are located to the east and north of the application site. The site is within an area of archaeological importance. The central historic core conservation area runs along the front boundary of the site. The conservation area boundary

encompasses the Ellen Wilson Bungalows to the east and has recently been extended to include St. Lawrence Church and its surroundings.

1.3 The application site lies in the AAI in an area that has produced pre-Roman, Roman, Anglo-Scandinavian and medieval deposits and is either on or immediately adjacent to the line of a Roman road running east from York. It is possible that there will be deposits relating to Romano-British exploitation of this area. The site lies south-east of the medieval city, adjacent to the site of the medieval church of St Lawrence. The former medieval church and its graveyard is a scheduled ancient monument (SAM No 34838; DYO1604). The monument includes standing and buried remains of the medieval church of St Lawrence and the majority of its burial ground. It is located in the churchyard of the 19th century St Lawrence's Church on Lawrence Street. A recent archaeological watching brief at 27 Lawrence Street has recovered a Bronze Age cremation, a first within the City of York.

1.4 The application, which has been amended since first submission, is to demolish the existing buildings on site, lower the land on the rear part of the site adjacent to Lawrence Lane by approximately 400mm and to construct three blocks of student accommodation consisting of 43 clusters. A cluster is the term used to identify a number of bedrooms being served by a kitchen and living area. The total number of bedrooms proposed is 244. Vehicular access to the site is from the Lawrence Street frontage with a secondary pedestrian access from Lawrence Lane. Internally the site provides 13 car parking spaces and turning area, areas of open space and provision for secure cycle parking for 140 cycles as well as visitor cycle spaces for approximately 26 cycles.

1.5 Block A - located on the Lawrence Street frontage provides 76 en-suite bedrooms in 14 clusters over four floors. The block has a frontage to Lawrence Street of 18.5 metres with a height to eaves of 8.25 metres and to ridge of 12 metres. The fourth level of accommodation is provided within the roof area and the pitched roof is designed around a metal standing seam flat roof with aluminium fascia. The block provides a small office on the ground floor adjacent to the entrance.

1.6 Block B - located to the rear of block A, block B provides 90 en-suite bedrooms in 16 clusters of accommodation over four and five floors. The five storey element gives the structure a maximum height of 14 metres.

1.7 Block C - located on the Lawrence Lane frontage, is set back from Lawrence Lane by a minimum of 13 metres and provides 78 en-suite bedrooms in 13 clusters over three and four floors. The block has a frontage to Lawrence Lane of approximately 22 metres with a height to eaves of approximately 8 metres and to ridge of approximately 11 metres.

1.8 The buildings are proposed to be predominantly brick construction with aluminium cladding and aluminium windows. The upper floors and roof areas are a mixture of pitched roofs, which are proposed to be slated, and metal standing seam flat roofs with aluminium fascias and aluminium windows.

1.9 The application is supported by several reports including a design and access statement incorporating heritage statement, transport assessment, draft management plan, needs assessment, a planning support statement, arboricultural reports, ecology report, drainage strategy, noise report and sustainability statement.

SITE HISTORY

1.10 Planning permission for the development of student housing was refused by Planning Committee in September 2010 (Planning ref: 10/01359/FUL) because of the impact of the development on the residential amenity of adjacent occupiers by virtue of the location and density of the development and because the location and density of development as well as its excessive scale, height and mass was considered to impact on the character and appearance of the conservation area and the setting of adjacent listed buildings. An appeal against the decision was dismissed in July 2011. The Inspector considered that the design of the student blocks along the Lawrence Lane frontage and extending back from this frontage detracted from the setting of the church and unreasonably impinges on the amenity of the adjacent occupiers of properties within Barbican Mews.

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

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYED10

Student Housing

Application Reference Number: 12/02609/FULM

Item No: 4a

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CYGP1

Design

CYGP4A

Sustainability

CYL1C

Provision of New Open Space in Development

CYGP3

Planning against crime

CYSP6

Location strategy

CYHE2

Development in historic locations

CYHE10

Archaeology

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management - No objections subject to conditions which include the installation of a BLISS system to the bus stop outside the Wagon and Horses public house, a travel plan and conditions to ensure the proper implementation of the scheme.

3.2 Environmental Protection - require conditions to ensure that residents are not affected by noise during construction and to protect future residents from noise from Lawrence Street. Conditions are suggested regarding hours of work, a CEMP and to provide sound attenuation to the envelope of the building. Due to the history of the site and adjacent sites a contaminated land condition is required. The site is located within an air quality management area. A condition is requested for those bedrooms facing Lawrence Street to have fixed windows and mechanical ventilation installed.

3.3 Integrated Strategy - An updated assessment of student housing need has been submitted which successfully demonstrates a need for student housing within the city. As such the principle of student housing on this site is established through Policy ED10. Conditions should be attached to ensure that the development is occupied for student housing to prevent the development becoming open market housing accommodation. Such open market housing would require a contribution towards affordable housing.

3.4 Communities and Neighbourhoods - Clarification is needed about how waste will be dealt with in the site. Communities and Neighbourhoods say from experience; Excess waste is likely to be produced due to students living as separate households rather than cooking together. Rubbish stored in upper floor bin stores will need to be transferred for collection on a weekly basis. Recycled waste must be correctly

segregated or will not be taken. It is advisable to reconsider the location and number of the bin stores to be sited closer to the kitchens. Bin stores will require routine cleaning to prevent the build of waste, odour and possible nuisance. A clear management plan to address recurring problems as described above will be paramount to avoid complaints and public health issues.

3.5 Design Conservation and Sustainable Development (DCSD) - Design and Conservation Officer - The revised scheme now shows a development proposal which does not cause harm to the setting of the conservation area or the adjacent listed landmark buildings as identified in the conservation area appraisal. The relationships between the blocks C and the church and block B and the former flax mill maintain the dominance of the listed buildings. The development has the potential to enhance the conservation area through the Lawrence Street frontage, although this will require careful material choice and detailing to the both the site boundary and the block A elevation eaves and roof. Overall the quality of the scheme requires careful resolution of detail where there are complex junctions between architectural elements.

3.6 DCSD- Sustainability Officer - No objections in principle but a minimum requirement of the Interim planning statement on sustainable design and development (IPS) where demolition is required is for the implementation of measures that maximise the reclamation of materials for recycling and reuse. The sustainability statement should refer to this. Conditions should be attached to any permission to ensure BREEAM 'very good' is achieved and 10% of energy demand from low carbon or zero carbon sources.

3.7 DCSD - City Archaeologist - The proposed development will have a substantial impact on the significance of archaeological features and deposits (undesigned heritage assets). However, the significance of these assets is not sufficient to warrant refusal of this application. Preservation in-situ, as set out in City of York Council Policy HE10, will be very difficult to achieve given the scale of the development and its associated ground works. It will be appropriate therefore to require, in line with the guidance set out in the NPPF and with the recommendation contained in the YAT Archaeological Statement, that the archaeological features and deposits (undesigned heritage assets) on this site are recorded through an archaeological excavation prior to development commencing. Conditions to achieve the excavation and recording are suggested.

3.8 DCSD - Landscape Architect - No objections subject to conditions to protect existing trees on the boundary of the site and to ensure a suitable landscaping scheme.

3.9 DCSD - Countryside Officer - an Ecological Appraisal and general walk over survey has been carried out since the time of the last application by an ecologist in July this year (2012). Overall the site was found to be of relatively low ecological

value and the buildings were assessed as offering low-negligible potential for roosting bats. The Countryside Officer agrees with these conclusions. There are opportunities for enhancing the site to benefit a range of wildlife species. A condition should be attached to any consent given to secure enhancements to the building and the landscape to help increase the biodiversity value of this site.

3.10 Strategic Flood Risk Management - No objections in principle subject to drainage conditions. The site is within flood zone 1

EXTERNAL

3.11 Fishergate Planning Panel - Support the application provided that the details follow the broad outline of the letter from the Students' Union.

3.12 Yorkshire Water Authority - No objections in principle, however conditions are requested to ensure that the development has an adequate water supply.

3.13 Environment Agency - No objections. Informatives are suggested in relation to the management of off site contaminated waste disposal.

3.14 English Heritage - English Heritage say that their remit is limited in terms of the design of the buildings. The presence of the adjacent heritage assets needs to be fully taken into account and the documents need to show this. There should be a robust archaeological mitigation strategy agreed with the City Archaeologist.

3.15 Conservation Area Advisory Committee - The panel felt that the massing of this proposal should be reduced by 1 storey at both ends of the site. The panel felt that the architect should not rely on the Church as a guide to height and massing, as churches should be seen as individual buildings and not indicative of the general surroundings. The panel felt that the architectural style should be reassessed to relate to the more typical domestic buildings within the locality.

3.16 There have been 47 letters of objection and comment covering the following points:-

- Concerned about the overall height and amount of development
- Concern about the amount of people living on such a small site, lack of bin storage and no warden control
- Systems have insufficient capacity to take extra waste water
- The height of the development is incompatible with the surrounding development
- The height of the building will dominate the Tannery Mews block
- Bedrooms in the Tannery Mews block rely on velux roof lights. The height of the new development will mean that there will be a direct view into Tannery Mews bedrooms.
- There will be a significant increase in noise levels from the site
- The noise report does not make reference to the church bells

- The level of parking provision is not adequate; students will park off site on adjacent unrestricted streets such as Farrar Street
- Increase in student housing will have a negative impact on the area. It seems that the Lawrence Street area has taken a significant proportion of the student housing for its size.
- The development will not reduce the need for private housing as the University has expanded and is unable to contain students within the campus
- The site should be used for first time buyer housing or as a car park
- The development will have anti-social effects and will devalue property
- There is already an increase in anti-social behaviour and noise in the area
- Crime will increase as students are seen as an easy target. Insurance premiums will rise for adjacent residents
- More student housing is not required
- Although the site has suffered from squatters since the site has been properly secured there have been no problems
- Privacy and light will be lost to properties on Tannery mews as a result of the height of the proposed buildings
- Site would be better suited to local shop use or a community centre
- The facilities and ambience of the church will be spoilt
- Development will overlook gardens of Barbican Mews
- The amount of students has the potential to discourage new comers to the city and tourists
- The scheme shows an increase in student rooms over the previous refused scheme
- The scheme needs an agreed management policy
- The level of parking is inadequate and will affect businesses operating on Leake Street.
- Future residents should be made aware of the church bells and suitable insulation should be placed within buildings.
- The bells are sometimes used very intensively as they are used for teaching bell ringing, measures should be incorporated into the development to ensure that bell ringing can continue with no additional restrictions or cost.
- The development on the old dairy site is too big and too dense, Lawrence Street is in danger of being swamped by student housing.
- The development of this brown field site will take pressure off greenfield sites.
- The development will impact on the setting of St. Lawrence's church
- The needs assessment does not take account of the student scheme being constructed on Carmelite Street

3.17 A letter of support, with a number of caveats, has been received from the York Students Union and can be summarised as follows:-

- Committed to improving student housing in three ways by increase choice, quality and value for money. The union believe that short term rental accommodation will drive up standards through competition and will reduce the need to convert properties to HMO's

- The union is committed to reducing car parking tensions in the area and consider that car parking should be increased or conditions be placed in tenancy agreements that residents can not park cars near the property.
- There should be adequate secure parking for bikes.
- There should be 24 hour security staff on site.
- To keep noise to a minimum there should be 24 hour staffing of the site and a night Marshall Scheme should be introduced.
- To deal with end of term litter the currently operated Big Green Clean scheme should be extended to include the site to reduce the risk of refuse littering the streets outside.
- The scheme should provide some rooms for students with families.

4.0 APPRAISAL

4.1 key Issues :-

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

4.2 The site is 0.55 ha of previously-developed land in a sustainable and accessible location close to the city centre.

4.3 The National Planning policy Framework (NPPF) says there are three dimensions to sustainable development economic social and environmental. These roles should not be taken in isolation, because they are mutually dependent. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. (Para. 7 and 8)

4.4 Paragraph 14 of the NPPF says at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development.

4.5 Section 6 of the NPPF addresses the delivery of a wide choice of high quality homes. Housing applications should be considered in the context of the presumption in favour of sustainable development. (Para. 49).

4.6 Section 7 of the NPPF requires good design. Paragraph 56 says good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment (Para 61).

4.7 Section 12 of the NPPF is concerned with conserving and enhancing the historic environment. In determining applications paragraph 128 says Local Planning Authorities should require an applicant to describe the significance of any heritage assets affected including any contribution made by their setting. Local Planning Authorities should take account of, among other things, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability and the desirability of new development making a positive contribution to local character and distinctiveness.

4.8 Paragraph 139 says non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

4.9 Paragraph 141 says that developers should record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

4.10 The practice guidance to PPS5 currently remains extant despite PPS5 having been superseded by the NPPF. The practice guide provides detailed advice on how to manage heritage assets. Paragraph 80 of the document says the design of new development contributes positively to the character, distinctiveness and significance of the historic environment. A successful scheme will be one whose design has taken account of the following characteristics of the surroundings, where appropriate: - The significance of nearby assets and the contribution of their setting, the general character and distinctiveness of the local buildings, spaces, public realm and the landscape, landmarks and other features that are key to a sense of place, the diversity or uniformity in style, construction, materials, detailing, decoration and period of existing buildings and spaces, the topography, views into and from the site and its surroundings, green landscaping, the current and historic uses in the area and the urban grain. The guide says some or all of these factors may influence the

scale, height, massing, alignment, materials and proposed use in any successful design.

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

- Policy SP6 'locational strategy' says that development will be concentrated on brownfield land within the built up urban area of the city and urban extensions.
- Policy ED10 - Student housing says that off campus residential accommodation will need to meet certain criteria. These are that there is a recognised need for the development; there is good accessibility by foot, cycle and public transport to the relevant educational institution and local facilities; the location and scale of the development is appropriate to the immediate surroundings; the development would not be detrimental to the amenity of nearby residents and the design and access arrangements would have minimal impact on the local area; car parking is of a satisfactory standard.
- Policy GP1 'Design' includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.
- Policy GP3 'planning against crime' requires new development where deemed appropriate to incorporate crime prevention measures
- Policy GP4a 'Sustainability' states that proposals for all development should have regard to the principles of sustainable development. Development should: provide details setting out the accessibility of the site by means other than the car and, where the type and size of development requires, be within 400 metres walk of a frequent public transport route and easily accessible for pedestrians and cyclists; contribute towards meeting the social needs of communities within the City of York and to safe and socially inclusive environments; maintain and increase the economic prosperity and diversity of the City of York and maximize employment opportunities; be of a high quality design, with the aim of conserving and enhancing the local character and distinctiveness of the City; minimize the use of non-renewable resources, re-use materials already on the development site, and seek to make use of grey water systems both during construction and throughout the use of development. Any waste generated through the development should be managed safely, recycled and/or reused. The 'whole life' costs of the materials should be

considered; minimize pollution, including that relating to air, water, land, light and noise; conserve and enhance natural areas and landscape features, provide both formal and informal open space, wildlife area and room for trees to reach full growth; maximize the use of renewable resources on development sites and seek to make use of renewable energy sources; and make adequate provision for the storage and collection of refuse and recycling.

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

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

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

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

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

4.12 The site is located adjacent to the Central historic core conservation area which was originally designated in 1968 and has recently been subject of a review which increased the area included within the conservation area adjacent to the site.

PRINCIPLE OF THE DEVELOPMENT

4.13 The site is a vacant garage site. The premises were last used for both car sales and repairs. It is Officers opinion that the existing use is not an employment use as defined by the Town and Country (use classes) Order 2005. There is therefore nothing within the Local Plan which sets out sequentially preferable uses for the site.

4.14 The previous application on this site and the subsequent dismissed appeal do not raise objections to the principle of student accommodation at this site. Policy ED10 sets out the criteria against which off site campus accommodation should be considered. The criteria are set out in paragraph 4.11 above. The current proposal is supported by a needs assessment which concludes that the application scheme will provide much needed accommodation to meet both existing and future student housing requirements and will directly assist in releasing existing market housing to meet the identified affordable housing needs particularly of the Fishergate ward. The Integrated strategy team consider the report successfully demonstrates there is a need for student housing. A letter of objection raises the concern that the needs assessment does not take into account the approval for student housing at Carmelite Street for 258 student flats. This scheme is currently under construction. The integrated strategy team acknowledge that the scheme is not considered in the needs assessment but say that the inclusion of the Carmelite Street site would not significantly alter the conclusions of the needs assessment. Taking into account the Carmelite Street site there is still a need for student housing. The site is sustainably located on the edge of the city with good pedestrian, cycle and public transport links. The principle of the development is considered to comply with the principle requirements of Policy ED10. The consideration of the details of this scheme is set out below.

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

4.15 The NPPF says at section 7 with regard to good design that planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area; establish a strong sense of place; optimise the potential of the site to accommodate development; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

4.16 The application is supported by a design and access statement and a heritage statement. The heritage statement concludes that the design, scale and layout will offer a positive contribution to the area without causing a negative impact on the heritage assets surrounding the site.

4.17 The existing site has few redeeming features it is an industrial, hard surfaced area with no landscape features. There is one main industrial structure located on the western boundary of the site. Any visual quality the site has is a result of its relationship to adjoining sites, existing adjacent tree cover and existing boundary

walls which have the potential to be significantly enhanced by the redevelopment of the site.

4.18 St. Lawrence Church, the adjoining Ellen Wilson almshouses, the church hall and the grade 1 listed church tower have a well defined, mostly walled, site boundary. The setting for the church and the surrounding listed buildings is mainly contained within this boundary wall as the environs and surrounding features which directly contribute to the atmosphere of the building are contained within this space. Despite the built up nature of the area there are views into and out of the church site which contribute to the visual quality of the area, in particular the approach to the church along Lawrence Lane footpath, the Ellen Wilson almshouses are visible along the Lawrence Street frontage and the church itself is visible above the adjacent buildings from most directions. To the west side of the site is the grade II listed flax mill building (also known as the Tannery) which has been surrounded by new development. Again the setting of this building is mainly contained within its boundaries apart from the view to the elevation which shares a boundary with the application site and views through to the building from Barbican Mews. In considering development proposals, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard should be paid to the desirability of preserving the setting of listed buildings. In the context of the impact of the development on the church and adjacent listed buildings in Officers view the main issues to address are: the height of the development; its impact on views along Lawrence Lane; proximity of the new blocks to the church and the relationship of the development to the almshouses. The conservation area boundary includes the almshouses and in the most recent review of the conservation area boundary has been extended to include the whole of the churchyard. Therefore views into and out of the conservation area are an important consideration in relation to the Listed building and Conservation Area Act 1990 and the practice guide to PPS5.

4.19 The proposed block A on the Lawrence Street frontage of the site will almost match the height of the adjacent block on the flax mill (Tannery) development. The proposed block has a pitched roof with use of the roof space being achieved by a flat roof structure incorporated in to the pitch to give the appearance of dormer windows to the street elevation. The roof structures on the street frontage are set in by 3 metres on the roof so that when approaching the site from the east they will not be significant part of the gable elevation. The gable elevation when approaching from the east is considered to be appropriate to the street scene.

4.20 Block A brings development significantly closer to the almshouses and closes up the street frontage so that little of the rear of the site will be visible from Lawrence Street. The almshouses have a substantial boundary wall dividing them from the site and this change of scale is not inappropriate in a varied street scene. It is considered that the design of block A presents an acceptable visual presence along the street frontage subject to well executed detail including; boundary treatment, windows, window heads and sills and eaves details. All these elements of the

building design are proposed to be conditioned. In terms of the approach to the site from the west views are already obscured by existing development and the further frontage building will not significantly alter views from this direction or adversely affect the adjacent heritage assets. The appeal Inspector in considering the appeal scheme, which proposed a very similar height of structure along the site frontage, concluded that the front block of that scheme would 'not harmfully dominate or visually enclosing the almshouses whose principal elevation is east-facing into the churchyard enclave. Nor would the presence of the block result in such loss of views of the church when approaching from the west along Lawrence Street, that this would be harmful to the setting of the heritage assets; views which in any event are gained at present across an unattractive expanse of hardstanding and are partially obscured by existing trees within the grounds of the church'. Having regard to the appeal decision and the general considerations set out above the siting and design of block A along the frontage of the site is considered to be acceptable.

4.21 At the appeal for the previous scheme the Council and the Inspector agreed that the most significant view of the church is gained walking in a northerly direction along Lawrence Lane. From here the imposing bulk and grandeur of the structure can be appreciated in contrast to the more domestic-scaled development round about. The Inspector considered the previous scheme for this area of the site was unacceptable because the structure would become a dominant foreground element in the approach towards the church. The previous scheme was for a block some 6 metres back from the Lawrence Lane frontage. The approach on this scheme is to set the block further back into the site so that the south transept of the church is less dominated by the proposed structure. The proposals for block C shows an angled frontage to Lawrence Lane so that the building is set back from this frontage by between 13 and 20 metres. The height of the structure, being designed with a pitched roof with roof windows over four floors, is approximately 8 metre to eaves and 11 metres to apex, higher than the previous scheme. (The height is taken from the slightly lowered ground level to be reduced by 400mm). However the position of the block means that, in Officer opinion, when approaching the site along Lawrence Lane the bulk of the church and its relative dominance will still be the primary view. It is considered that the new position of the structure allows the visibility and dominance of the church to remain and overcomes the Inspectors previous concerns.

4.22 The frontage of Block C is 22 metres long; to the northern side of the block is a set back area which provides a bedroom at three levels. Officers are concerned that this side addition complicates the design of the block, obscures visibility to the entrance of block C for Lawrence Lane entrants and narrows the gap between the church and the site. An amended plan has been requested which removes this side addition from the design of the building. A further amended plan to address this matter will be reported to Committee.

4.23 The flax mill building to the west of the site is Grade II listed. The redevelopment of the flax mill site means that there is already a considerable amount of development within its own curtilage which has to a degree affected the setting of the listed building. The remaining qualities of the buildings setting lie in the height of the structure and its dominance of its immediate neighbours. Block B which is located to the rear of block A, and separated from it by a gap of 5 metres, is four and five storeys high. Block B is designed so that it is sited along the western boundary set away between 3 and 4 metres and is set back from the southern boundary with Barbican Mews by 26 metres which means that the end elevation of the flax mill building, which is currently obscured by existing industrial buildings, will be revealed and will be set against the open space for the development. Views from the church yard towards the flax mill building will be dominated by block B. However the existing views from the church to the mill buildings are obscured by significant trees, the existing buildings on the site and the development within the curtilage of the mill itself. Despite the height of Block B officers are satisfied that the overall height of the scheme will not impact on the dominance of the flax mill buildings.

4.24 The height of the development overall is at its maximum 14 metres to apex on block B and 12 and 11 metres on blocks A and C. The more distant views of the church with its substantial height and presence will not be affected by this height and in terms of the setting of the listed building the height of the proposed structures is considered to be acceptable.

4.25 The site is surrounded by a mix of development types with varying elevational treatments and a variety of materials, layout, scale, mass and design. This makes the identification of a particular urban grain (pattern of arrangement of street blocks and plots) for the area difficult. What can be identified is that the earlier structures surrounding the site benefit from slate roofs, good quality simple brick work and pitched roofs. The juxtaposition of buildings is varied as is the scale and massing. In this context the use of the materials proposed (slate roofs and brick work) with the introduction of a modern element (grey metal panelling) would in Officers opinion relate the development to its surroundings. The scheme is self-contained within the plot but the access both pedestrian and vehicular remains related to the surrounding road/ footpath network. As with the previous scheme, the roofscape is somewhat complicated, having significant flat roof areas within the pitched roofs; this is a function of the requirement to achieve a high density development. However the roofscape presents an acceptable frontage to the main view points into the site and in other areas is not considered to dominate the design so as to warrant refusal of the application. The Design and Conservation Officer considers that it is important that as a principle the development does not compete with the dominance of the church and the flax mill buildings in the cityscape. In the final iteration of the design this balance is achieved by the reduced height of elements of block C and limited extent of the 5 storey element of block B which ensures that the adjoining former flax warehouse retains its dominance. There are reservations about the roof detail and the Design and Conservation Officer says that the success or otherwise will rest

in the resolution of detail. Such detail is the subject of proposed conditions. Overall the design of the scheme is considered to meet the requirements of advice in the NPPF and the draft local plan

LANDSCAPING AND AMENITY AREAS

4.26 The scheme incorporates two relatively substantial areas of open space. The positioning of these spaces is a function of the need to retain views through the site. The first space is located to the front of block C adjacent to Lawrence Lane. The Landscape Architect says that this space should be planted so as to assist the setting the buildings. Landscaping of this area can be sought by condition and should include a variety of trees. The second space is to the rear of block C and is bounded by the southern boundary with Barbican Mews and the western end elevation of the flax mill building. This area is capable of providing a useful outdoor space and appropriately planted will enhance the use of the space and setting of the existing and proposed buildings. The structural planting scheme submitted, which provides the overall suggested planting areas, incorporates a good number, range, and size of trees. Conditions are proposed to achieve a suitable landscaping scheme.

4.27 The Landscape Architect refers to three sycamore trees that are located within the adjacent church site but which overhang the application site. These trees are not worthy of a Tree Preservation Order but are afforded some protection as they are located within the conservation area. The arboricultural report that supports the application acknowledges the amenity value of the trees and indicates that no works are proposed to the trees. The report also suggests protection during the construction phase of the development. The trees currently provide maturity and visual quality to the site and a condition is proposed to ensure their protection during the construction of the development.

RESIDENTIAL AMENITY

4.28 Policy GP1 requires that, among other things, development proposals should ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. Similarly one of the core principles within the NPPF says that development should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'

4.29 The site is a former garage which operated as retail showroom and repair/servicing facility. The front of the site was used as a forecourt/car sales area. The rear part of the site provided parking and entrance to the vehicle repairs area. The site is bounded by residential development to all its boundaries, apart from the area where the church is located. A residential redevelopment scheme for the area of the site adjacent to Lawrence Lane is almost complete. The site has well

established boundary treatment consisting of mainly brick walls of varying height, age and quality, the rear part of the site is also enclosed by a substantial metal security fence.

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

4.31 Structures - To the west is the site of the former flax mill. The flax mill building has been converted into apartments with ground floor business units. Within the boundary of the flax mill new dwelling units have been constructed and on the joint boundary with the application site stands new development which provides three levels of accommodation in a structure that stands about 6.5 to eaves and 9.5 to apex. The only window facing on to the site on these units are roof lights to each unit which provide light to the second bedroom and to the hallway. There are also glass bricks in the walls to bring a little additional light in to the buildings. Beyond these structures to the south is an open space area which extends 14 metres along the western boundary of the site and then the gable end of the flax mill which is a four storey structure standing about 11 metres to eaves and 14 metres to apex. To the front of the mill site on the western boundary is a further new building the side of which extends almost to the boundary and provides a full three storeys of accommodation with use of the roof space. Within the application site there are existing building running along the western boundary. These buildings extend forward as far as the mew buildings.

4.32 The proposed development on the western boundary consists of two blocks (referred to as block A and B) of four and five storeys of accommodation the upper level of each being provided within the roof space. Single storey flat roof buildings are located up to part of the boundary to provide cycle parking. The front part of block A is located 1.5 metres off the boundary and is adjacent to the blank gable of the adjoining building. The depth of this part of the structure is similar to the adjacent block. The positioning of this part of the block will have no impact on the adjacent development on the western side. The rear part of block A is located 4 metres from the western boundary and 5 metres from the three storey mews properties. This part of the block stands just over 9 metres to eaves and 11.2 metres to ridge. This part of the block is 20 metres long. There is a 5 metre brake between block A and block B and then block B runs along the western boundary at a distance of between 6 and 7 metres from the boundary. This part of block B is 19 metres long and is the same height as the rear part of block A. The entrance area to block B is then set back from the boundary by 11 metres and is attached to a five storey part of block B which is gable end on to the western boundary at between 2 and 4 metres away. This part of the block stands 11 metres to eaves and 14 metres to full height. However there is

an area of flat roof adjacent to the boundary side that stands 11 metres to maximum height. The length of the gable is approximately 12 metres and extends beyond the mews properties by 6 metres leaving the remaining length of the boundary undeveloped. Windows in the lower part of block B and in the rear part of block A face the boundary, the third level windows have been designed with restricted views.

4.33 The appeal inspector in considering the previous application on this site said 'The proximity and height of Blocks Two and Three would result in some loss of outlook. However, I do not consider any loss of light or sense of domination resulting from the proposals would be so great that this would in its own right be sufficient to warrant rejection of the scheme'. The previous scheme had a greater amount of development along the length of the boundary and was generally closer to the boundary; the overall height of the structures were, however, lower. In Officers opinion the current scheme will restrict views across the site that are currently visible from roof lights but because of the distances from the boundary, the break in the building between Blocks A and B and the set back of entrance areas further from the boundary the development is not considered to so dominate roof light windows that refusal of the scheme is warranted.

4.34 The single storey almshouses are located on the eastern side of the site close to the entrance point for the development. The almshouses are sited 6 metres away from the boundary and 4 metres from a rear off-shot which has a small frosted window in the rear elevation. The boundary between the site and the almshouses is defined by a wall approximately 2 metres high. The site is to be accessed via the existing access located at this eastern boundary. Block A runs parallel with the eastern boundary the block is located between 8 and 9 metres away from the joint boundary. Again in the determination of the previous scheme the appeal Inspector said that being to the rear he did not consider that the proximity, height or bulk of the frontage block would result in any undue loss of amenity for occupants of the almshouses by reason of being overly dominant or overbearing. The current proposal introduces a similar massing to the previous scheme along this boundary although the block is a consistent 9 metres from the boundary along the length of the almshouses where as the previous scheme after the initial gable was set further from the eastern boundary. However Officers consider that because of the orientation of the almshouses and the distance of the block from the boundary the structures will not be unduly dominant. The elevations facing the almshouses will have bedroom windows which will be facing the almshouses at a distance between the rear elevations to the block of 16 metres. In the context of the design, orientation and amenity space of the almshouses the intervening access proposed and the existing boundary treatment the distance of 16 metres is considered to be acceptable.

4.35 The area of Barbican Mews adjacent to the boundary is two storey development consisting of a mix of flats and houses. The gable elevations of the

properties face the site with a small number of windows serving hallways and kitchens on the gable ends. The boundary between the site and the Mews is mostly defined by a 3 metre high wall although the eastern most part is defined only by the security fence and is therefore more open. The proposal adjacent to the Barbican Mews is to construct block 4 and 3 storeys high at between 3 metres and 7 metres from the joint boundary for a distance of 39 metres along the boundary, the remainder of the boundary remains open (approx. 45 metres). The part of the block facing Lawrence Lane is 3 metres from the joint boundary and stands 8.5 metres to eaves and 11 metres to apex. The block extends 9 metres in front of Barbican Mews properties. The rear part of block C faces the joint boundary with Barbican Mews at a distance of 7 metres and has been designed at a lower level along the boundary standing 6 metres to eaves and 10 metres to apex. First floor windows face the boundary, with second floor lighting being achieved through velux roof lights. Overall development along this boundary has been significantly reduced as part of this scheme. In officers opinion the amount of development, its height and design provides a satisfactory relationship with the adjacent development within Barbican Mews.

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

4.37 The site has two main entry points the vehicular and pedestrian access from Lawrence Street and the pedestrian access from Lawrence Lane. To get to these entry points access is along Lawrence Street from town or Hull Road or from the Heslington Road area along Lawrence Lane. Entrance from Lawrence Street is set against a back drop of a busy road and other commercial enterprises which operate until the late evening. The access itself from Lawrence Street has been a commercial entrance and has had an established pattern of relatively frequent day time use so that despite the proximity of the site to the almshouses there has, for a considerable time, been traffic and pedestrian movements in this area. In the later part of the evening there will be a certain reliance on the management plan proposed to ensure that residents entering and leaving the site have regard to neighbours but this is not considered significantly different than would be expected in any residential area. Similarly the Lawrence Lane entrance as an established pedestrian route provides a separate route to the site which passes relatively few dwelling frontages. Much of the development itself is facing into the site so that main room windows are away from the surrounding residential properties and shielded

from them by the bulk of the buildings. The site therefore is relatively contained. Furthermore the management for the site would be an important tool in managing behaviour on the site. Officers consider that given the layout of the development and the conditioning of the scheme to ensure a management plan for the site that the development can be accommodated without affecting the amenity of adjacent residential sites.

4.38 The Environmental Health Officer has raised concerns about the amenity of future occupiers of the site. The concerns relate to the noise from the road and the location of the site within an air quality management area. Letters of objection have raised concerns about the proximity of the site to the church bells. The application is supported by a noise report and the Environmental Health Officer is satisfied that subject to conditions which ensure the envelope of the building is designed to achieve appropriate internal noise levels the application is acceptable. In relation to the proximity to Lawrence Street and the Air Quality Management area the suggested condition from Environmental health would result in all windows on the Lawrence Street frontage having fixed openings. Officers are investigating whether it would be necessary to fix all windows on this elevation as this is not an ideal solution particularly where these are the main habitable rooms. Members will be updated at committee on this issue.

HIGHWAYS, ACCESS AND PARKING ARRANGEMENTS

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

4.40 Thirteen car spaces are proposed three of which are to be restricted to disabled students and staff/wardens. The peak demand for car parking will be generated during the term time start/end periods as students arrive and leave. In order to assist with the management of car parking during these periods informal areas for temporary car parking is available within the site. A management plan is also to be implemented which will ensure that the units are occupied/vacated in a staggered approach in order to further minimise and manage the number of cars entering the site. Information supplied by the applicant indicates that this may be achieved through a booking system where students have to book a time slot in which to move. Such an approach has been previously agreed by the authority at two adjacent sites on Navigation Road. Surrounding streets are protected by various waiting restrictions, which will reduce the potential for indiscriminate parking. Furthermore it is proposed to include a restrictive covenant within the lease agreements that the student occupiers do not bring vehicles to the site. Officers therefore do not have concerns with the level of car parking being proposed on such a type of development in this location.

4.41 Covered and secure cycle parking has been provided at various locations around the site and there are also areas of visitor cycle spaces. Cycle parking provision is above 50% of the CYC Annex E maximum standards, which compares favourably with recently approved schemes at Navigation Road and Heslington East where 50% provision has been approved. This is considered to be a realistic level of provision.

4.42 The site is located close to the city centre and has bus stops within a short distance of the site, serving locations such as the university. The applicant has also confirmed in writing that they are willing to fund the provision of a real time BLISS display at the adjacent stop outside the Wagon and Horses public house. Highway network management require conditions to cover the detailed implementation of the scheme.

ARCHAEOLOGY

4.43 An archaeological evaluation of the site has been carried out in advance of an earlier application for development on this site. MAP Archaeological Consultants to carry out the evaluation between February and March 2009. A report on the evaluation has been submitted to the City of York HER (SYO1171).

4.44 The applicant has submitted an Archaeological Statement prepared by York Archaeological Trust (YAT) and dated 30/07/2012. The Statement references the evaluation work carried out by MAP and recommends that (those areas to be disturbed by ground works are subject to an archaeological excavation, undertaken prior to the start of the development).

4.45 The City Archaeology has noted the recommendation and assessment contained in the YAT Archaeological Statement and also used the information contained in the MAP evaluation report (a) to determine the impact of the proposed development on the significance of the heritage assets preserved on this site and (b) to determine what mitigation measures are reasonable and proportionate.

4.46 Six evaluation trenches were excavated. 4 of these trenches to the rear of the site were all heavily disturbed by nineteenth and twentieth century structures and service trenches. Medieval features dating from the twelfth to fourteenth centuries were found in trenches 1, 3, 5 and 6. Post-medieval features, dating from the seventeenth and eighteenth centuries, were found in trenches 4, 5 and 6. Trench 2 contained only modern features. Residual finds included shreds of Roman pottery and pre-Conquest/Saxo-Norman pottery and suggest a background of earlier activity in the area. These archaeological features and deposits are not of national importance.

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

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

4.49 It will be appropriate therefore to require, in line with the guidance set out in the NPPF and with the recommendation contained in the YAT Archaeological Statement, that the archaeological features and deposits (undesigned heritage assets) on this site are recorded through an archaeological excavation prior to development commencing. The archaeological excavation will include (a) the excavation of the footprints of the proposed blocks to formation levels and (b) the excavation of all service trenches, attenuation tanks and other excavations for services and utilities. It will be necessary to have an archaeological watching brief on all other ground works (e.g. removal of foundations, storage tanks etc). The archaeological project must also include post-excavation analysis, reporting and publication of the results of the excavation; deposition of the archive with the Yorkshire Museum; and community access and involvement in all stages of the project. Conditions are proposed to ensure that the above archaeological work is secured.

SUSTAINABILITY

4.50 The Sustainability Officer has indicated that the achievement of a BREEAM 'very good' rating should be achieved and suggests a condition to ensure that a Post Construction assessment is submitted to secure a 'very good' rating. In terms of achieving 10% renewables on site the applicant has confirmed that a number of suitable renewable technologies are to be considered for the project. A condition to ensure 10% renewables is achieved for the development is proposed. Such a condition is in line with the requirements of the IPS on Sustainable Design and Construction. On the basis of the information submitted and with the conditions proposed it is considered that the development complies with the requirements of GP4a and the interim planning statement on sustainable development.

OPEN SPACE

4.51 An off-site open space contribution is required for sports pitches in accordance with policy L1c of the DLP. There is no requirement for a commuted sum towards amenity open space as there is sufficient space provided on site. The contribution for off site outdoor sports provision is based on £199 per unit. The sum required for off site sports pitches is £48556 based on 144 dwelling units. The applicant has indicated that such a commuted payment would be acceptable in principle and it is hoped that prior to committee there will be a unilateral undertaking in place to cover this amount. Further information on this matter will be reported to committee.

DRAINAGE AND FLOOD RISK

4.52 The development is in low risk flood zone 1 and should not suffer river flooding. The application is supported by drainage strategy. Strategic Flood Risk Management raises no objections to the application subject to conditions ensuring satisfactory drainage. Yorkshire water Authority are raising no objections to the principle of the development subject to conditions which require the upgrading of the water supply and condition the details submitted within the drainage strategy.

BIODIVERSITY

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

CRIME PREVENTION

4.54 The NPPF says at paragraph 58 and 69 that planning policies and decisions should aim to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

4.55 The Police Architectural Liaison Officer says that the behaviour of homeless persons/squatters on the current site has placed a huge demand on police resources. Development of this land will help to improve the environment and eradicate some of the crime and disorder problems that have been experienced. It is being requested by the police Architectural Liaison officer that if planning permission is not granted section 215 of the Planning Act should be used to clear up the site. In terms of the detail of this application there is concern that the application does not

provide sufficient information about how the site will be managed. Conditions proposed on the permission require full details of the management of the site to be submitted and specifically requires details of crime prevention measures to be incorporated into the scheme to be approved and implemented. With these conditions it is considered that the concerns of the Architectural Liaison Officer and the requirements of the NPPF are satisfied.

OTHER ISSUES

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

5.0 CONCLUSION

5.1 Policy ED10 sets out the criteria against which off site campus accommodation should be considered. The criteria are set out in paragraph 4.11 above. The application is supported by a needs assessment. Integrated Strategy are satisfied that the applicant's needs assessment successfully demonstrates a demand for student housing in accordance with the requirements of policy ED10. Furthermore the Inspector in dealing with an appeal against student housing on this site did not object to the principle of the development.

5.2 The site is located close to the city centre and has bus stops within a short distance of the site, serving locations such as the university. The site is sustainably located on the edge of the city with good pedestrian, cycle and public transport links. It is considered that the locational requirements of policy ED10 are satisfied.

5.3 In terms of the design of the scheme including the impact of the development on the setting of surrounding listed building and the adjacent conservation area; overall it is Officers opinion that the design of the scheme meets the requirements of advice in the NPPF and the requirements of local plan policies ED10 and GP1. The Design and Conservation Officer is not objecting to the scheme.

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

tight relationship between sites as is the nature of development in this location. Officers consider that overall the scheme, as amended, is sufficiently well related to surrounding properties to support the application. In terms of the use; the site is relatively contained and has a previous industrial use Officers consider that with a management plan in place the use of the site is acceptable. The principle of the use of the site was accepted by the appeal Inspector on the previous scheme.

5.5 In all other respects it is considered that the scheme can be adequately conditioned for the development to accord with policies in the draft local plan and to meet the requirements of the NPPF. It is anticipated that the contribution for off site outdoor sports provision will be agreed via a Unilateral Obligation from the applicant prior to Committee.

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:-

Plans to follow

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

3 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs . This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

4 Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees as well as any works proposed to the trees shown within adjoining land but overhanging the site on the approved

drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations shown on a plan of protective fencing, phasing of works, site access during demolition/construction, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles and storage of materials, location of marketing cabin.

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

5 VISQ8 Samples of exterior materials to be app -

6 VISQ7 Sample panel ext materials to be approv -

7 HWAY10 Vehicular areas surfaced, details reqd -

8 The development shall not be brought into use until the existing vehicular crossing not shown as being retained on the approved plans has been removed by reinstating the the kerbs, footway and cobbles incorporating landscape features to match adjacent levels.

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

9 HWAY18 Cycle parking details to be agreed -

10 HWAY19 Car and cycle parking laid out -

11 HWAY21 Internal turning areas to be provided -

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

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

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

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

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

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

14 The site shall not be occupied until a Full Travel Plan has been submitted and approved in writing by the LPA. The travel plan should be developed and implemented in line with local and national guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan. Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

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

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

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

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

the required level of generation.'

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

17 ARCH1 Archaeological programme required -

18 ARCH2 Watching brief required -

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

a. Site Characterisation

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

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

(i) a survey of the extent, scale and nature of contamination (including

ground gases where appropriate);

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

b. Submission of Remediation Scheme A detailed remediation scheme to bring the site to a condition suitable for the

intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must

include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c. Implementation of Approved Remediation Scheme

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

20 C2 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.

21 A full Lighting Impact Assessment shall be undertaken by an independent assessor (not the applicant or the lighting provider), and shall be submitted together with detail of all proposed external lighting. The details of the lighting and assessment shall be approved in writing by the Local Planning Authority. The Lighting Impact Assessment shall include the following:

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

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

Reason: In the interests of residential and visual amenity

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

Reason: In order to ensure that the Council retain control over the future occupancy of the development and to ensure that the proposal accords with the submitted needs assessment dated August 2012 and addendum dated October 2012.

23 Prior to the first occupation of any student unit on the site, there shall be submitted by the applicants for approval by the Local Planning Authority a management plan that will seek to address the environmental concerns set out in

the management statement dated October 2012 and in particular shall include a compulsory tenancy agreement. The management plan and tenancy agreement shall remain operative at all times from the first occupation of any part of the development. Any variations to the management plan and tenancy agreement shall be agreed in writing by the Local Planning Authority before such variations are implemented.

Reason: In the interests of visual and residential amenity.

24 Notwithstanding the information contained on the approved plans, the height of each block shall be agreed in writing, as measured from the proposed ground level or existing ground level as appropriate. Before any works commence on the site, a means of identifying the existing ground level on the site and for identifying the ground level at which the development will be built from (including a levels plan which confirms proposed levels on the area adjacent to Lawrence Lane) shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

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

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

Reason: In the interest of visual amenity

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

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

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

details.

- Eaves
- Heads, sill and reveals to all window types as appropriate
- Window types and materials
- Connection between the flat and apex of pitched roofs
- Roof windows

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

28 Prior to the commencement of the development or within such longer period as may be agreed in writing with the Local Planning Authority (LPA), a statement of crime prevention measures to be incorporated in to the design of the scheme shall be submitted to and agreed in writing by the LPA. Thereafter the scheme shall be implemented to the satisfaction of the LPA before any dwelling is occupied. Crime prevention measures shall accord with the advice set out in the National Planning Policy Framework and comply with the aims and objectives of 'secure by design'.

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

29 No development shall take place until details have been submitted to and approved in writing by the Council of what measures are to be provided within the design of the new buildings and landscaping to enhance the biodiversity of the area. The work shall be completed in accordance with the approved details. Features suitable for incorporation include measures for species that use buildings such as bats and birds.

REASON - This is proposed to take account of and enhance the habitat and biodiversity of the locality.

30 No development shall take place until works have been carried out to provide facilities for the delivery of an adequate water supply.

Reason: In order to protect the existing mains infrastructure and ensure that the site has an adequate supply of water.

31 The development shall not be carried out except in complete accordance with the details shown on the submitted drainage plan drawing no. QL 1248 revision P1 dated 03/08/2012 that has been prepared by BSCP unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of satisfactory and sustainable drainage

32 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning

Authority, thereafter the development shall be carried out in accordance with the approved details prior to any part of the development being brought into use .

Details to include:

1. Peak surface water run-off from the proposed development must be restricted to a maximum 42.4 lit/sec.
2. Site specific details of the flow control devise manhole limiting the surface water to the 42.4 lit/sec.
3. Storage volume calculations, using computer modelling must be provided, and must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. The full range of modelling should be provided.
4. Site specific details of the storage facility to accommodate the 1:30 year storm and details of how and where the volume above the 1:30 year storm and up to the 1:100 year storm will be stored.
5. Proposed ground and finished floor levels to Ordnance Datum shall be shown on plans. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.
6. Details should be provided of the future management / maintenance of the proposed drainage scheme.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and that provision has been made to maintain it.

33 Prior to commencement of the development, an Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development

shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason. To protect the amenity of local residents

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

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Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

Reason. To protect the amenity of local residents

35 The building envelope shall be constructed so as to provide sound attenuation against externally generated noise to achieve internal noise levels of not more than 30dB(A) Leq 8 hour from 11.00pm to 7.00am, 45 dB(A) Lmax between 11.00pm

and 7.00am, and 35dB(A) Leq from 7.00am to 11.00pm in all bedrooms of the development, with alternative methods of ventilation where required. The detailed scheme shall be approved by the local planning authority and fully implemented

before the use hereby approved is constructed. All works which form part of the scheme shall be completed before any part of the development is occupied. The works provided as part of the approved scheme shall be permanently retained and

maintained as such except as may be agreed in writing by the Local Planning Authority. The aforementioned written scheme shall demonstrate that the noise levels specified will be achieved.

Reason: To protect the amenity of residents of the proposed development.

7.0 INFORMATIVES:

Notes to Applicant

1. INFORMATIVE:

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

Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

2. REASON FOR APPROVAL

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

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

As such the proposal complies with Policies ED10, GP1, GP4a, L1c, HE2, HE10, of the City of York Development Control Local Plan.

Contact details:

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

Tel No: 01904 551351

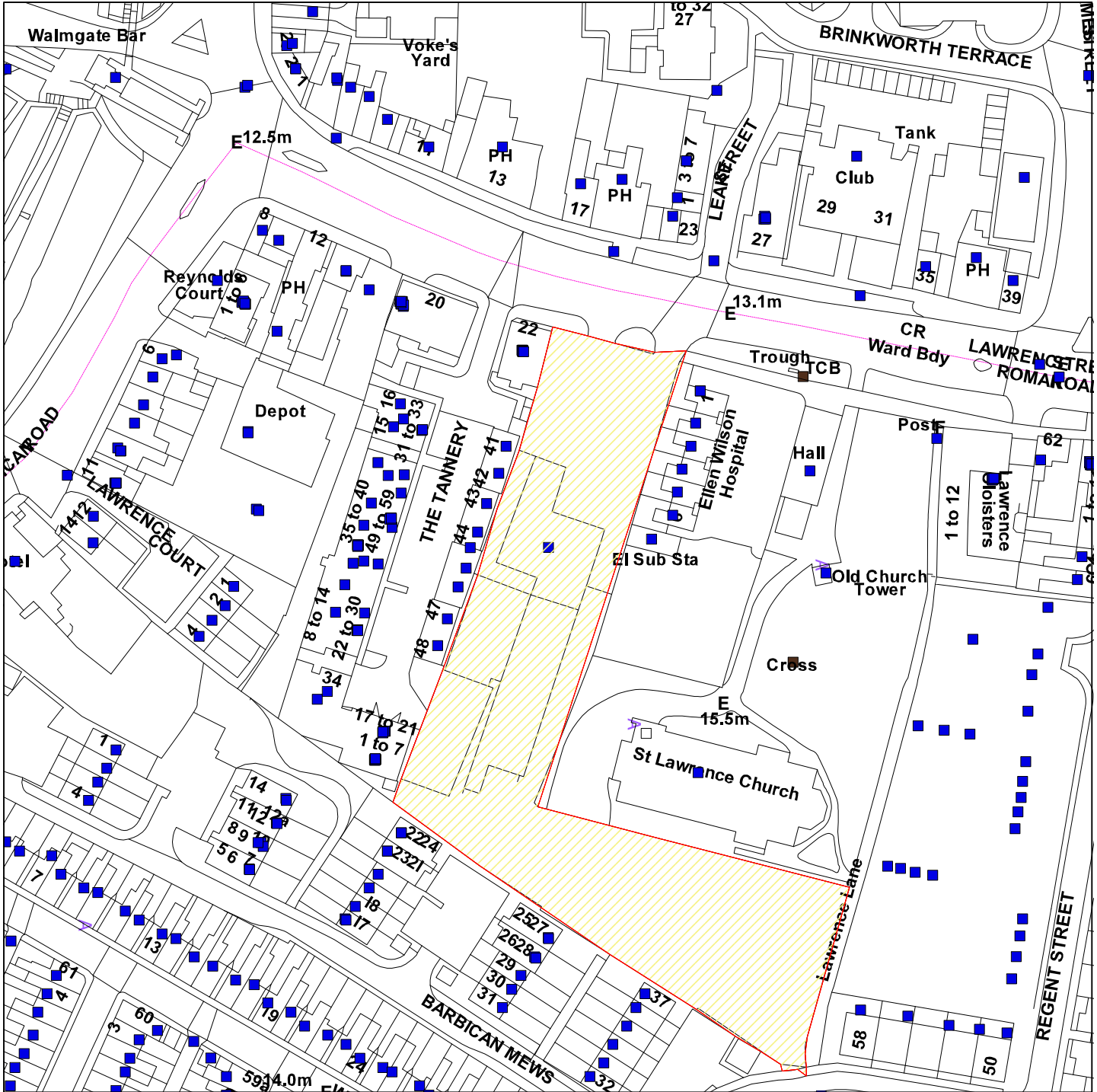
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32 Lawrence Street



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	12 November 2012
SLA Number	Not Set

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COMMITTEE REPORT

Date: 22 November 2012 **Ward:** Osbaldwick
Team: Major and **Parish:** Osbaldwick Parish
 Commercial Team Council

Reference: 12/01878/REMM
Application at: Land Lying To The West Of Metcalfe Lane Osbaldwick York
For: Reserved matters application for details of siting, design, external appearance and landscaping of 346 dwellings (phases 3 and 4) granted under outline permission 03/02709/OUT
By: Joseph Rowntree Housing Trust
Application Type: Major Reserved Matters Application (13w)
Target Date: 8 August 2012
Recommendation: Approve

1.0 PROPOSAL**SUMMARY**

1.1 This application seeks reserved matters approval for phases 3 and 4 of the larger residential development by Joseph Rowntree Housing Trust on land west of Metcalfe Lane, Osbaldwick, referred to as 'Derwenthorpe'. It covers the siting, design, external appearance and landscaping of Neighbourhoods A and B, located in the northern half of the site to the north of the Sustrans cycle route and accessed from Fifth Avenue and Meadlands. The application has been publicised and the comments received taken into consideration. Revisions have been made to the scheme in light of the responses and a further consultation exercise undertaken. The application is considered to be in compliance with the outline planning permission. As such, it is recommended for approval subject to conditions.

SITE HISTORY

1.2 Outline planning permission (ref. 03/02709/OUTM) was granted by the Secretary of State in May 2007 for a residential scheme of approximately 540 dwellings on land to the west of Metcalfe Lane, Osbaldwick. Means of access and the general landscaping structure were approved as part of the outline consent. The general layout of the development, its division into four neighbourhoods each with its own individual vehicular access point, the size and shape of these neighbourhoods and the approximate number of dwellings within each one, along with the general location of public open space, were established through an illustrative masterplan and design documents submitted in support of the outline planning application.

1.3 As part of this planning consent, the developer was required to submit details for approval of the following reserved matters not considered at the outline planning

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stage: siting, design, external appearance and landscaping. Conditions 2 and 4 of the outline planning permission set out the requirements for these reserved matters applications. Condition 2 stipulates that such reserved matters applications shall comply with Lifetime Homes standards and the general design principles set out in the Design Code and Design Guide documents that were submitted on 1 August 2003 as part of the application and amended by the Illustrative Masterplan dated July 2004.

1.4 Phase 1 of the development (Neighbourhood D), accessed from Osbaldwick Village, was granted reserved matters approval in 2008 and is currently under construction (ref. 07/02789/REMM). It included a 'Village Green Area' with drainage ponds and equipped play areas to the west of the 64 dwellings. The reserved matters for Phase 2 (Neighbourhood C), accessed from Temple Avenue, were approved by Committee earlier this year.

PROPOSAL

1.5 The application currently under consideration seeks consent for siting, design, external appearance and landscaping for the last phase of the development (phases 3 and 4), being the housing areas to the north of the site accessed via Fifth Avenue (Neighbourhood A) and Meadlands (Neighbourhood B). The area of the site covered by phases 3 and 4 is to the north of Sustrans Cycle Route, which dissects the larger residential development site east to west. The houses of Neighbourhoods C and D lie to the south of the cycle route. To the north are the houses of Meadlands and Burnholme College school and associated playing fields. To the east are agricultural fields, beyond Metcalfe Lane. To the west are the houses on Fifth Avenue and Malham Grove.

1.6 Condition 3 of the outline approval required a phasing scheme to be submitted prior to or concurrently with the reserved matters for phase 1 to confirm infrastructure provision and nature conservation requirements. The phasing scheme subsequently submitted confirmed that the later phases of the development after phase 1 (Neighbourhood D) and phase 2 (Neighbourhood C) would be the area to the north of the Sustrans Cycle Route. The latter phases includes the construction of the houses and infrastructure in Neighbourhoods A and B, the diversion of the cycle way between the Sustrans route and Burnholme College and the footpath along the eastern boundary, and the provision of a Great Crested Newt tunnel between the protected habitat and a retained area of ridge and furrow both falling within the northern half of the larger development site. The provision of the temporary haul road running into the site from Fifth Avenue, the protection of the Great Crested Newt habitat and area of ridge and furrow, and the translocation of grass land were to occur within phase 1.

1.7 The application is accompanied by a supporting Design Statement, Statement of Crime Prevention Measures (as required by Condition 10 of the outline planning

approval). The Design Statement outlines the design philosophy of the scheme and the consideration that was given to key matters as part of the detailed design. It explains that the extent and general layout of phases 3 and 4 is informed by the Illustrative Green Space Structure Plan and Illustrative Masterplan that formed part of the outline planning permission. It confirms that all of the houses have been designed to the Joseph Rowntree Foundation Lifetime Homes standard, with six of the houses being designed to wheelchair accessible standard.

1.8 There are 346 dwellings proposed as part of this reserved matters application, 304 houses and 42 apartments of varying size and tenure. The design of the scheme reflects that of phases 1 and 2 and is contemporary in approach. Neighbourhood A (Temple Avenue) is the larger of the two with the two apartment blocks and 227 houses compared to 74 dwellings in Neighbourhood B (Meadlands). All dwellings would have a private amenity space whether it be a garden for the houses or a sunspace balcony for the apartments. All houses have an allocated parking space, whether within a garage, parking court, in-curtilage or on-street. The parking for the apartments is to be unallocated. There would be 30 spaces to serve 42 apartments with the spaces split between the two blocks and provided in communal areas at the rear of them. Visitor parking spaces and nine car club spaces are accommodated within the phase. Three Local Areas of Play are shown on the plans, two within Neighbourhood A and one within Neighbourhood B.

1.9 Following discussions and negotiation, revisions have been made to the scheme since it was submitted. The revisions take account of the approval by Committee in July to vary the number of dwellings within each Neighbourhood (ref. 12/2163/OUTM). The changes involve: Revisions have been made to the scheme since it was submitted following lengthy negotiation with Council officers and to take account of the approval by Committee in July to vary the number of dwellings within each Neighbourhood (ref. 12/2163/OUTM). The changes involve:

1. changes to the road layout to reflect the reduced number of houses accessed from Meadlands and the transfer of the houses north of the cycle track that were originally accessed via Osbaldwick Village and originally part of Neighbourhood D, to Neighbourhood A;
2. removal or reduction in width and length of some roads to improve layout and create space for parking;
3. adjustments to the parking layouts on street and in courtyards to ensure closer association between houses and their allocated space;
4. increase in visitor spaces;
5. repositioning of houses at 'gateways' to development from Fifth Avenue and Meadlands;
6. repositioning of dwellings to create more space around the mature Oak tree to be retained;
7. substitution of house types to allow for aforementioned changes;
8. creation of first floor level side balconies to three of bungalows;

9. addition of single storey extensions to rear entrances of apartment blocks to accommodate cycle parking provision;
10. clarification about allocation of car parking spaces around the apartment block.

1.10 The detailed design of the central square has been excluded from this reserved matters application and will form part of a separate application once further design work has been undertaken for the layout of this space.

ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

1.11 As part of the amendment to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, a request for a scoping opinion was sought on behalf of the applicant in July 2011 (ref. 11/01988/EIASP). This considered whether any further information to the original Environmental Statement was required by the Local Planning Authority in order that the environmental information before it was adequate to assess the environmental effects of the development. The Local Planning Authority gave its opinion in August 2011 confirming that with regards the various topics of the Environmental Statement, no further information was required.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Osbaldwick CONF

City Boundary GMS Constraints: York City Boundary 0001

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

Schools GMS Constraints: St. Aelred's RC Primary 0223

2.2 Policies:

CYGP1 - Design

CYGP3 - Planning against crime

CYGP9 - Landscaping

CYNE1 - Trees, woodlands, hedgerows

CYT4 - Cycle parking standards

3.0 CONSULTATIONS

PUBLICITY

3.1 The application was publicised by means of a press advert, the posting of four site notices at entrances to the site on Fifth Avenue, Meadlands and the Sustrans Cycle Route and letters to local residents and Osbaldwick Parish Council. Initial consultation took place with internal and external consultees, giving until the 13 June 2012 for comments to be made. A further consultation was undertaken as a result of minor revisions to the scheme in October 2012. This period expires on 12 November 2012. The following comments have been received. Members will be updated at Committee of any further comments received.

INTERNAL

3.2 Highway Network Management

The detail submitted in the application accords with the principles set out in the outline application for the site. As all issues relating to traffic generation and off site highway works were secured and addressed at the outline application stage all that is being considered is the detailed design of the scheme.

The number of residential units within this application served from Fifth Avenue and Meadlands is in accordance with the recent approval 12/02163/OUTM. A break point is provided within the phase which will permit pedestrians and cyclists to pass between the Fifth Avenue element of the scheme and the Meadlands side.

Vehicular access between these access points will be prevented with the exception of emergency vehicles or refuse vehicles as may be necessary.

Much of the highway layout is based around homezone principles where the roadspace is shared amongst users and as such does not have a formal kerbed carriageway/footway construction. The highway has been designed to restrain vehicle speeds through a variety of recognised measures including the use of planting in the highway, varying the width of the highway and restricting forward visibility.

The layout has been designed with a main spine running through the site which then serves side links for local access. Traffic calming design features together with managed on-street parking areas have been provided throughout the phase which have been designed to keep vehicle speeds to 20mph.

Car parking is in accordance with CYC Annex E maximum standards with the layout being carefully designed to create areas of managed on-street parking whilst avoiding the potential for indiscriminate parking to occur. The proportion of car

parking numbers including visitor spaces and car club bays is to the same ratio as has been provided and agreed on Phases 1 and 2 of the development.

Refuse collection will be a mixture of kerbside collection and pick up from dedicated bin drop off points. Vehicle swept paths have demonstrated that refuse vehicles can successfully traverse the site.

There is an existing cycle route which runs along the Eastern boundary of the site between the Sustrans route and Meadlands. This route is being accommodated within the site layout.

3.3 Environment and Conservation (Landscape)

The design employs a good use and range of paving materials; and simple, effective, structured planting and suitable choice of species. The arrangement results in good overlooking of open spaces.

Previous concerns over hemmed in situation of unit 158 (now 156) has been addressed by making the plot width/garden bigger and by relocating the semi-mature tree to the corner of the LAP away from the house frontage.

Concern for very shallow depth of gardens of units 291 and 292 (now 288 and 289) and their proximity to existing residential has been addressed by turning the properties side on and pulling them away from the boundary.

Rear garden access runs have been broken up and subsequently reduced in length to the rear of units 1-14; plus outlook/situation has been improved for units 15 and 16 (now 8 and 9).

Units have been altered to enable the retention of the existing mature oak adjacent to unit 111 within a sensory garden (details to be secured under condition).

Requests conditions regarding landscaping (LAND 1 with a 5 year maintenance period with reference to final 'Landscaping Layout') and tree protection method statement for existing Oak tree.

3.4 Environmental Protection Unit

Reminds developer of conditions and obligations with regards the outline planning permission with regards hours of working, environmental management scheme and contamination. Asks that the draft Low Emission Strategy is brought to developer's attention and requests informatives to encourage the provision of electrical recharge points for electric vehicles and the installation of sockets in garages to allow vehicles to be charged.

EXTERNAL

3.5 Environment Agency

No objections.

3.6 Natural England

The proposed reserved matters relate largely to design, landscaping and external appearance and are unlikely to have significantly different impacts on the natural environment than the original proposal.

3.7 Sport England

Do not wish to comment.

3.8 Yorkshire Wildlife Trust

Pleased to see that detail of the Sustrans route will be treated separately. Recommends that opportunities are taken to provide roosting and nesting sites for wildlife in the new homes.

3.9 Police Architectural Liaison Officer

Initial response - does not support the scheme because of concern about security of rear parking courts, excessive permeability, remote parking, unsecured rear gardens, lack of front boundary demarcation, unprotected side windows, parking on LAP boundaries lack of defensible space around apartments, blank gables to public space, cycle provision. Concludes that it has been difficult to visualize and appreciate the overall layout and more detailed design because of four phase approach until now. The excessive permeability will make the development difficult to police and concerned about inclusion of rear parking courts and remote bay parking arrangements. Considers that the development does not comply with the NPPF, which aims to create safe and accessible environments where crime disorder do not undermine quality of life or community cohesion. Phases 3 and 4 will not meet the required standard for the 'Secured by Design' award and many aspects of the design and layout do not comply with 'designing out crime' guidance outlined in the document 'Safer Places The Planning System and Crime Prevention'.

Revised submission - Notes that many of the concerns previously raised have now been addressed. However, continues to raise concerns about parking close to boundaries of the LAPs, absence of gates to some shared passageways between houses, remoteness of car and cycle parking for apartments.

3.10 Osbaldwick Parish Council

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Re-states its long standing objection to the principle of development on this site.

Objections to application are:

- Un-orthodox and overbearing design with Meadlands bungalows having amenity compromised;
- Insufficient parking provision as properties on phase 1 have minimum of 2 vehicles;
- Location of houses on eastern boundary unacceptable due to hedge and boundary trees being compromised;
- Development will compromise the PROW from Meadlands and any attempt to divert or extinguish will be compromised;
- Request further reduction in properties accessed by Meadlands to 73;
- Request no changes to layout of existing road throughout Meadlands is made and that Meadlands is 20mph zone;
- Concern expressed over capacity of existing sewer system and highway drainage systems to cope;
- No construction traffic should be through Meadlands;
- Request that plots 231 to 304 be omitted and space be given to public open space.

3.11 Letters from local residents

Three letters have been received from local residents (two from Fifth Avenue and one from Meadlands) raising the following points:

- Overshadowing;
- Loss of light;
- Reduction in visual amenity of property;
- Noise and disruption;
- Privacy;
- Inadequate provision for parking, loading and turning;
- Design, appearance and materials will not compliment design of Fifth Avenue;
- Questions accuracy of plans at site boundaries;
- No details of proposed bus stops in area adjacent to Fifth Avenue;
- Concern about impact of increased numbers of cars using Fifth Avenue;
- Concerns over drainage in Meadlands.

4.0 APPRAISAL

4.1 For clarity the appraisal is separated into sections focusing on the individual reserved matters - siting, design, external appearance and landscaping. However, it should be noted that there is a degree of overlap within each category and thus each section cannot be read in isolation. The main issues to be considered are whether the details submitted comply with the requirements of the outline planning permission and whether they contribute to the aims and objectives of the development, in that they create a safe and attractive environment for this

residential development without harming visual and residential amenity, highway safety and the natural environment.

POLICY CONTEXT

4.2 Relevant Central Government planning guidance is contained in the National Planning Policy Framework (March 2012). The heart of the framework is a presumption in favour of sustainable development. It contains a set of twelve core land-use planning principles to underpin plan-making and decision-taking, including securing a high quality design and a good standard of amenity for all. The framework encourages the delivery of a wide choice of high quality homes; the promotion of good design with great weight being given to outstanding or innovative designs; and, the promotion of healthy communities through the creation of safe and accessible environments, where crime and disorder do not undermine quality of life, and clear and legible pedestrian routes and high quality public space to encourage active public areas.

4.3 The adopted development plan is the Yorkshire and Humber Plan Regional Spatial Strategy (2008), which covers a plan period to 2026. This establishes the overarching policy context for the region and focuses most development in the sub-regional city of York within the York sub-area (Policy Y1). In 2010, the Coalition Government announced its intention to revoke regional spatial strategies. The Court of Appeal ruled in 2011 that the intention can be regarded as a material consideration in deciding planning applications. However, pending abolition, the Strategy remains part of the development plan.

4.4 City of York Draft Local Plan policies are material to the consideration of the application where they reflect the National Planning Policy Framework. The relevant policies are summarised in section 2.2. Policy GP1 of the Local Plan states that development proposals will be expected to (a) respect or enhance the local environment and (i) ensure that residents living nearby are not unduly affected by noise and disturbance. Policy GP3 (Planning against Crime) requires natural surveillance of public spaces and paths from existing or proposed development, secure car and cycle parking locations and satisfactory lighting in developments. Policy GP9 deals with landscaping within residential schemes. Policy NE1 seeks to protect existing trees and hedgerow that are of important landscape, amenity, nature conservation or historical value.

COMPLIANCE WITH OUTLINE CONSENT

4.5 Outline planning permission was granted by the Secretary of State for residential development of the site with the principle of developing the whole site for approximately 540 homes being established. The aim of the development was to create a high quality, mixed tenure community offering choice of accommodation. The general layout of the whole development including the extent of the built

development was approved in part by the outline planning permission through the Illustrative Masterplan dated July 2004. The approximate size and shape of the four neighbourhoods has been approved as well as the approximate number of dwellings within each neighbourhood. The location of the public open space areas and basic details of the facilities to be found within them has also been agreed. The design approach for the scheme as a whole was established at the outline planning stage and is contained in the Design Code and Design Guide documents that were submitted on 1 August 2003 as part of the application and amended by the Illustrative Masterplan. Condition 2 of the outline consent specifically requires the reserved matters applications to be in compliance with these documents.

4.6 Condition 8 of the outline planning permission indicated 185 dwellings within Neighbourhood A (Fifth Avenue) and 125 dwellings with Neighbourhood B (Meadlands) with a 10% tolerance allowed above or below the stated figures. An application was submitted and was agreed by Planning Committee in July 2012 to vary this condition and in doing so allow the number of dwellings within each Neighbourhood to vary. The reserved matters submission for phase 3 and 4 of the development, taking into account the changes allowed by approval of the application to vary condition 8, appears to be consistent with the terms of the approved outline consent, the approach and philosophy of the design documents and the Illustrative Masterplan.

4.7 Although the numbers of dwellings proposed within each neighbourhood have changed following the approval of the application to vary condition 8, the overall number of dwellings within the scheme remains in line with the outline approval. The density and housing mix has been set through the outline planning permission and is as envisaged.

4.8 The development proposed family housing in response to the City's identified need and with this in mind the majority of properties are three bedroom, with 8 no. two bedroom dormer bungalows, 50 no. four bedroom houses and 13 no. five bedroom houses. The 42 apartments are predominantly two bedroom units with 3 no. one bedroom units. This provides a mix of type and size of accommodation within the scheme as intended by the outline application. The dormer bungalows are sited adjacent to the northern site boundary with Meadlands and the four and five bedroom properties are spread across the site, largely around the periphery of the built development and overlooking the green spaces within the development, but also as focal point buildings thereby assisting legibility through the development. All properties are proposed to be built to Lifetime Homes standards as required by condition 2 of the outline consent, with six wheelchair accessible houses (type C4). The range of housing, with varying house types and external amenity space, offers choice and is consistent with the outline planning permission.

SITING

4.9 Siting is concerned with the layout of the scheme, including its roads and footpaths, housing and public spaces.

4.10 The layout of phases 3 and 4 appears consistent with the Illustrative Masterplan in that it reflects the general layout in terms of extent of built form and open space, relationship to existing housing areas, access arrangements and housing arranged along a network of hierarchical streets and foot/cycle ways focusing around a central 'heart' to the development. The road network incorporates a central spine road linking Fifth Avenue with the central square, green lanes around the outer edges, mews courtyards and 'home zones' centred around the three Local Areas of Play (LAPs). These LAPs are shown within the neighbourhoods in similar positions to those indicated on the Masterplan and would have good natural surveillance from the surrounding houses. The development has a higher density than the surrounding housing estates to accord with national policy for efficient use of land. As such, the houses have minimal setbacks from the roads and would be closer together than occurs in the surrounding residential developments. Garden sizes would be smaller.

4.11 The layout embraces a high degree of permeability by non-car modes both within and between the neighbourhoods and with the wider area. This again was indicated on the Masterplan and was part of the design philosophy of the scheme, which was based on a hierarchical network of routes integrated within the housing areas and open space providing safe and easy movement to foster natural surveillance.

4.12 It is noted that the Masterplan was intended to be illustrative and, therefore, there is a degree of flexibility in the layout shown providing it is within the parameters of the design documents. The Design Statement submitted with this reserved matters application highlights the experience gained by the developer from translating the principles of the Masterplan into the development built out in Phase 1.

4.13 The hierarchy of roads remains, but the layout of the secondary roads has changed following the detailed design work. The housing still forms perimeter blocks fronting out onto the public highway, but houses have been provided within some of the rear parking courts to aid surveillance and increase the sense of ownership of these spaces. The number of accesses to the parking courts has been reduced to make these areas more private. The larger properties within the more generous sized plots have been positioned around the perimeter of the built development and facing out wards from it, to provide a more informal approach that relates better to the open spaces surrounding the neighbourhoods. The properties along the eastern boundary are now proposed to back onto Metcalfe Lane with garden boundaries extending up to the existing hedge running the length of the boundary with the lane, itself a public right of way, rather than the houses face eastwards overlooking an internal road, itself separated from the lane by the existing

hedgerow. The footpath/cycle running along the western side of the hedgerow, near parallel to Metcalfe Lane is proposed to be diverted to run along the internal road network and reconnecting with the lane before the newt field. A path is also proposed across the newt field.

4.14 The Police Architectural Liaison Officer (PALO) has raised concerns with the 'excessive permeability' of the scheme and the provision of parking within rear communal parking courts. Details of recent research have been submitted to support these concerns, which identify poor examples of on street parking and parking courts. The PALO considers that alleyways and parking courts should be gated. However, the high degree of permeability and the inclusion of parking courts is an accepted part of the design philosophy of the scheme as agreed at outline planning stage and conditioned by the Secretary of State through condition 2. Permeability remains a key design objective of the scheme, thereby promoting an inclusive and accessible community. This reserved matters application is also supported by a Statement of Crime Prevention Measures. The statement confirms that the development has been designed with the emphasis on natural surveillance and controlled permeability to attempt to address the concerns. This has involved making access to parking courts single access only or increasing surveillance by providing mews houses within larger courtyards. The scheme has been revised further following negotiation including removal of one of the parking courts, improvement of the relationship of on street and courtyard parking to dwellings and increased in-curtilage parking, which the PALO acknowledges.

4.15 The original drawing submitted did not show the presence of a mature Oak tree within Neighbourhood A, adjacent to the existing path linking the Sustrans route with Burnholme College. The revised plans now show the presence of the tree and provide for a sensory garden around it to allow space for the tree in the future and to retain its amenity value.

4.16 The properties at the gateway to the development on Fifth Avenue continue the orientation and building line of the existing houses as shown on the Masterplan, with set off distances from the side boundaries of the current end houses on Fifth Avenue of between 2m and 4m (approximately). Those at the entrance to the site from Meadlands differ from the Masterplan in that those to the east of the access road are at right angles to the existing property on Meadlands, no.42. This change is as a result of design revisions elsewhere within this phase, but would serve to provide a clearer arrival into the development and improve the street scene along this entrance road by relating better to the other houses proposed along it. The existing property to the north on Meadlands would benefit by viewing a gable end rather than roof ridge with dormer windows and would be separated by the existing footpath linking with Metcalfe Lane as well as the side driveway serving the dormer bungalow immediately south of the footpath.

4.17 In accordance with the Illustrative Masterplan, the scheme shows a run of houses backing onto the existing properties to the west on Fifth Avenue and Malham Grove and to the north on Meadlands. There was no minimum separation distance or building height restriction conditioned by the Secretary of State as part of the outline approval. At officer's request, a cross-sectional drawing has been submitted to show the relationship between the existing dwellings and those proposed. This drawing demonstrates that the land levels are not intended to be altered. It also shows that the separation distances are around 18m at the nearest point with properties on Malham Grove and approximately 20m to the dormer bungalows on Meadlands. However, there is a pinch point between the proposed properties and 34 Meadlands, again of around 18m.

4.18 The nearest houses to the site boundary are those properties at the head of the cul-de-sac, 13 and 14 Malham Grove, which have approximately 6.5m long rear gardens. The proposed houses backing onto these properties would have approximately 11.8m long rear gardens, resulting in a separation distance of approximately 18m. This is less than the usually adopted guidance distance of 21m and has the potential to result in an erosion of the privacy of the occupants of the existing properties. This would be unlikely to occur at ground level between main habitable rooms due to the presence of boundary enclosures, but would potentially be at upper floor level between bedrooms. Permitted development rights could be removed to prevent any further windows being inserted in the rear roof slope or two storey extensions beyond the rear elevation being erected to avoid this already minimal separation distance being breached. The impact on the remaining houses on Malham Grove would be negligible due to larger garden size of these properties.

4.19 With regards the relationship of the dormer bungalows backing onto the properties on Meadlands, it is noted that the properties on Meadlands have relatively large gardens. The separation distance between the existing and proposed is over 20m as a minimum, except for the distance between plots 282-283 and 34 Meadlands. Any loss of privacy would be from the dormer bedroom windows, which themselves are to be set back from the rear face of the buildings and are therefore at a distance of over 18m.

4.20 The close proximity of housing to the boundary has been discussed with the applicant, who highlights the tight nature of the developable area and has stated that the only way to increase distances would be to redesign the scheme to reduce the number of dwellings within the scheme. A condition could be attached to remove permitted development rights to prevent any further additions to the roof of these properties or rear extensions.

DESIGN

4.21 Design relates to a wider view of the development and how the place will work and look.

4.22 The underlying aim of the scheme is to provide a development with a range of size and type of property as well as tenure to deliver choice and promote a mixed community. There are 23 house types within phases 3 and 4 of similar though different design, which will give interest to the street scene. The houses are arranged in a mix of terraced, semi-detached and detached properties. The form of the houses is traditional in that they are dual-pitch properties. The house types are of a contemporary design, with a palette of red brick, painted brick and stone external facing materials and projecting timber window surrounds and dormer features.

4.23 The houses have either accommodation on three floors or the potential for accommodation within the roof void, with the exception of house type C (1, 4, 5 and 6) which are two storey and house type N (1, 2, 3, and 4) which are dormer bungalows. There are 14 dormer bungalows in the north-east corner of the site (Neighbourhood B) adjoining the properties on Meadlands. House type C4, of which there are six, is designed to meet wheelchair accessible standards. Of the remaining properties that have accommodation on three floors, the second floor is within the roof void apart from house types E and J whereas house types G and J are three storey. The approximate eaves height for the bungalows is 3m, for the two storey properties is 5.8m regardless of whether the house type has accommodation within the roof space and for the three storey properties is 7.8m.

4.24 The 2 no. three storey apartment buildings are located along the northern and eastern sides of the central square at the heart of the development where the energy centre is already sited. The buildings follow a contemporary design with flat roofs and a simple elevation treatment with a palette of materials including red brick end elevations, stone central feature elevations and timber detailing. Stair and lift enclosures projecting beyond the roof would be zinc clad. Main habitable accommodation would be located at the front facing over the square, with the apartments on the first and second floors having sunspaces projecting out from the face of the building. The sun spaces are proposed on the end walls of the apartments to break up the elevations. The design of the apartments has been revised to incorporate single storey rear additions to accommodate secure and covered cycle parking provision to serve each group of six units.

4.25 The design, height and materials of construction of the properties differs to that of surrounding housing, as can be seen from the houses in Phase 1 and prototype houses in Phase 2. However, the scheme never intended to replicate the existing housing, but aimed to develop an urban extension that had its own strong character and identity, adopting an innovative and contemporary approach whilst reflecting the traditional features of the surrounding area. The scheme also reflects the aim for more energy efficient housing.

4.26 Concern has been raised by Osbaldwick Parish Council and surrounding residents about the 'unorthodox and overbearing design' of the scheme, especially in relation to the bungalows on Meadlands, and the impact on residential amenity. However, the cross-sectional drawing submitted indicates that the height of houses would be similar to existing. In the case of the Meadlands area, the properties have been kept as dormer bungalows with an asymmetrical roof, whereby the roof ridge is off centre and thereby potentially gives the impression that the properties are further away from existing dwellings on Meadlands. Where side balconies have been added to these properties (House Type N4), it has been to provide a south facing space and facilitate natural surveillance of the street and LAP. As a result, a timber screen is proposed as part of the design to enclose the side and rear walls and thereby avoid the possibility of loss of privacy to the properties to the north or either side of the plots with these added features.

4.27 Each dwelling would have its own private outdoor amenity space and car parking space. There is a variety of garden size within the development, with the aim of the development being that as many as practicable have 9m deep gardens. Some of the plots have in-curtilage parking, which impacts on the size of garden. The apartments have private sunspace balconies and block B has a roof terrace. Parking spaces are a range of in-curtilage, on-street close to the dwelling it serves or in communal parking courts. A number of vehicle parking spaces and a car club space are provided. One of the key principles in the design of the development is that of giving cars a lower priority than that of pedestrians and cyclists. Car parking spaces are at a level of just 1.1 per dwelling on average (a lower ratio for the apartments), to discourage private vehicle ownership. There are 38 visitor spaces proposed spread across the site. A car club is to be set up as part of the development where motor vehicles can be hired as and when needed - nine car club spaces are proposed in addition to those to be provided in phases 1 and 2. A bus travel pass or a voucher towards the purchase of a bicycle will further encourage sustainable transport choice.

4.28 The design of the roads has been revised following negotiation with Council officers to encourage reduced vehicle speeds thereby giving priority to pedestrians and to create interest in the street scene. Planting is shown within the highway on the landscaping layout drawing and is intended to soften the visual appearance of the on-street parking and to enhance the environments within the mews and parking courts. The Council's Highway Network Management officers are satisfied with the revised details from a highway design and safety perspective. A condition is requested to ensure provision of cycle parking provision.

EXTERNAL APPEARANCE

4.29 External appearance is concerned with the details of the design and the materials to be used.

4.30 The design of the buildings is contemporary in its approach and is reflective of previous phases 1 and 2. The use of consistent design features and building materials would create a unity and sense of identity to the phases and the wider scheme. The materials chosen would provide an attractive and cohesive built environment. The houses would be predominantly red brick with some areas of painted brick, stone and wood boarding to create visual interest. Roofs would be clay tiles. The apartments would use the same red brick, though their length would be broken up by central areas of stone. The apartments would have flat roofs with zinc clad lift and stair enclosures.

4.31 Whilst an indication of the building materials has been submitted as part of the application, a condition is recommended to be attached to any approval to ensure physical samples of the materials are submitted for approval prior to the commencement of development. As with previous phases, a number of road surfacing materials would be used. The main roadways would be dressed tarmac. The secondary roads leading to the LAPs would be pre-cast concrete setts and the area around the central square, within the mews and parking courts, on the northern perimeter road adjacent to the ridge and furrow area and on private drives would be bonded gravel. The use of different materials would indicate to drivers of vehicles an appropriate speed and show that pedestrians and cyclists have priority. On-street parking bays and footways would be pre-cast concrete setts.

4.32 Street lighting would be as previous phases, housed in pole mounted or wall mounted fittings of a simple and modern design. The lighting within the parking courts would be bollard lights, again of a modern design.

4.33 The buildings have been designed to take advantage of natural solar gain where possible and will incorporate good levels of air tightness and insulation. The large window openings on the houses and apartments would allow natural surveillance as well as providing solar gain to reduce energy to be used for heating and lighting. Sun spaces (enclosed balconies), to assist with summer cooling and winter warming, are included on the upper floors of the apartments and in some of the house types. These features were included in some phase 1 and 2 properties and, as with Phase 2, the drawings for the houses make reference to these sun spaces possibly being omitted. This is to allow some flexibility in their provision in the event that they are shown not to be beneficial following the testing of the Phase 1 dwellings or if there is not demand from purchasers. Their omission would not affect the sustainability credentials or performance of the houses and would not materially alter the external appearance of the buildings.

4.34 The boundary treatments to the front areas of the dwellings would consist of a variety of railings and walls in materials consistent with the house to which they are related. Boundary treatments within plots vary between 1.5m high close boarded fencing to 1.8m high hit and miss fencing above dwarf walls.

LANDSCAPING

4.35 Landscaping relates to the non-built areas of the site as well as covering the surfacing materials to be used within the development.

4.36 The larger areas of open space within phases 3 and 4 are covered by planning conditions of the outline approval. These areas relate to the area of ridge and furrow species rich grassland to the north of Neighbourhood A and the newt field to the east of the site. The Crescent Park (between Neighbourhood A and the Sustrans route) falls within Phase 2 of the development.

4.37 The public open spaces within phases 3 and 4 are the three local areas of play (LAPs) and the sensory garden around the Oak tree. The landscaping treatment for the LAPs follows that of the previous phases. This involves the creation of a gabion wall with box hedge around the outside with an area of stone paving and grass within the wall. A play sculpture is proposed within each LAP, which is a requirement of the Section 106 Legal Agreement. Further details would be required of the space around the tree, which is indicated to be grassed with a path of stone paving path leading into the space and areas of additional planting provided in and around the path.

4.38 Existing landscaping along the sites boundaries are to be retained. As previously mentioned the mature Oak tree within the site is to be retained as are existing hedgerows running north-west to south-east and bordering the two large areas of public open space within phases 3 and 4 and one running along the northern and southern boundaries of the newt field. Additional hedge plating is proposed along the southern boundary of the ridge and furrow area to separate it from the roadway. The Council's Landscape Architect is satisfied with the distances between the houses and the existing vegetation within or around the site.

4.39 A tree strategy is proposed within the development to reinforce and distinguish the different areas within the Neighbourhood. The larger specimen trees are proposed within the LAPs. Avenue trees are intended to be of 30-35cm girth at planting and would line the main roadways to break up the hard surfacing created by the roadway, footway and parking bays. Those trees proposed in the home zone areas, mews courts and rear gardens are of a similar size to avenue trees, but of differing species.

4.40 Front gardens of properties would have shrub planting to clearly define the public and private domains. Rear gardens would be mown grass with some tree planting as mentioned.

4.41 A range of surfacing materials would be used again to reinforce the areas within the neighbourhood - main roadways would be dressed tarmac as previously mentioned, with pathways being textured setts and tumbled setts for on-street

parking bays. Homezones would have textured setts with bonded gravel for mews and parking courts and private drives. The materials are consistent with the approach that has been taken on phases 1 and 2.

4.42 Conditions would be required on any approval relating to the detail of the garden around the Oak tree and to cover protection for the tree and other existing planting during development.

5.0 CONCLUSION

5.1 The main issues that have been considered pertaining to this reserved matters application are the compliance of the detailed submission to the outline planning consent, the acceptability of the siting, design, external appearance and landscaping details and the impact of the reserved matters on the aims of the wider development, the visual amenity of the scheme and wider area, the amenity of existing and proposed residents, highway considerations, impact on the natural environment and crime.

5.2 The Police Architectural Liaison Officer still raises concerns about the 'excessive permeability' of the scheme and the use of rear parking courts. Osbaldwick Parish Council has expressed concerns about the design of the scheme, insufficient parking and the impact on the eastern public right of way and hedgerow from the proximity of the development. Issues relating to drainage and the potential of flooding are not material to the consideration of this reserved matters application having been assessed as part of the outline approval and addressed through conditions of approval.

5.3 The general siting, design, external appearance and landscaping proposals for phases 3 and 4 of the Derwenthorpe development are considered to be acceptable. The general design principles are consistent with those set out in the Design Code and Design Guide and as shown on the Illustrative Masterplan approved as part of the outline planning permission. It follows the 'vision for Derwenthorpe to create a vibrant, supportive and sustainable community' established under the outline approval and adopted for Phase 1. The site-specific design details are thought to be well considered and suitable for a development of this type within this location. In general, the scheme complies with the key objective, principles and relevant policies of the recently published National Planning Policy Framework, in that it achieves a development of innovative design which will help to raise the standard of design within the area. It promotes a mixed community that is safe and accessible. Efforts have been made to reconcile the underlying principles of the development established at outline planning stage, with the concerns expressed with regards to crime. Whilst the distances of 18m between the new houses and 34 Meadlands and 13 and 14 Malham Grove are not ideal, it is noted that there is no set policy requirement with regards separation distances nor any set by the Secretary of State in approval of the outline. As the separation distance applied is only marginally less

than has been achieved elsewhere with the development, It is considered that the loss of privacy to these properties as a result of the detailed design would be limited.

5.4 Therefore, in light of the above, this application is recommended for approval subject to conditions relating to materials, cycle parking, tree protection and removal of Permitted Development rights to plots 87 and 88 adjacent to the properties on Malham Grove and 282 and 283 that are adjacent to the bungalow on Meadlands.

5.5 A number of conditions were attached to the outline planning permission. Some of the conditions were required to be discharged prior to the commencement of development and details were submitted and agreed prior to the commencement of Phase 1. Specific conditions that relate to phases 3 and 4 (Neighbourhoods A and B) will need to be agreed prior to work starting on this phase of the development as well as those recommended below. In addition, a Section 106 agreement was signed which requires the submission of various details to be agreed by the Council.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

SITE PLAN: Drawing no. 2241_PL_001B (Site Plan) dated 8.11.2012 and received 12 November 2012;

MATERIAL LAYOUT: Drawing no. 2241_PL_002B (Material Layout) dated 8.11.12 and received 12 November 2012;

LANDSCAPING LAYOUT: Drawing no. 2241_003B (Landscaping Layout) dated 2.11.12 and received 12 November 2012;

HOUSE TYPE FLOOR LAYOUTS: Drawing numbers 2241_PL_101A (House Type A1), 2241_PL_112 (House Type B1A), 2241_PL_113A (House Type B3), 2241_PL_114A (House Type B4), 2241_PL_115A (House Type B5), 2241_PL_121A (House Type C1), 2241_PL_124A (House Type C4), 2241_PL_125A (House Type C5), 2241_PL_126A (House Type C6), 2241_PL_141A (House Type E1), 2241_PL_142A (House Type E2), 2241_PL_162A (House Type G2), 2241_PL_163A (House Type G3), 2241_PL_164A (House Type G4), 2241_PL_165 (House Type G4A), 2241_PL_166 (House Type G1A), 2241_PL_167 (House Type G1B), 2241_PL_181A (House Type J1), 2241_PL_183A (House Type J3), 2241_PL_184A (House Type J4), 2241_PL_185 (House Type K1), 2241_PL_200A (House Type N1), 2241_PL_201A (House Type N2), 2241_PL_202 (House Type N3), and 2241_PL_203 (House Type N4), dated 26.10.12 and received 29 October 2012;

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SUBSTATION PLAN: Drawing no. 2241_PL_191A (Typical Substation Plan/Elevations) dated 26.10.2012 and received 29 October 2012;

REFUSE STORE: Drawing no. 2241_PL_193A (Refuse and Recycling Store Plan/Elevations) dated 7.11.2012 and received 12 November 2012;

APARTMENT BLOCK FLOOR LAYOUTS: Drawing numbers 2241_PL_220B (Block A: Ground and First), 2241_PL_221B (Block A: Second and Roof), 2241_PL_222B (Block B: Ground), 2241_PL_223B (Block B: First), 2241_PL_224B (Block B: Second) and 2241_PL_225B (Block B: Roof), dated 2.11.12 and received 12 November 2012;

HOUSE TYPE ELEVATIONS: Drawing numbers 2241_PL_401A (House Type A1), 2241_PL_412 (House Type B1A), 2241_PL_413A (House Type B3), 2241_PL_414A (House Type B4), 2241_PL_415A (House Type B5), 2241_PL_421A (House Type C1), 2241_PL_424A (House Type C4), 2241_PL_425A (House Type C5), 2241_PL_426A (House Type C6), 2241_PL_441A (House Type E1), 2241_PL_442A (House Type E2), 2241_PL_462A (House Type G2), 2241_PL_463A (House Type G3), 2241_PL_464A (House Type G4), 2241_PL_465 (House Type G4A), 2241_PL_466 (House Type G1A), 2241_PL_467 (House Type G1B), 2241_PL_481A (House Type J1), 2241_PL_482A (House Type J1), 2241_PL_485A (House Type J3), 2241_PL_486A (House Type J3), 2241_PL_487A (House Type J4), 2241_PL_488A (House Type J2), 2241_PL_489 (House Type K1), 2241_PL_500A (House Type N1), 2241_PL_501A (House Type N2), 2241_PL_502 (House Type N3) and 2241_PL_503 (House Type N4), dated 26.10.12 and received 29 October 2012;

APARTMENT BLOCK ELEVATIONS: Drawing no. 2241_PL_520A (Block B: 1/3), dated 26.10.2012 and received on 29 October 2012, drawing numbers 2241_PL_510B (Block A) and 2241_PL_521B (Block B: 2/3), dated 2.11.12 and received 12 November 2012, and drawing no. 2241_PL_522A (Block B 3/3), dated 7.11.2012 and received 12 November 2012;

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

2 VISQ8 Samples of exterior materials to be approved -

3 VISQ7 Sample panel ext materials to be approved -

4 Prior to the development commencing details of the cycle parking facilities serving each dwelling (including the apartments), including means of enclosure and

Application Reference Number: 12/01878/REMM Item No: 4b

method of support, shall be submitted to and approved in writing by the Local Planning Authority. The buildings shall not be occupied until the associated cycle parking facilities and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

5 Prior to the commencement of development, including site clearance, importing of materials and any excavations, a method statement regarding protection measures for the existing trees within and immediately adjacent to the site, shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing to be shown on a plan in accordance with BS 5837; phasing of works within the zones of influence; type of construction to be used; locations for storage of materials. The method statement shall also include details of existing and proposed ground levels such that there are no changes within the potential rooting zones of the trees. The protective fence line shall be adhered to at all times during development operations to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation, parking or manoeuvring of vehicles. Within the exclusion zone there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

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

6 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs within the scheme. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

7 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in the following Classes of Schedule 2 Part 1 of that Order shall not be erected or constructed at dwellings referred to on the approved plans as Plots 87-88 and 282-283:

Class A - (The enlargement, improvement or other alteration of a dwellinghouse);

Class B - (The enlargement of a dwellinghouse consisting of an addition or alteration to its roof);

Reason: In the interests of the amenities of the adjoining residents, the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

INFORMATIVE:

The above condition removes the normal rights to carry out certain alterations and extensions at the properties referred to without planning permission. Please contact the Council if further clarification is required.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to layout, design and external appearance. As such the proposal complies with the aims and objectives of the National Planning Policy Framework and Policies GP1, GP3, GP9, NE1 and T4 of the City of York Development Control Local Plan.

Contact details:

Author: Hannah Blackburn Development Management Officer

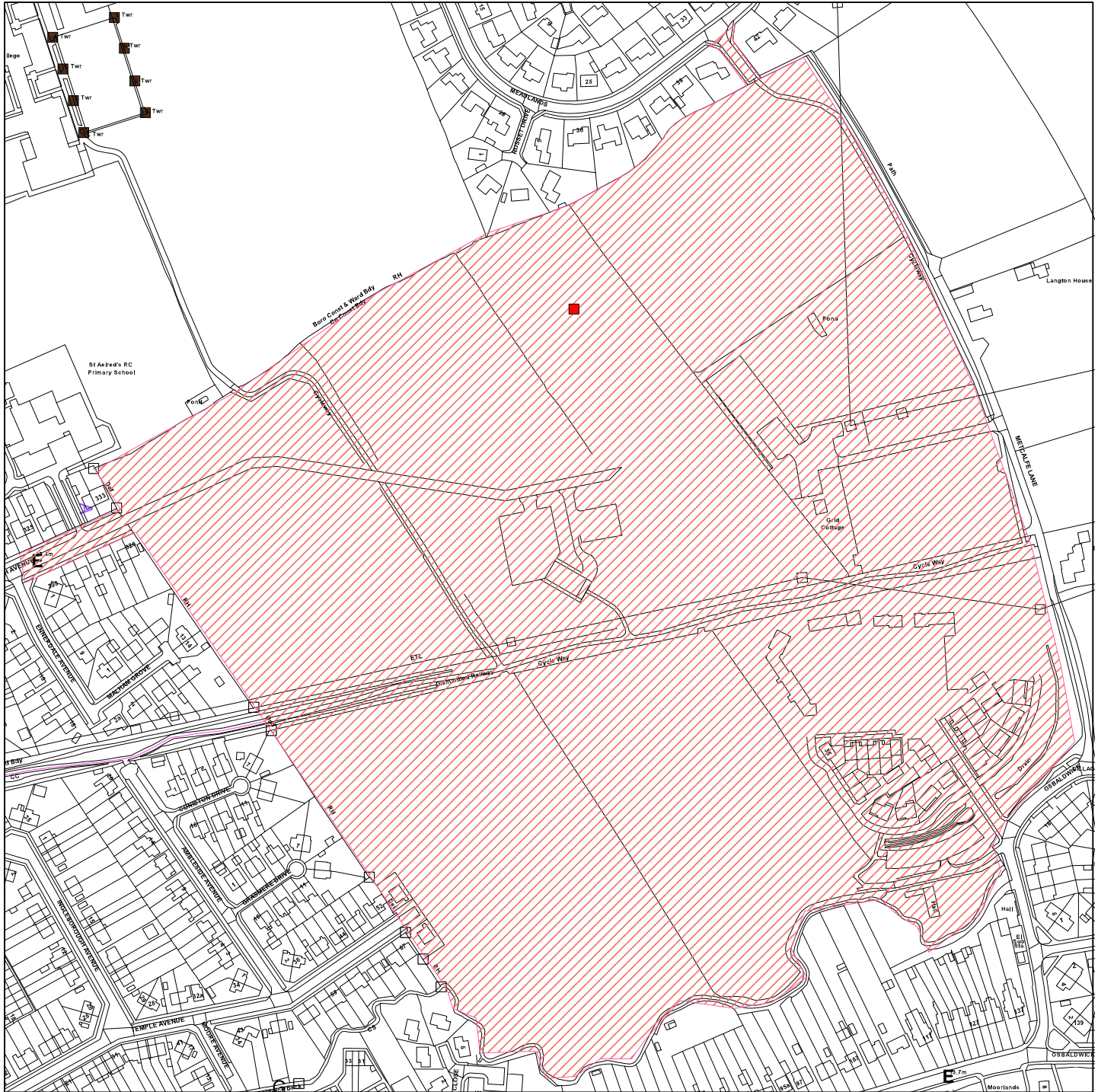
Tel No: 01904 551325

12/01878/REMM

Land Lying To The West Of Metcalfe Lane



GIS by ESRI (UK)



Scale : 1:3500

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	12 November 2012
SLA Number	Not Set

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Committee update Lawrence Street application reference 12/02609/FULM – item 4a on the agenda.

Correction at paragraph 1.2 page 9 towards the end of the paragraph should read grade I listed building and scheduled ancient monument not Area of archaeological importance

An amended plan has been received to respond to concerns about the design of the block as referred to in paragraph 4.22 page 22 of the report. The amended plan removes the side addition to Block C and replaces the lost bedrooms within the roof of the building. The amended plan is considered acceptable.

To meet the requirements of the Sustainability Officer the applicant has confirmed that all demolition at the site will comply fully with the Institute of Civil Engineers (ICE) Demolition Protocol and the applicant has confirmed that BREEAM very good will be achieved. The submitted sustainability statement has been updated accordingly.

There have been further letters of objection following re-consultation on amended plans for the site. These letters cover the following points:-

- The amendments do not address the in principle use of the site and therefore objections remain
- Concerned about lack of 24 hour supervision on the site
- Overlooking issues remain a significant concern
- None of the bus routes along Lawrence Lane connect direct to either St. Johns or York University so the objector questions whether the site provides good access by bus as the submitted information suggests
- 244 extra residents in an area will be detrimental to the amenity of nearby residents
- There is no evidence in the documentation that the tiny amount of parking spaces provided are sufficient

There has also been 1 letter of support which says:-

- The current site is both an eyesore and a magnet for street drinkers and drug users.
- Students bring much to the vibrancy and economy of any area and Lawrence Street and local pubs and shops will benefit greatly from this development.
- Despite the concerns about students at Navigation Road there has been little or no disturbance

As per paragraph 4.38 page 28 of the committee report having discussed the issue of air quality along Lawrence Street with the Environmental Protection Officer it appears that the only way to be satisfied that future occupiers of bedrooms facing Lawrence Street are protected from reduced air quality is to provide mechanical ventilation to the rooms and to have non-opening windows. A condition is proposed to provide for this within the scheme.

36. Unless otherwise agreed in writing with the Local Planning Authority (LPA) all windows to habitable living spaces (bedrooms and living rooms) of Block A, facing Lawrence Street, shall be non-opening. Mechanical ventilation shall be provided to draw clean air from the rear of the building. Prior to the commencement of the development or within such longer period as may be agreed in writing with the LPA details shall be provided of a maintenance schedule for such ventilation systems, and clarification of the responsibility for running costs and maintenance works. Thereafter the details of the scheme shall be implemented to the satisfaction of the LPA in accordance with the timescales agreed within the scheme.

Reason: To protect the health of future occupants of the proposed development, in an area of poor air quality.

Informative: The requirements of condition 36 are based on on-going air quality monitoring adjacent to the site. If the applicant wishes to agree alternative or reduced protection to bedrooms and living spaces for the occupants this should be based on survey work carried out by the applicant the method of which should have prior approval of the Environmental Protection Unit.

In accordance with the requirements of policy L1c of the Local Plan and as discussed in paragraph 4.51 on page 31 of the report the applicant has entered into a unilateral undertaking which provides for a commuted sum in respect of off-site sports provision. The sum within the agreement is £48,566. The figure for bedroom numbers in the paragraph should read 244.

Whilst the comments of the Police Architectural Liaison Officer are referred to in the main part of the report in paragraph 4.55 on page 31 the summary of their comments has been omitted from the consultation response section. To clarify their comments they are as follows:-

Statistics show that the site is within an area of high risk from crime and disorder. There is not sufficient information within the application to show how the site will be managed. Concerned that the details seem to indicate that the site will not be managed on a 24 hour basis. Considers that an Operational Management Statement in support of this application should be a requirement. This statement should clearly detail how management and supervision of both the accommodation and its occupants are to be addressed.

The behaviour of homeless persons/squatters on the current site has placed a huge demand on police resources. Development of this land will help to improve the environment and eradicate some of the crime and disorder problems that have been experienced. If permission is not granted then a 215 notice should be served under the planning acts to clean up the site as its current condition is affecting the amenity of the area.

An additional informative is required to make clear that any change from student housing would require planning permission :-

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.

A Statement of Community involvement has been received following a public exhibition in the adjacent church hall on the 27th September 2012. The statement says that around 30 people attended the event. The principal method of feedback utilised as part of the consultation event were the response forms which were supplied for participants to submit their comments. The statistics in the document conclude, according to the Agent's analysis, that there exists significant support for redevelopment of the site with the application scheme proposed. The figures also highlighted that the majority of views expressed see the site as a current eyesore and that student accommodation would free up general market housing locally for low cost or family occupation.

Reference: 12/01878/REMM

Application at: Land lying west of Metcalfe Lane Osbaldwick York

For: Reserved Matters for details of siting, design, external appearance and landscaping for Phases 3 and 4 of outline permission 03/02709/OUT

1. Clarification regarding housing numbers

Report states at 1.8, 346 dwellings (304 houses and 42 apartments). Latest revised plans reduced number to 301 houses and 42 apartments, totalling 343 dwellings. The description needs to be amended to reflect this.

2. Letters received further to Officer's report

i) York Natural Environment Panel – Pleased the Oak tree is to be retained and with the treatment around it. Request further consideration is given to the fragmentation of the meadow habitats to allow safe passage for the Great Crested newts between the pond meadow and meadow to northwest. [NB from Officer – the scheme does propose a newt tunnel between the newt field and ridge and furrow meadow]

ii) Letter from Meadlands Area Residents Association objecting to the proposal, which has been circulated to Members by email and provides comment on the following:

- Water table, ground water retention and drainage – Concerns that the natural surface water drainage has been affected by the new road and Energy Centre resulting in increased standing water in gardens of Meadlands properties and public footpath. A professional assessment of situation is requested.
- Height of new properties – Request a cross section plan showing variance of existing property floor levels to those of new properties.
- Proximity of new properties – The open aspect of existing properties will disappear on completion of Phase 4. Close proximity of properties does not comply with the distances allocated in Phases 1 and 2.

3. Letter from agent with accompanying drawings submitted in respect of plots 282/283 and 87/88.

Plots 282/283 – Confirms that separation distance at first floor level exceeds 20 metres as dormer window is set back on roof slope with a hedge preventing overlooking at ground floor level.

If Members consider it necessary, the house type on plots 282/283 could be swapped with those on plots 280/281, which are two bedroom rather than three bedroom properties, and the dormer window replaced with a rooflight to further reduce the potential for overlooking of 34 Meadlands.

Plots 87/88 – Propose the re-siting of these plots to provide a distance of 20.3m to the rear face of 13/14 Malham Grove. To achieve this, the houses are moved to the north and the front on-street parking space relocated further to the north on the opposite side of the road.

COMMITTEE UPDATE**AGENDA ITEM 4b**

Subsequent email from agent to confirm that cross-sectional drawing is accurate following further work undertaken by scheme engineers.

Officers welcome these proposals and ask that if Members are satisfied with the scheme with these amendments, the application be delegated to officers to approve following the submission of revised plans to take account of these changes. Officers view is that no further public consultation is required as the relationships between properties would be improved.

4. Conditions

Revise wording of condition 4 to read:

Notwithstanding the approved plans, details of the cycle parking facilities serving each dwelling within the site, including the apartments, shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. The details shall include means of enclosure and method of support. The dwellings shall not be occupied until the associated cycle parking facilities have been provided on site in accordance with such approved details. Thereafter, these areas shall not be used for any other purpose other than the parking of cycles. Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

Additional condition regarding shared cycle/pedestrian route linking Sustrans cycle route with Meadlands:

Notwithstanding the approved plans, details of the shared pedestrian and cycle route from Sustrans Route no.66 to Meadlands to be realigned shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the alignment, construction details and surfacing materials. The path shall be a minimum width of 3.5 metres. Reason: To ensure that the route is appropriate for its dual use and to promote walking and the use of cycles thereby reducing congestion on the adjacent roads.

Additional condition regarding levels around the Oak tree:

Notwithstanding the information contained on the approved plans, details of the sensory garden around the existing Oak tree, including ground levels, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. Reason: To ensure adequate protection of a tree that provides an amenity value to the area.

Additional condition regarding eastern boundary:

Notwithstanding the information contained on the approved plans, details of the boundary enclosure along the eastern site boundary, including management of the existing hedge, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Additional condition regarding height:

Notwithstanding the information contained on the approved plans, the height of the houses on plots 87-88 and 278-289 hereby approved shall not exceed 10 metres and 7.3 metres, as measured from the existing ground level relating to each plots, unless otherwise agreed in writing by the Local Planning Authority. Before any works commence on the site, a means of identifying the existing ground levels on the site shall be agreed in writing, and any works required on site to mark those ground levels accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period. Reason: To establish existing ground levels and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area or amenity of the neighbouring properties on Malham Grove and Meadlands.

HB 22.11.2012

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