



## Notice of a public meeting of Planning Committee

- To:** Councillors Horton (Chair), Galvin (Vice-Chair), Ayre, Boyce, Burton, Crisp, D'Agorne, Doughty, Firth, King, McIlveen, Reid, Riches, Simpson-Laing, Watt and Williams
- Date:** Thursday, 19 December 2013
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

### AGENDA

Would Members please note that the mini-bus for the Site Visits for this meeting departs Memorial Gardens at 12.30 on Tuesday 17<sup>th</sup> December.

#### 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 - 10)

To approve and sign the minutes of the meeting of the Planning Committee held on 21 November 2013.

### 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 **5pm on Wednesday 18 December 2013**. 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.

**Please note that this meeting, including public speakers, will be sound recorded to allow members of the public to listen to the proceedings without having to attend the meeting. The sound recording will be uploaded onto the Council's website following the meeting.**

### 4. Plans List

This item invites Members to determine the following planning applications:

**a) Haymarket Car Park, Dundas Street, York (13/03302/FULM) (Pages 11 - 32)**

Full planning application for the erection of part-three and part-four storey office building (Use Class B1a) of 6,545 square metres (GEA). New energy centre (49 square metres), landscaping proposals, improvements to public realm and highways, and associated works. [Guildhall Ward][*Site Visit*]

**b) Haymarket Car Park, Dundas Street, York (13/03232/OUTM) (Pages 33 - 56)**

Outline planning application for an office (Use Class B1a) with flexible ground floor uses (A1, D1 or D2), or hotel building (Use Class C1) with access. [Guildhall Ward] [*Site Visit*]

**c) Askham Bryan College, Askham Fields Lane, Askham Bryan, York, YO23 3PR (13/02946/FULM) (Pages 57 - 98)**

Erection of educational and associated buildings and related parking, circulation areas and landscaping (for animal management centre, farm and equestrian purposes, 2 staff dwellings, animal housing), siting of animal shelters, silos and feed bins, erection of security fencing, formation of external equine training areas including polo field, formation of new access to York Road, reorganisation of existing access and parking areas, formation of ponds, change of use of existing buildings, temporary student

accommodation and providing glazed roof to existing quadrangle. [Rural West York Ward][*Site Visit*]

**d) Askham Bryan College, Askham Fields Lane, Askham Bryan, York, YO23 3PR(13/02969/OUTM) (Pages 99 - 122)**

Outline application for the erection of new building and conversion of existing building to provide student accommodation; the erection of teaching block following the demolition of a workshop; and the erection of an engineering building. [Rural West Ward] [*Site Visit*]

**e) Factory , Bishopthorpe Road, York, YO23 1NA (13/03429/REMM) (Pages 123 - 132)**

Reserved Matters application for Phase 1 development comprising 57 houses, 1 no. 18 unit apartment building and 1 no. 11 unit apartment building with ground floor retail unit. [Micklegate Ward][*Site Visit*]

**f) Our Lady's R C Primary School, Windsor Garth, York, YO24 4QWI (13/02892/FULM) (Pages 133 - 150)**

Erection of 56 no. two storey dwellings and associated works.[Westfield Ward]

**g) 32 Lawrence Street, York (13/03349/FULM) (Pages 151 - 186)**

Demolition of existing car showroom and erection of 3 no. student accommodation buildings comprising of 220 studios with associated external works including freestanding energy building (revised scheme) [Fishergate Ward]

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

Democracy Office

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

- Registering to speak
- Business of the meeting
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### **Scrutiny Committees**

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

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

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**PLANNING COMMITTEE****SITE VISITS****Tuesday 17<sup>th</sup> December 2013.**

<b>TIME</b>	<b>SITE</b>	<b>ITEM</b>
<b>12:30</b>	<b>Coach leaves Memorial Gardens</b>	
<b>12:45</b>	<b>Former Terry's Factory Site (Campleshon Road side)</b>	<b>4e</b>
<b>13:30</b>	<b>Askham Bryan College</b>	<b>4c &amp; 4d</b>
<b>14:30</b>	<b>Land at Haymarket Car Park , Hungate</b>	<b>4a &amp; 4b</b>

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City of York Council

Committee Minutes

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Meeting	Planning Committee
Date	21 November 2013
Present	Councillors Horton (Chair), Galvin (Vice-Chair), Ayre, Burton, Crisp, D'Agorne, Doughty, Firth, King, McIlveen, Reid, Riches, Simpson-Laing, Watt, Watson (Substitute) and Williams
Apologies	Councillors Boyce

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**27. SITE VISITS**

Site	Reason for Visit	Members Attended
Former Our Lady's Primary School Site, Windsor Garth.	To enable members to familiarise themselves with the site	Cllrs Crisp, Horton, Galvin, McIlveen and Reid
Northminster Business Park	To enable members to familiarise themselves with the site	Cllrs Horton, Galvin Mcilveen.

**28. DECLARATIONS OF INTEREST**

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

Councillor Doughty declared a personal interest in agenda item 4a as a former pupil of Our Lady's Primary School.

**29. MINUTES**

Resolved: That the minutes of the last Planning Committee held on 24<sup>th</sup> October 2013 be approved and signed by the Chair as a correct record subject to the following:

Councillor D'Agorne asked that minute item 26 be amended to reflect that he had left the meeting for consideration of that item.

Councillor Ayre moved a recommendation to amend the minutes as being incomplete in relation to minute item 25 as no reference was made to his comments that officers had confirmed that a management plan existed but had not explained why policy H16 was not referred to in the report and that Members were incorrectly advised that the management of the site was not a planning matter. This was seconded by Councillor Galvin. When put to the vote, the motion was lost and the amendment suggested by Cllr Ayre was not made.

**30. PUBLIC PARTICIPATION**

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

**31. FORMER OUR LADY'S PRIMARY SCHOOL, WINDSOR GARTH**

Consideration was given to a major full application by Mr. Joel Owen for the erection of 56 new two storey dwellings and associated works at the Our Lady's Primary School site, Windsor Garth, York.

Officers provided an update to the committee report, full details of which are attached to the online agenda for information.

Details included:

- Further comments on the density of the proposed development. The density was considered acceptable when compared with nearby existing development and the proposed level in the existing and draft Local Plan.
- The impact of small domestic animals in the area and confirmation that the countryside officer did not consider this to be material.
- Site access and confirmation that Highways Officers consider the current proposed arrangement to be acceptable.

- Sustainability, in particular that the applicant is exploring ways to move the rating up to BREEAM Code for Sustainable Homes level 4.
- Paragraph 1.1 of the Committee Report contains a typing error. “46 for social rent... should read 41 for social rent...”
- A further comment had been received from Hob Moor Residents expressing concern at the removal of the existing security railings at the site.
- Yorkshire Wildlife Trust object to the proposal the grounds of the increased intensity of use on the site and the significant potential harm to the Designated Local Nature Reserve through increased, noise, light and usage by domestic animals. They asked for a range of measures to address their concerns.

Peter Green had registered to speak as Chair of Friends of Hob Moor and as a Local Resident. He queried if the site was the right place for a development of 56 houses. He also raised concern at the developer’s apparent lack of knowledge on the adjoining nature reserve. He questioned if Natural England knew about the proposals as they had funded the reserve in the past. He asked that the application be resubmitted with fewer houses, a better sustainability rating and with more respect for the nature reserve and local residents.

Joel Owen had registered to speak on behalf of Yorkshire Housing. He highlighted the need for affordable housing in York and considered the scheme to be highly deliverable. He acknowledged that the sustainability level proposed was the minimum but Yorkshire Housing would work to improve the sustainability credentials of the site.

Members had concerns about the lack of a play area on the site, the application only achieving the minimum BREEAM Code 3 and the use of a boundary fence.

In answer to a number of questions, Mr. Owen and Planning Officers made the following points:

- BREEAM code level 3 is the accepted minimum level in line with Council policy.
- In response to comments by the Friends of Hob Moor, a condition to keep the current railings around the site would be acceptable. However, a boundary fence would still be placed within the railings.

- It was not considered necessary to include play area provision due to the proximity to Hob Moor and the associated maintenance costs to tenants.

Councillor Simpson Laing moved and Councillor Williams seconded deferral of the application. When put to the vote it was:

Resolved: That the application be deferred.

Reason: To enable the applicant to address the concerns raised in relation to the lack of a play area, sustainability and the boundary fence.

**32. LAND TO THE WEST OF REDWOOD HOUSE,  
NORTHMINSTER BUSINESS PARK, UPPER POPPLETON,  
YORK (13/03170/FULM)**

Consideration was given to a major full application by Mr. George Burgess for the erection of a two storey building accommodating research, development and production laboratories and offices (use class B1, ancillary car parking and landscaping works).

Alistair Gill had registered to speak on behalf of the applicant. He advised that following expansion, Regenex were looking for new premises to accommodate new facilities that couldn't be sourced at the current location at York Science Park. Northminster Business Park provided the ideal location due to good transport links and it was hoped the development would be delivered by the last quarter of 2014.

Some Members queried the use of Green Belt land and the cycle access to the site. Officers confirmed that the site was considered safe for cyclists and as the site was neighbouring existing development in the Green Belt it was considered a logical location for expansion.

Following further discussion it was:

Resolved: That the application be approved subject to the imposition of conditions listed in the Officers report.

Reason: Although the site is in the green belt, it has been identified for future development in the 2005 Local Plan and in the preferred options version of the new Local Plan. Due to the scale of the building and given the development to the north and to the east, there would be no undue impact on the openness of the green belt, and a lower impact than if the development were to other sides of the business park that have been identified for development (those to the north and to the west). It is therefore considered there are very special circumstances to outweigh the normal presumption against inappropriate development in the green belt.

Cllr D Horton, Chair

[The meeting started at 4.30 pm and finished at 6.00 pm].

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**COMMITTEE REPORT**

**Date:** 19<sup>th</sup> December 2013    **Ward:** Guildhall  
**Team:** Major and Commercial Team    **Parish:** Guildhall Planning Panel

**Reference:** 13/03302/FULM  
**Application at:** Haymarket Car Park Dundas Street York  
**For:** Full planning application for the erection of part-three and part-four storey office building (Use Class B1a) of 6,545 square metres (GEA). New energy centre (49 square metres), landscaping proposals, improvements to public realm and highways, and associated works  
**By:** Hiscox  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 1 January 2014  
**Recommendation:**

**1.0 PROPOSAL**

1.1 The application relates to part of the Hungate site, which previously accommodated the Haymarket Car Park, the Ambulance Station and the Peasholme Green Hostel. The site also includes part of the public highway - along the Stonebow where there is an aspiration for public realm enhancement. The site has now been cleared and in part is currently used as a car park. The site is bound by the White Swan public house, a grade 2 star listed building, and the C20 offices to the north, and otherwise roads; Black Horse Passage , Dundas Street and Stonebow.

1.2 Proposed is a part 3, part 4 storey office building, providing some 4,635 sq m net floor-space. The future occupants (Hiscox) will have some 500 employees. The application also proposes landscaping and public realm improvements. The phase 1 works would be implemented by the applicants, which include a pedestrian / cycle route and an improved crossing over Peasholme Green / The Stonebow. The applicants have also agreed to contribute to wider improvements in the area, which would calm traffic and improve the setting of the Black Swan and St Anthony's Hall.

1.3 A second building is proposed on the north-east side of the site (behind the Black Swan) which would be 3 / 4 storey in height and either an office or hotel. There is a separate outline application for the scheme - 13/03232/OUTM.

## Summary of community involvement

1.4 The applicants undertook community consultation prior to submission of the application. This involved discussions with local businesses and consultations with residents, councillors, York Civic and Conservation Trusts and English Heritage. There were two public events at the Guildhall which around 120 people attended. Around 686 leaflets were distributed and 61 feedback forms were returned.

1.5 In principle the development, and further regeneration at Hungate, was supported. Overall feedback was positive on the provision of cycling and changing facilities and the public realm works shown. Concern was raised over the proposed (grey) brickwork, increased traffic as Hungate develops and the height of the proposed buildings. There was a desire for more public uses/benefits, such as opening the River Foss footbridge to the public, allowing use of the roof top garden and considering the type of uses that may be accommodated within the other proposed building on the site.

## 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: Central Area 0002
- Floodzone 2 GMS Constraints: Flood zone 2
- Floodzone 3 GMS Constraints: Flood zone 3
- Listed Buildings GMS Constraints: Grade 2 Star; Black Swan Peasholme Green  
York YO1 2PR 0839

### 2.2 Policies:

CYSP9	Action Areas
CYGP1	Design
CYGP4A	Sustainability
CYHE2	Development in historic locations
CYHE10	Archaeology
CYGP15	Protection from flooding
CYT4	Cycle parking standards
CYT20	Planning agreements
CYT13A	Travel Plans and Contributions



## 3.0 CONSULTATIONS

### Design, Conservation and Sustainable Development

3.1 Officers support the scheme. The proposed office development, together with the outline proposals for the adjacent site, aim to restore context adjacent to the listed Black Swan building and reinforce the sense of place in the Peasholme Green area. The former wool market would be strengthened as a “gateway” space into the city centre, and a pedestrian / cycle routes would be improved. The new office building would contribute to York’s architectural legacy. It would be of high quality design, and similarly be an expression of its time.

### Archaeology

3.2 Offers support the application. Conditions have been requested to ensure that the proposed mitigation strategy is undertaken and so that archaeology of national importance is preserved.

3.3 The application site lies within the designated City Centre Area of Archaeological Importance, an area which has produced archaeological features and deposits of national importance. The Council has already commissioned a series of excavations and evaluations on the site since 1986. The most significant findings from these interventions relate to All Saints church (in use from at least the early 12th Century AD through to the mid-16th Century AD), the graveyard associated with this church, and the foundations of medieval buildings and various associated ancillary features.

3.4 A significant portion of the medieval graveyard that lies to the east of the former ambulance station on Dundas Street has been left in-situ. This part of the graveyard will contain the remains of at least 2000 individuals interred between the 12th and 16th centuries. This represents a very valuable, nationally important sample of the medieval population of the city of York. The applicants have proposed a mitigation strategy, which will ensure that this part of the medieval graveyard will remain undisturbed and will be preserved in-situ. Within this zone, there must be no disturbance below 10.65m AOD.

3.5 The piling/foundation design for the building should destroy no more than 5% of the archaeology, outside of the preserved in-situ cemetery, where archaeology survives. Any ground reduction lower than 10.20m AOD in parts of the site not previously investigated should be covered by a combination of watching brief and limited excavation, due to the high probability of re-used medieval building foundations located in this area.

### Planning and Environmental Management

3.6 No objection to the proposal for office development in this location provided that colleagues in design and conservation consider the impact of the proposals on the historic environment to be acceptable.

3.7 The principle of office development is welcome and supported; it complies with the Hungate Development Brief, Local Plan policies SP9 and Policy E1a and the emerging Local Plan which identifies York City Centre as a strategic location for a range of employment uses and fundamental to delivering the plans economic vision.

### Environmental Protection Unit

3.8 The Environmental Protection Unit has no objections to the application but have made the following comments -

- Conditions are requested to prevent noise having an undue impact on neighbours.
- Conditions are requested with regards construction management (and when the development is complete) times of delivery, and that noise levels of plant are appropriately restricted.
- A condition to deal with land contamination is requested.

### Flood Risk Management Team

3.9 Officers are content with the strategy for drainage. It is asked that full details, which will ensure existing surface water run-off rates are reduced, are secured by condition.

### Highway Network Management

3.10 No objection, subject to conditions requiring a travel plan, the agreement of highway works and that no doors open outward onto the highway.

3.11 As part of the application it is proposed to divert the 'Way of the Roses' cycle route from Dundas Street onto a traffic free route between the Hiscox building and the adjacent outline application site. Initially a 4m width route will be provided however there will be the potential to widen this route further through the reserved matters application on the adjacent site. The physical works being provided through the application include;

- An improved (at grade) crossing for pedestrians and cyclists on Peasholme Green. The works include a reduction in carriageway width to 6m in-front of the building.

- An extension to the existing plateau junction on Black Horse Lane which will provide an at grade crossing for pedestrians/cyclists using the route from the new Hungate Bridge to Peasholme Green
- Resurfacing of the footway to the building frontage on Dundas Street

3.12 Cycle parking has been provided within the building, in accordance with CYC standards and the expected mode split targets. The applicants have indicated that further space within the building has been identified for the expansion of cycle parking in the future, if deemed necessary through the Travel Plan.

#### Guildhall Planning Panel

3.13 In support of the proposals.

#### Environment Agency

3.14 Officers advise that it is important that groundwater is not contaminated. Conditions are requested to ensure such. These include a site investigation and remediation strategy, and that any means of piling and other underground installations are approved. With regards flood risk officers consider the development must accord to the submitted Flood Risk Assessment, specifically finished floor levels must be set at the agreed suitable AOD levels.

#### English Heritage

3.15 Officers support the application. English Heritage advise that the site presents an excellent opportunity to enhance the setting of the immediate historic buildings and townscape, and also creates an opportunity to deliver a development that is an outstanding example of architectural design. The proposals are considered to fully acknowledge these opportunities, and English Heritage support the application.

#### Police Architectural Liaison Officer

3.16 Concern the sunken area in front of the office / hotel building & the ramp at the side of the building will be used by skateboarders / bmx bikers and there will be damage. Also the recessed entrance could be used for rough sleeping.

3.17 The outside seating area could be used by those less fortunate. The Hungate area has been included in an application (pending) for a dispersal area under the Anti Social Behaviour Act 2003 Sect (30) (4). This is as a result of complaints of intimidation, harassment, alarm and distress mainly connected with the congregation of persons with chaotic lifestyles who use the Care Cent facility in St Saviourgate, a short distance from this development. It is noted these issues are mainly centred around the Stonebow area rather than Hungate itself. But displacement is a very strong possibility. A similar outside seating area to that

proposed, next to the Shambles Car Park, a short distance away, has suffered from many of the issues described above.

### Yorkshire Water

3.18 Officers have made comment about drainage and requested conditions to ensure that the site is developed with separate foul and surface water drainage and that surface water run-off rates are reduced. It is noted that foul drainage may run into the public sewer recorded on Black Horse Passage.

### Publicity

3.19 The deadline for comment was 20.11.2012. No comments have been made.

## **4.0 APPRAISAL**

### KEY ISSUES

4.1 The key issues are:

- Principle of the proposed development/use of the building
- Visual impact and impact on heritage assets
- Impact on the amenity of surrounding occupiers
- Crime and disorder
- Highway implications
- Flood risk
- Contamination
- Sustainable design and construction

### WHETHER THE PROPOSED LAND USES ARE ACCEPTABLE IN PRINCIPLE

4.2 The application site is within the Hungate Action Area, which was designed for accommodating comprehensive mixed use development in the 2005 Local Plan (policy SP9) including offices. The Council's 2009 Employment Land Review identified the Hungate Action Area to deliver some 12.062 sq m of office space. This allocation has been carried through in the preferred options document for the emerging Local Plan (policy EMP2).

4.3 The proposed development, approx 6,500 sq m floor-space of high quality offices for around 500 employees, fits with local aspirations for the site, as identified in the Local Plan. Consequently the development is fully compliant with national policy established within the National Planning Policy Framework (NPPF), which seeks to encourage sustainable economic growth, and requires Local Planning Authorities to have an economic strategy that delivers such.

## VISUAL IMPACT AND IMPACT ON HERITAGE ASSETS

4.4 The NPPF advises that good design is a key aspect of sustainable development and is indivisible from good planning. 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, using streetscapes and buildings to create attractive and comfortable places to live, work and visit
- Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation

4.5 The NPPF advises Local Planning Authorities should set out a positive strategy for the conservation and enjoyment of the historic environment. Development must conserve or enhance conservation areas. Locally the Central Historic Core Conservation Area Appraisal sets parameters for development which will impact upon the conservation area. The appraisal identifies key views within the city which must be protected, to preserve the dominance of the Minster on the skyline. The management strategy within the appraisal advises that development will be expected to:

- Respect local building heights
- Place importance on the design of roofs and the roofscape: which are often highly visible from raised viewpoints (walls, Clifford's Tower, the Minster). New development should contribute positively to the character of York's distinctive skyline
- Preserve existing views and look to create interesting new ones
- Seek to add to the variety and texture of the Conservation Area, which is one of its defining characteristics
- Use materials appropriate to the status and context of the building

4.6 The surrounding heritage assets are the Black Swan Public House, which dates from C16 and is listed at grade 2 star, St Anthony's Hall on the opposite side of the Stonebow, which dates from the C15 and is listed at grade 1. The site is just outside the Central Historic Core Conservation Area, which terminates to the west, on the opposite side of The Stonebow and Peasholme Green.

4.7 In summary the scheme is appropriate in design terms; it complies with the parameters for good design, established in the NPPF and Local Plan policies GP1 and HE2. There would be a significant enhancement to the historic setting if the proposed landscaping works are fully implemented.

4.8 The development proposed is on the former Haymarket area of open space. The building footprint has a setback from the street and orientates the office building towards St Anthony's Hall and the open space in front of it. The scheme respects the historic layout of the area before the Stonebow road was introduced. The scheme will provide open space to the front of the building, improve the crossing and widen the pavement at the junction on the opposite side of the road. The applicants have also agreed to make a contribution towards open space which could help finance either improvements to the spaces in front of the Black Swan and St Anthony's Hall, or provide a cycle route in front of the Black Swan and the application site. A pedestrian and cycle route, providing a vista of the Minster, would run through the site. This route was an aspiration of the Hungate masterplan; it will improve local connectivity and the national cycle network. The landscape enhancements shown as part of the proposals constitute an enhancement to this part of the conservation area and the setting of the Grade 1 listed St Anthony's Hall.

4.9 The proposed building's layout and scale will respect the existing setting and the buildings envisaged in the area, as established in the Hungate masterplan. The proposed building would be a mix of 3-storey (where elevations are glazed) and 4-storey (where brickwork). In comparison the building would be lower than the grade 2 \* listed Peasholme House, which is located on St Saviourgate. The portion of the building next to the Black Swan would step down to 3-storey (around 7m lower than the proposed council offices were to this extent) and be 16m away at its closest point. The building would sit just behind the front building line of the Black Swan. Floor-plates would be set back from the glass wall to "dissolve" the difference between inside and out and reduce the perceived mass of the building. The approach would also create interest along the proposed lane.

4.10 The design of the building has been influenced by the local historic context - the sinuous quality of the city walls and the fabric quality suggested by the former wool market. An undulating brick framework (described as a weave) would enclose the building and terminates the edges of the glass wall. Various studies have been carried out to develop the quality of the "woven" brick wall and the deeply set windows within it. Bay sizes have been carefully devised to achieve window proportions similar to the larger Georgian houses and they would result in a characteristic balance of solid to void. A long brick type has been chosen to introduce further texture to the facade. Discussions are ongoing, to agree the actual brick type, as officers have some concern about the lack of 'warmth' in the grey spectrum indicated in the applicant's Design and Access Statement.

4.11 Although the roof would be flat, atypical of the characteristic roof form in the Central Historic Core, it would receive soft landscaping and be of architectural interest, with its curved form integral to the overall design approach; it will have ecological value and be an interesting addition to the city skyline.

4.12 The site is within the city centre area of archaeological importance as such policy HE10 of the Local Plan is relevant. The policy seeks to assess and preserve (at least 95% of) important archaeological remains. The majority of this site was excavated in 2012. However there was a cemetery associated with the C12 All Saints Church, which has been left in situ to date. It is recommended the associated archaeology is retained. The buildings foundations will be designed so the cemetery is left in situ. Otherwise no more than 5% of archaeology will be damaged. Conditions can secure such and that a watching brief and findings are reported.

#### IMPACT ON THE AMENITY OF SURROUNDING OCCUPIERS

4.13 The National Planning Policy Framework asks that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Local Plan policy GP1: Design requires that development proposals ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

4.14 The approved Hungate master-plan gave a separation distance of 10m to 15m between buildings along Black Horse Passage, and 10m along Dundas Street. The surrounding blocks proposed on the Hungate site were to be residential, varying in height from 4 to 6 storey. The building would be at least 25m from the recently constructed 3-storey houses on the opposite side of The Stonebow.

4.15 The proposed building heights and separation distances would be consistent with what has been approved at phase 1 on Hungate and what is envisaged between buildings on the remaining phases; typically 5 or 6 storey buildings around 10 to 15 m apart. Considering the context there are no objections on amenity grounds in this respect. Conditions are proposed to reasonably control activity which can cause noise. Delivery times will be restricted, to hours consistent with those at the Hungate development, and noise levels of any plant / machinery will need to be agreed if they would be audible at noise sensitive facades outside the site.

#### CRIME AND DISORDER

4.16 An open space in front of the building will bring significant benefits to the setting, and respect the historic urban grain. The developments provided will provide natural surveillance and activity in this area and therefore it is not expected that similar problems to those experienced at the secluded space by the Shambles car park will be repeated. The ramp to the proposed building is required due to flood risk and the steps due to the change in ground levels. The steps (within the open space by the Black Swan) would bring a benefit if they were introduced, being more useable and attractive than the existing cobbles but they will only be installed if

there is funding to narrow the highway and widen the footpath and provide a cycle route.

## HIGHWAY NETWORK MANAGEMENT

4.17 The proposals accord with the requirements of the National Planning Policy Framework, which advises that developments should:

- Provide safe and suitable access to the site for all people and minimise conflicts between traffic and cyclists or pedestrians.
- Maximise sustainable transport modes and minimise the need to travel.
- Incorporate facilities for charging plug-in and other ultra-low emission vehicles.

4.18 The servicing/deliveries area would be at the rear on Blackhorse Lane. The location has been chosen to avoid conflict with pedestrians and cyclists who would mostly use the proposed route through the site. There will be an improved crossing over Peasholme Green, which will calm traffic and encourage pedestrian / cycle movement.

4.19 No electric vehicle charging points are proposed as, apart from disabled spaces on street, there will be no car parking. The building's users will be encouraged to use alternative modes of transport to the private car because of the city centre location, the provision of covered and secure cycle spaces and changing facilities, and as the development would be car free.

## FLOOD RISK

4.20 The NPPF advises that schemes should ensure flood risk is not increased elsewhere and that development is appropriately flood resilient and resistant, including safe access and escape routes where required.

4.21 The application site is within flood zone 3a. According to national policy the office use proposed is appropriate in such a flood risk area. The development would be flood resilient and would not increase flood risk elsewhere.

4.22 Finished floor levels would be set at 11.5 AOD, which is above the 1 in 100 year flood level considering climate change (of 10.94 AOD). It is proposed the ground floor level is lower at the south end - 10.5 AOD. This level is the 1 in 200 flood event level. The area does not need to be as flood resilient as this area of the building would be used for changing facilities, storage and showering. The ground level has been agreed with the Environment Agency. It is proposed the occupants sign up to the Environment Agency flood warning service and a flood procedure plan would be put in place. Overall the development would be suitably flood resilient.

4.23 It is proposed to control surface water run-off, so that existing rates are reduced by 30%. As such flood risk will not be increased elsewhere.



## SUSTAINABLE DESIGN AND CONSTRUCTION

4.24 Proposed developments are expected to meet the requirements of the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction. Commercial developments such as offices involving more than 500 sq m of space should demonstrate that they can achieve a BREEAM rating of 'very good', among the requirements are that the development can generate at least 10% of its energy demands from low or zero carbon technology.

4.25 It is proposed to install PV panels on the roof. However due to the proposed roof design, which includes planting (which has biodiversity gains and contributes to the buildings BREEAM rating), only 80 panels will fit on the roof. The panels would only provide some 4.99% of the buildings energy demand. The applicants have provided a robust argument (see energy statement addendum) which explains why other technologies are unsuitable for the building.

4.26 In mitigation for not meeting the 10% renewables target, the applicants propose that a BREEAM Excellent rating will be achieved, which exceeds the councils very good requirement. Also if a hotel comes forward on the remainder of the site, combined heat and power (CHP) would be a viable energy source (due to heating demands in a hotel) which would provide over 15% of that building's energy demand. It could also provide energy for the office building. The proposals could be secured via planning conditions. Overall officers are satisfied that although the development would not strictly accord with local policy, other measures to result in BREEAM excellent would outweigh this in this instance and so the development is acceptable in terms of sustainable design and construction.

## 5.0 CONCLUSION

5.1 The development of high quality office space at the application site would fit with the planned aspirations for this part of Hungate and is therefore welcome. The building will be of adequate environmental standards, including achieving BREEAM excellent, and will encourage sustainable travel. The overall development will enhance the area, respecting the setting of nearby listed buildings and archaeology of importance. There would be no undue impact on surrounding existing or future occupants.

5.2 There will be a contribution towards public realm improvements, which will be secured through a unilateral undertaking.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve Subject to Unilateral Undertaking

1 TIME2 Development start within three years -

2 Plans

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

Proposed Plans package PA01

0500 site layout

0999 ground floor plan

1000 landscaping / highways layout rev 01

1001 mezzanine level

1002 first floor plan

1003 second floor plan

1004 third floor plan

1005 roof plan rev 01

1100 north-east and south-east elevations rev 01

1101 south-west and north-west elevations rev 01

1120 sections

1150 and 1151 large scale details of facade

2561 17C Landscaping works

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

3 Landscaping

Prior to occupation of the development hereby approved the hard landscaping proposals as shown on drawing 2561 17C shall be implemented (and the existing crossing that will become redundant shall be removed).

A detailed landscaping scheme (including the number, species, height and position of trees and shrubs and specification of existing and proposed materials) shall be approved by the Local Planning Authority prior to completion of construction. The scheme shall include proposals for the roof areas, following the concept plans established within the submitted design and access statement, and an interim arrangement for the area within the application site where the office/hotel building is proposed, which shall be provided until construction on that site commences.

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

Reason: In the interests of the character and appearance of the area and to enhance biodiversity in accordance with paragraphs 58 and 109 of the National Planning Policy Framework.

#### 4 Materials

Samples of the external materials to be used shall be approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

A sample panel of the brickwork, showing a typical section of the woven facade, shall be erected on the site (illustrating all components and the colour, texture and bonding of brickwork and the mortar treatment to be used), and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. The development shall be completed in accordance with the approved sample.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

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

#### 5 Large scale details

Large scale details (at a scale of 1:10 unless specified otherwise) of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

- a) The two negative connection points where the glazed facade and woven brick facade meet, to include details of relationship with the roof terrace
- b) Typical details of the weave and its apertures at curved corner locations
- c) Main entrance where the glazed envelope recedes under an exposed soffit
- d) Other doors and their surrounds

- e) Typical details of windows, grills, or window blocking/obscuring within punched openings of the “woven” facade (on the southeast elevation).
- f) External ramp, steps and balustrade. To include interface with main elevations
- g) Plant room (1:20). Any associated external plant at roof level shall not exceed the height of the parapet walls, as shown on the approved plans.
- h) Any balustrade at roof level additional to that shown on drawings 1150 and 1151
- i) External CCTV and lighting (locations to be marked on elevations and manufacturers details of equipment to be provided)

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of the building in view of the sensitive location.

## 6 Cycle parking and staff facilities.

Prior to first use of the development the cycle parking and changing facilities shown on the approved plans shall be installed and shall be provided for the lifetime of the development. The cycle parking spaces shall be secure, using sheffield type hoops or similar, and covered.

At least 4 sheffield type cycle stands (or similar) shall be provided by the building entrance prior to first use of the building. The location of the stands shall be approved by the Local Planning Authority.

Reason: To ensure adequate space for, and to encourage cycle use in accordance with policies GP1, and T4 of the City of York Draft Local Plan and section 3 of the National Planning Policy Framework.

## 7 Travel Plan

Within one of year of occupation of the building a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The travel plan shall be developed and implemented in line with local and national guidelines. The travel plan shall thereafter be reviewed and updated on an annual basis, to the satisfaction of the Local Planning Authority.

Reason: To reduce private car travel and promote sustainable travel in accordance with paragraph 36 of the National Planning Policy Framework and policy T13a of the City of York deposit Draft Local Plan.

## 8 Sustainable design & construction

The development shall be constructed to a BRE Environmental Assessment Method (BREEAM) standard of at least 'excellent'. A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority prior to occupation of the building. Should the

development fail to achieve a BREEAM standard of 'excellent' a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a standard of 'excellent'. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

No less than 4.9% of the development's predicted energy requirements will be provided from low or zero carbon technology. Unless otherwise agreed PV panels shall be installed on the building, in accordance with the details proposed in the Chapman BDSP 'Addendum to Energy Statement' report dated 29.11.2013. The approved scheme shall be implemented before first occupation of the development. The site thereafter must be maintained to 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 paragraph 17 of the National Planning Policy Framework.

## 9 Energy Centre

Prior to construction details of the external appearance of the 'energy centre' building 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.

Reason: In the interests of visual amenity.

## 10 Site Drainage

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. Drainage works shall be carried out in accordance with the approved details.

Details to include:

- a) Peak surface water run-off from the proposed development restricted to a maximum 3.7 lit/sec.
- b) Site specific details of the flow control device manhole limiting the surface water to the 3.7 lit/sec.
- c) Storage volume calculations, using computer modelling which 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 shall include an additional 20% allowance for climate change. The modelling shall use a range of storm durations, with both summer and

winter profiles, to find the worst-case volume required. The full range of modelling shall be provided.

d) 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.

e) 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.

f) Details 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.

## 11 Site Drainage

The site shall be developed with separate foul and surface water on and off site. Prior to development commencing, details of the proposed means of foul and surface water drainage, including any balancing works and off-site works shall be approved by the Local Planning Authority and the works shall be carried out in accordance with the approved details.

Reason: To ensure that the site is properly drained.

## 12 Flood Risk

The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by Ward Cole, dated September 2013, reference 10/4338 and in particular the finished floor levels shall be as proposed in the FRA. The mitigation measures within the FRA shall be fully implemented prior to occupation.

Reason: To ensure the development is safe from flooding, in accordance with paragraph 103 of the National Planning Policy Framework.

## 13 Archaeology

No disturbances of any kind (including excavations, foundations, piles, and service trenches) must take place below 10.65m AOD within the archaeological zone shown as the shaded area on drawing Archaeological Statement Figure 2.

Reason: In accordance with Local Plan policy HE10 as this zone contains unscheduled deposits of national importance that must be preserved in-situ.

14 ARCH2 Watching brief required -

15 ARCH3 Foundation design required -

16 Land Contamination

No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

a) A preliminary risk assessment which has identified:

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

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

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

d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect the surface water and groundwater receptors in the area from contamination and mitigate against any potential impacts to controlled waters quality.

17 Unexpected Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a

remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect the surface water and groundwater receptors in the area from contamination.

## 18 Foundation Design

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

Reason: To protect the surface water and groundwater receptors in the area from contamination by creating new pathways.

## 19 Land Contamination - works below surface level

Prior to installation, the details of any underground storage tanks, chambers, cabling shall be approved in writing by the local planning authority. The details shall include the full structural details of the installation, including details of excavation, the tank(s), tank surround, associated pipework and monitoring system, and shall demonstrate there will be no contamination to surface water and groundwater receptors. The scheme shall be fully implemented and subsequently maintained, in accordance with the approved details.

Reason: To protect the surface water and groundwater receptors in the area from contamination by creating new pathways.

## 20 Times of construction

During the development of the site, all demolition and construction works and ancillary operations, including deliveries to and dispatch from the site, shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays

Reason: To protect the amenity of the locality



## 21 Construction Management

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

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

## 22 Plant

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

Reason: To protect the amenity of the locality.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed 5dB(A) below the background noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 1997, this being the design criteria adopted by EPU, including any acoustic correction for noises which contain a distinguishable, discrete, continuous note (whine, hiss, screech, hum, etc.); noise which contain distinct impulses (bangs, clicks, clatters, or thumps); or noise which is irregular enough to attract attention.

## 23 Deliveries

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

Monday - Friday            08:00 - 18:00

Saturday, Sunday & Bank Holidays 09:00 - 18:00

Reason: To protect the amenity of local residents.

24 HWAY41 Safety Audit

A full 3 stage road safety audit carried out with advice set out in the DMRB HD19/03 and guidance issued by the council, will be required for the internal highway layout and all off-site works requiring alteration, stage 1 of which must be submitted to and agreed in writing by the LPA prior to works commencing on site.

Reason: To minimise the road safety risks associated with the proposed works to The Stonebow / Peasholme Green.

25 HWAY40 Dilapidation survey

26 Highway management during construction

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

- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- where contractors will park
- where materials will be stored within the site
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

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

## 7.0 INFORMATIVES:

### STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: pre-application advice provided, negotiation during the processing of the application to agree works to proposed public spaces and the use of planning conditions.

Works in the Highway

Consent is required from the Highway Authority for the works being proposed, under the Highways Act 1980

Contact Utilities

As the proposal may have an affect on Statutory Undertakers equipment

**Contact details:**

**Author:** Jonathan Kenyon Development Management Officer

**Tel No:** 01904 551323

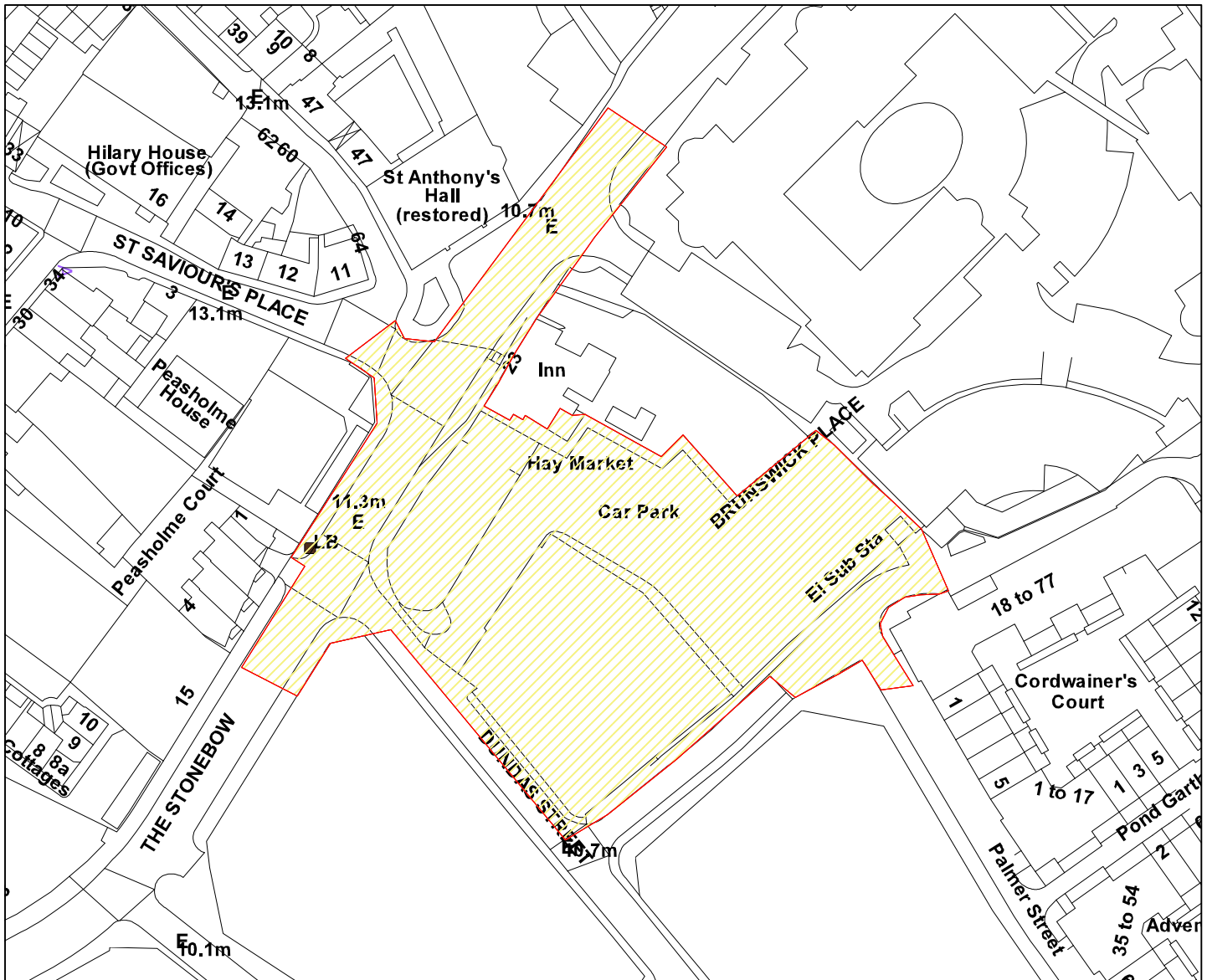
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# 13/03302/FULM

## Haymarket Car Park

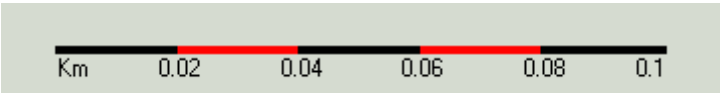


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<b>Comments</b>	Not Set
<b>Date</b>	09 December 2013
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**COMMITTEE REPORT**

**Date:** 19<sup>th</sup> December 2011      **Ward:** Guildhall  
**Team:** Major and Commercial Team      **Parish:** Guildhall Planning Panel

**Reference:** 13/03232/OUTM  
**Application at:** Haymarket Car Park Dundas Street York  
**For:** Outline planning application for an office (Use Class B1a) with flexible ground floor uses (A1, D1 or D2), or hotel building (Use Class C1) with access.  
**By:** Hiscox  
**Application Type:** Major Outline Application (13 weeks)  
**Target Date:** 30 December 2013  
**Recommendation:** Approve

**1.0 PROPOSAL**

## Application site

1.1 The application site falls within the Hungate area, which was given outline planning permission for mixed-use re-development in 2006 (planning application 02/03741/OUT ). It covers part of the site where the Council offices were previously proposed (application 08/01201/FULM), behind the Black Swan.

1.2 The shape of the proposed building generally follows that shown on the approved masterplan although the building depth is larger behind the Black Swan (around 15m rather than 7m). In the approved masterplan the building stepped in height, up from 4-storey behind the Black Swan to 6-storey. The building was identified for office use. There was also to be an office building of similar height/massing to the southwest, on the opposite side of pedestrian cycle route from St Saviour's Place down to the recently installed Hungate Bridge.

## Proposals

1.3 The application is in outline form, to either accommodate offices or a hotel. The proposals are made by Hiscox, who have also submitted a detailed application for a headquarters office building on the south-western side of the site (13/03302/FULM).

1.4 The proposed development would be a maximum of 5 storey with the upper floors setback an additional 6m from The Stonebow. The options for use are as follows -

- Office - max 4,248 sq m over 4 floors. The proposals would allow flexibility at ground floor, which could be sub-divided and provide either retail, D1 or D2 uses (non-residential institutions and assembly and leisure uses).

- Hotel - 5-storey with between 80 to 100 bedrooms. Up to 22 car parking spaces at the southeast end, with access from Blackhorse Passage.

## 2.0 POLICY CONTEXT

### 2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

Floodzone 2 GMS Constraints: Flood zones 2 & 3

Listed Buildings: Grade 2 Star; Black Swan Peasholme Green York YO1 2PR 0839

### 2.2 Policies:

CYSP9	Action Areas
CYGP1	Design
CYGP4A	Sustainability
CYGP15	Protection from flooding
CYHE2	Development in historic locations
CYHE10	Archaeology
CYV3	Criteria for hotels and guest houses

## 3.0 CONSULTATIONS

### Design, Conservation and Sustainable Development

3.1 Officers do not object to the proposals. It is deemed important that through good design the perceived scale of the building, where it faces Aldwalk / St Saviourgate, is reduced. A possible means of achieving such is shown in the addendum to the Design and Access statement.

3.2 The principle of either of the uses proposed would complement the mixed use and residential nature of the proposed new neighbourhood in the Hungate area. Incorporating flexible uses into the ground floor of the office scheme would also enliven the nature of the proposed new pedestrian/cycle route connecting The Stonebow with Black Horse Lane.

3.3 The site is at a point of transition between the rich architecture and fine grained “figure ground” of the Central Historic Core, and the taller, dense blocks of the Hungate masterplan area. The proposed footprint and illustrative massing of this application pose a different concept from the one defined in the original masterplan documents.



3.4 The approved masterplan indicated a long thin footprint behind the Black Swan, its height stepping from four to six storeys with a short three storey section in between. This form would be difficult to develop into a single building, or a collection of small and tall units. In this application the urban block has been reconfigured to create two similar development plots each of which would be more viable as building footprints. The initial phase of development would be the Hiscox office building next to Dundas Street (application 13/03302/FULM).

3.5 The taller massing of the office/hotel building is shown “pushed” further back behind a lower pavilion which would complete the spatial enclosure around the square. The immediate setting of the Black Swan would be respected. Whilst this device would address the human scale setting immediately adjacent to the Black Swan, it would not fully address issues of relative size and scale as seen in views from St Saviour’s Place and Aldwark, and the Black Swan. This type of arrangement though does occur in the Central Historic Core Conservation Area. The impact of the end elevation could be mitigated through good design (as indicated in the Design and Access Statement Addendum), rather than by changing the massing back to a stepped approach.

#### Archaeology

3.6 The most significant findings from previous interventions within the application site in 2000 and 2007 related to the foundations of medieval buildings and various 19th and 20th century features.

3.7 Future development on this site must be designed so that foundations and other sub-surface disturbances will destroy no more than 5% of the deposits on the site. In addition, there must be an archaeological watching brief on all groundworks. These requirements can be secured through placing conditions on the planning consent.

#### Environmental Protection Unit

3.8 No objections. Conditions are requested to prevent noise having an undue impact on neighbours. Conditions are requested with regards construction management, times of delivery, and that noise levels of plant are appropriate.

- In the interests of the amenity of future occupants of the building it is recommended the building is insulated so to avoid noise pollution.
- A condition to deal with land contamination is requested.
- If car parking is proposed, it is asked that electric vehicle points be provided.

#### Flood Risk Management

3.9 Officers have recommended a condition to deal with drainage proposals. It is asked that Yorkshire Water is consulted on the proposals.

## Highway Network Management

3.10 No objections, subject to conditions, to secure a travel plan, and to agree construction management, the detailed design of the proposed access onto Black Horse Lane and for making good of the highway following works (dilapidation survey).

- . Approval is only being sought for means of access but the applicant has indicated that a maximum of 25 spaces could be provided within a future hotel scheme. Details of the level of car parking and access to the car parking will be secured via a suitably worded condition to be addressed by a future reserved matters application. Officers do not consider that this level of car parking would lead to levels of traffic generation which would have a material impact on the surrounding highway. Officers are also satisfied that a suitable means of access can be achieved from Black Horse Lane and that visibility at this point would be in accordance with national guidance.
- The site includes the existing Haymarket Car Park. The loss of this car park has already been considered and approved by the authority and has been operating with a temporary consent until the redevelopment of the site takes place.

## EXTERNAL CONSULTEES

### English Heritage

3.11 Officers have made updated comment, based upon the Addendum to the Design & Access Statement. English Heritage support the form of the proposed building. The 3/4 storey element of the building, set back from the ground floor, and single storey foyer/reception element are deemed to constitute the most appropriate architectural solution to developing this challenging site, particularly given the set back of the building footprint from the Peasholme Green street frontage. Subject to appropriate detailed design, the development can have a positive impact upon the setting of surrounding listed buildings and the Aldwark Character Area of the York's Central Historic Core Conservation Area.

3.12 English Heritage considers that the success of integrating both the Hiscox Office development and the proposed Hotel/Office development into the setting will be contingent on the delivery of a high quality public realm scheme.

3.13 Should the hotel/offices proposals not come forward in the short to medium term, it is critical that a high quality landscaping scheme incorporates the entire footprint of this site. The laying out of this landscaping scheme should as far as possible been in place at the point that the Hiscox Offices become occupied and be secured through a planning condition.

Environment Agency

3.14 No objection provided that the development is carried out in accordance with the submitted Flood Risk Assessment. Specifically the provision of compensatory flood storage on site and that the ground level is no lower than 10.94 AOD.

Police Architectural Liaison Officer

3.15 The police have made the following recommendations as the proposals do not advise how crime would be considered in the design -

- There should be good natural surveillance and lighting, and CCTV should be considered.
- Private space should be clearly defined.

Guildhall Planning Panel

3.16 Support the application.

Publicity

3.17 Two objections have been made and one general comment made. Comments relate to visual impact and residential amenity and are as follows -

- The building may be monolithic and should be reduced in scale so as not to have an adverse impact on the setting of the Black Swan.
- Important views should be preserved.
- Lack of assurance about the design quality / appearance of the proposed building.
- The proposed development would be over-bearing and over-dominant over Hungate phase 1 and lead to a loss of light due to the height of the proposed building and its proximity to the existing development. The building is larger and taller than shown at outline stage and the Council Offices scheme which was withdrawn.
- Back of house facilities - waste storage and servicing - will be at the rear and activity associated with such will cause noise disturbance. There could also potentially be noise disturbance from uses at ground floor level.

## 4.0 APPRAISAL

### KEY ISSUES

4.1 The main issues for consideration are -

- Whether the proposed land uses are acceptable in principle
- Visual impact, including the impact on heritage assets
- Archaeology
- Amenity of surrounding occupants
- Sustainable design and construction.
- Highway network management.
- Drainage and flood risk.

### WHETHER THE PROPOSED LAND USES ARE ACCEPTABLE IN PRINCIPLE

4.2 The site is within the city centre, as defined in the Local Plan. The Hungate site was designed for accommodating mixed use development in the 2005 Local Plan (policy SP9) including offices.

4.3 The Council's 2009 Employment Land Review identified adequate land to accommodate future need up to 2029. It allocates the Hungate Action Area to deliver 12.062 sq m of office space. This allocation has been established also in the emerging Local Plan (policy EMP2).

4.4 The 2005 Local Plan advises hotel development in the city centre will be appropriate in principle (policy V3). The new Local Plan is consistent with both the 2005 plan and the advice in the National Planning Policy Framework (NPPF) in that it states hotels are acceptable development in principle in the city centre (policy YCC1).

4.5 An office development at the application site would be fully compliant with national and local policy. As the site is within the defined city centre, and a part of the city which the Local Plan designates for mixed-use regeneration. The proposed ground floor retail or assembly/leisure facilities would also be appropriate.

4.6 A hotel would not assist in realising the amount of office development identified as being needed over the period of the new Local Plan (up to 2030). However there is a current application for an office development next to it, with a known end user. That development will provide approx 6,500 sq m floor space, for 500 employees. To allow this application would allow the market to determine whether there is demand for either a hotel or offices. Both would bring economic benefits and importantly regenerate this area. To this extent the proposals are consistent with the NPPF in particular paragraph 22 which advises that land allocations should be reviewed on a regular basis and the long-term allocation of sites for employment use should be avoided where there is no reasonable prospect of a site being used for

that purpose. In such cases 'alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

## VISUAL IMPACT, INCLUDING THE IMPACT ON HERITAGE ASSETS

4.7 Pertinent design guidance is contained within the NPPF, which advises that good design is a key aspect of sustainable development and is indivisible from good planning and local policy/guidance contained within Local Plan policies GP1: Design and HE2: Development within Historic Locations and the Central Historic Core Conservation Area Appraisal sets parameters for development which will impact upon the conservation area.

Planning 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, using streetscapes, landscaping and buildings to create attractive and comfortable places to live, work and visit. Preserve existing views and look to create interesting new ones;
- Respond to local character while not preventing or discouraging appropriate innovation and use materials appropriate to the status and context of the building.

4.8 As explained in 3.4 and 3.5 the building footprint varies from the outline permission for Hungate and the building will be a consistent height. This is because the narrow footprint and staggered building heights in the masterplan would be impractical for either an office or hotel building.

4.9 The outline proposals would establish the footprint of the proposed building and maximum building heights. The design intent is that the development respects the setting of the Black Swan, by setting the main volume of the building 26 m back from the road and having a single storey entrance area pulled forward of the main building, which gives a human scale, and relates well to the Black Swan and the proposed open space.

4.10 Stepping back the building at the upper floor level was investigated at pre-application stage, so the building height would be a closer match to that in the consented master plan. However it was determined this would potentially weaken the appearance of the proposed building, making it appear fragmented. The height is comparable with the proposed Hiscox Office (see companion application - 13/03302/FULM) and buildings at the remainder of the Hungate site.

4.11 A development of the scale proposed would, importantly, be fit for purpose and would respect the setting.

4.12 The success of the building integrating into its setting would be dependent upon the landscaping scheme, detailed design and materials. The design and

materials are dependent upon a future occupier, and whether the building is used as offices or a hotel. The detailed design and materials would be the subject of a reserved matters application.

4.13 Potentially the building and the public realm proposals will enhance the setting. A landscaping scheme would be secured through a planning condition, which would enhance the setting -

- A pedestrian / cycle route will be provided through the site; an aspiration of the Hungate masterplan and the route would provide views on the Minster.
- A public open space will be provided in front of the building, which would respect the historic layout, from before The Stonebow road was introduced.
- It will be important that there is tree planting to block views of later utilitarian extensions at the back of the Black Swan.
- A contribution would be secured to improving the public realm beyond the application site. How the area could be enhanced is shown on page 20 of the Design and Access Statement.

4.14 If a hotel is proposed there will be a vehicular entrance at the rear. This will be at semi-basement level. This aspect of the scheme is likely to be acceptable; a shutter is required for security but this would be set back from the road, similar to the arrangement at phase 1 in Hungate, therefore would not be visually prominent and given the proposed position of the vehicle entrance, it will not be prominent in the street scene.

## ARCHAEOLOGY

4.15 The site is within the city centre area of archaeological importance as such policy HE10 of the Local Plan is relevant. In accordance with the policy at least 95% of archaeological remains will be preserved, this would be secured through a condition. Based on investigation to date, later medieval deposits have been found within the northwest portion of the curtilage of the site. In summary this consists of the substantial remains of what appears to be a Norman (12th Century AD) stone built building with C13th to C14 additions. In addition to preservation of 95% archaeology, there would be a requirement for a watching brief on groundworks.

## AMENITY OF SURROUNDING OCCUPANTS

4.16 The approved master-plan gave a separation distance of around 12m between where this building is proposed and the corner of the residential development now constructed at Hungate. Both buildings were identified as being 6-storey in this corner.

4.17 In comparison to the building footprint in the approved master-plan, the building extends around 7m further southwest, although unlike the previous approval it does not develop over the existing sub-station in the southeast corner . The pedestrian/cycle route through the site is similar; 6m wide, although moved southwest accordingly. Comparisons in footprint and massing are shown in the addendum to the design and access statement.

4.18 The massing for buildings in the Hungate masterplan were established in the design statement. On the site of the proposed building, it was identified that at the rear (southeast end) development would be 6-storey, of comparable height with the C20 office building to the north and the ridge of Peasholme House (30.9 AOD). The proposed building would not exceed 29.1 AOD and be lower than that approved previously where it is closest to the houses in Hungate phase 1.

4.19 Comparing what has been approved in the Hungate masterplan and the proposed development, there would not be a material adverse impact on the amenity of surrounding occupants with regards over-looking or over-dominance, or loss of light.

4.20 The corner apartments in Hungate phase 1 would be most affected by the proposed development. From the apartments there would not be a material change in levels of amenity. There are living rooms on the corner which have windows facing Northwest (toward the proposed building) and Southwest (towards later phases on Hungate). There would remain angled views and adequate outlook from these windows, over the neighbouring offices site to the north and along Dundas Street. The key change would be that views of The Minster would be lost as a consequence of the proposed development. This does not present grounds to refuse the proposal though as this a private view over other land ; and unlike the need to provide adequate outlook this is not a sufficient material planning consideration.

4.21 Outlook from apartments on the north elevation would be enhanced (in comparison to the masterplan approval) as there would be a 13m gap introduced between the side of the proposed building and the decked car park at the offices to the north.

4.22 The proposed servicing area and car park entry are from Dundas Street. This is the logical approach due to traffic volumes and as the proposed building is setback from Stonebow. The servicing bay is proposed on Backhorse Lane behind the proposed neighbouring Hiscox building - to avoid conflict with the pedestrian/cycling route proposed through the site. The entrance to the car park would be setback, so to avoid cars stopping on-street.

4.23 The aspiration for Hungate has always been that it is a vibrant and mixed use area. Consequently a degree of activity associated with commercial uses is to be expected. A condition is proposed to restrict delivery times, consistent with other

commercial properties on Hungate. Conditions can also be applied to protect amenity from possible assembly / leisure uses. Conditions are proposed to control times of opening and to ensure that any noise arising from the premises is below external background noise levels.

## SUSTAINABLE DESIGN AND CONSTRUCTION

4.24 In accordance with local policy a BREEAM standard of 'Very Good' would be achieved. If the building becomes a hotel, a CHP system would be an appropriate low/zero carbon energy source that would achieve over 10% of the building's energy demand (potentially 15-20%). If the building becomes offices then PV panels are proposed, which would be suitable and viable due to the lack of demand for heating, and these could achieve 10%. The BREEAM rating and that at least 10% of the building's energy demand would be from renewable/low/zero carbon technology can be secured through a condition.

## HIGHWAY NETWORK MANAGEMENT.

4.25 The National Planning Policy Framework advises that developments should:

- Provide safe and suitable access to the site for all people and minimise conflicts between traffic and cyclists or pedestrians.
- Maximise sustainable transport modes and minimise the need to travel.
- Incorporate facilities for charging plug-in and other ultra-low emission vehicles.

4.26 The proposed servicing location would be on Dundas Street, at the rear of the proposed office building next door. The location has been chosen to be away from the main road and the proposed pedestrian / cycle route that run through the site. The location and arrangement is acceptable.

4.27 Because the scheme is not fully detailed cycle parking and facilities are not shown on the plans. A planning condition can require that cycle parking be provided in accordance with Local Plan standards and the provision of external spaces for visitors. Car parking is shown if the hotel development arises. If this occurs then a condition will also require electric vehicle charging facilities to be provided as recommended in the National Planning Policy Framework.

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## DRAINAGE AND FLOOD RISK.

4.28 The NPPF advises that schemes should ensure flood risk is not increased elsewhere and that development is appropriately flood resilient and resistant, including the provision of safe access and escape routes where required. Based on policy within the National Planning Policy Framework and York's Strategic Flood Risk Assessment, the hotel must pass the exception test in order to be deemed appropriate, as it is classed as a more vulnerable use.



4.29 The development would be safe from flooding as -

- Finished floor levels would be set at the level recommended by the Environment Agency - 10.94 AOD which is above the 1 in 100 year flood level, including accounting for possible climate change.
- If the development were to be a hotel a safe means of escape would be provided via the main entrance which would also be at 10.94AOD or higher. The car park would be on the southeast side, where ground levels lower.
- The development could continue to operate in times of flooding and there would be no extra burden on emergency services in such times.
- The submitted Flood Risk Assessment recommends future occupants sign up to the Environment Agency flood warning service and that a flood procedure plan is established. The measures within the FRA can be secured through a planning condition.

4.30 Flood risk would not be increased elsewhere. A floodable void will be provided on site so that there is no loss of flood storage volume in relation to the existing. The surface water run-off will be controlled so there would be a reduction in relation to the existing rate.

Exception test

4.31 To pass the exception test the development must demonstrate wider sustainability benefits that outweigh any harm. The benefits of the development are the regeneration it will bring including the public route through the site. The building would meet local sustainable design and construction targets. As such, and as there would be no undue flood risk, the development passes the exception test.

## **5.0 CONCLUSION**

5.1 Approval is recommended. The proposed development is considered to be appropriate to the setting, considering the layout, massing and public realm enhancements. The setting would be enhanced and in relation to the approved master plan, there would be no undue additional harm to residential amenity. The scheme fits with Council aspirations for regeneration of the Hungate area. The development would be sustainable, meeting local construction requirements, and there would be no undue harm, considering flood risk, highway safety and the impact on archaeology.

5.2 There will be a unilateral undertaking from the applicants, to make a contribution towards public realm improvements, the figure would depend upon the uses that arise within the scheme - office - £52.6k, hotel - £18.6k.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve Subject to Unilateral Undertaking

1 Application for approval of all reserved matters shall be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission and the development hereby permitted shall be begun before the expiration of two years for the date of approval of the last of the reserved matters to be approved.

Reason: To ensure compliance with Section 92 and 93 of the Town and Country Planning Act 1990 as amended.

2 Details of the appearance, landscaping, layout, and scale, (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

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

3 The development hereby permitted shall be carried out in accordance with the following plans:- PA2 – 0500 and 1000.

The development shall not exceed the building height/massing shown on drawings 1100, 1101, 1120 and pages 9, 10 and 11 of the Design and Access Statement Addendum dated November 2013.

The vehicular access (if the hotel is developed) shall be the single access option as shown on Peter Evans drawing 2561.16.

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

#### 4 Landscaping

A detailed hard and soft landscaping scheme shall be approved by the Local Planning Authority prior to completion of construction. The scheme shall include –

- Tree planting in front of the proposed building, to screen the side elevation of the Black Swan.
- Full details of the vehicular access onto Black Horse Lane (if applicable)
- Any crossings to be made redundant to be made good

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

Reason: In the interests of the character and appearance of the area in accordance with paragraph 58 of the National Planning Policy Framework.

## 5 Materials

Samples of the external materials to be used shall be approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Sample panels of the brickwork to be used on the buildings shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. The panel(s) shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

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

## 6 Site Drainage

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. The development shall be carried out in accordance with these approved details.

Details to include:

- a) Peak surface water run-off from the proposed development restricted to a maximum 19.4 lit/sec.
  - b) Site specific details of the flow control device manhole limiting the surface water to the 19.4 lit/sec shall be provided.
  - c) Storage volume calculations, using computer modelling to accommodate a 1:30
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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.

- d) 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.
- e) Proposed ground and finished floor levels to Ordnance Datum 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).
- f) Details 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.

Informative: Consent should be sought from Yorkshire Water to connect foul and surface water into their sewers.

## 7 Site Drainage

The site shall be developed with separate foul and surface water on and off site. Prior to development commencing, details of the proposed means of foul and surface water drainage, including any balancing works and off-site works shall be approved by the Local Planning Authority and the works shall be carried out in accordance with the approved details.

Reason: To ensure that the site is properly drained.

## 8 Flood risk management

The development shall be carried out in accordance with the Flood Risk Assessment (FRA) by Ward Cole dated September 2013, reference 10/4338 and in particular the following mitigation measures detailed within the FRA:

- Provision of flood compensation storage in the form of an open void beneath the ground floor. Prior to construction commencing details of the storage area (which demonstrate that the development will not result in a loss of volume of flood storage) shall be approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

- Finished floor levels (apart from car parking areas) shall be set no lower than 10.94m above Ordnance Datum (AOD).

Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and to reduce the risk of flooding to the proposed development and future occupants in accordance with the NPPF, in particular paragraph 103.

## 9 Cycle Parking

Prior to construction commencing details of covered and secure cycle storage and associated facilities and (the amount and location of) visitor cycle stands shall be approved by the Local Planning Authority. The development shall occur in accordance with the approved details, which shall be retained for the lifetime of the development.

Reason: To ensure adequate space for, and to encourage cycle use in accordance with policies GP1, and T4 of the City of York Draft Local Plan and section 3 of the National Planning Policy Framework.

INFORMATIVE: Staff cycle parking must be a minimum of –

1 space per 10 hotel rooms

1 space per 60 sq m for offices

1 space per 36 sq m for shops

1 space per 30 sq m for D1 uses

## 10 BREEAM

The development shall be constructed to a BRE Environmental Assessment Method (BREEAM) standard of at least 'very good'. A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority prior to occupation of the building. Should the development fail to achieve a BREEAM standard of 'very good' a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a standard of 'very good'. The approved 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 paragraphs 2.1 to 2.4 of the Interim Planning Statement 'Sustainable Design and Construction' November 2007.

## 11 LZC Technology

No building work shall take place until the development's predicted energy requirements provided from low or zero carbon technology have been approved by the Local Planning Authority.

If the development is a hotel, then at least 15% of the building's energy demand shall be from low or zero carbon technology. If the development is offices, then the figure shall be 10%.

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 must be maintained to the required level of generation.

Reason: In the interests of achieving a sustainable development in accordance with the requirement of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction' November 2007.

#### 12 Energy Centre

Prior to construction details of the external appearance of the 'energy centre' building 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.

Reason: In the interests of visual amenity.

#### 13 Electric Vehicle Charging Points

Should there be car parking on site, prior to its first use at least one electric vehicle charging point shall be provided within the car park.

Reason: to promote and facilitate the uptake of electric vehicles / scooters on the site in line with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework (NPPF).

INFORMATIVE: Electric Vehicle Recharging Point means a free-standing waterproof recharging unit capable of charging two electric vehicles simultaneously with the capacity to charge at both 3kw (13A) and 7kw (32A) that has sufficient enabling cabling to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point.

For further information on how to comply with this condition please contact City of York Council's Low Emission Officer Derek McCreadie.

14 ARCH2 Watching brief required -

15 ARCH3 Foundation design required -

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16 Land contamination

Prior to development the following works shall be undertaken -

a) Site investigation

An investigation and risk assessment (in addition to any assessment provided with the planning application) to assess the nature and extent of any land contamination. The investigation and risk assessment shall 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) shall 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 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) Verification of Remedial Works

Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and 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.

Unexpected Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

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.

17 Times of construction

During the development of the site, all demolition and construction works and ancillary operations, including deliveries to and dispatch from the site, shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays

Reason: To protect the amenity of the locality

18 Construction Management

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

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



19 Deliveries

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

Monday - Friday 08:00 - 18:00

Saturday, Sunday & Bank Holidays 09:00 - 18:00

Reason: To protect the amenity of local residents.

20 Amenity of future occupants

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

Reason: To protect the amenity of future occupants and in the interests of the long-term viability of the building.

21 Cooking smells / odour

There shall be adequate facilities for the treatment and extraction of fumes so that there is no adverse impact on the amenities of local residents by reason of fumes, odour or noise. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for approval; once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of the locality.

Note: It is recommended that the applicant refers to the Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (January 2005) for further advice on how to comply with this condition.

22 Plant

Details of all fixed machinery, plant and equipment to be installed in or located on the use hereby permitted, which would be audible at any noise sensitive location, shall be submitted to the local planning authority for approval prior to installation. These details shall include maximum sound levels (LAmax(f)) and average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation

measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of the locality.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed 5dB(A) below the background noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 1997.

### 23 Works below ground

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

Prior to installation details of any underground storage tanks, chambers / cabling shall be approved in writing by the local planning authority. The scheme shall include the full structural details of the installation, including details of: excavation, the tank(s), tank surround, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the approved details.

Reason: To protect the surface water and groundwater receptors in the area from contamination by creating new pathways.

### 24 Amenity

Any D1 or D2 uses shall only open during the hours of 07.00 and 23.00 each day of the week. Any amplified or recorded music from the commercial uses shall not exceed 5dB(A) below the background noise level at 1 metre from the building facades when assessed in accordance with BS4142: 1997.

Reason: In the interests of amenity and the character of the area.

### 25 HWAYS40 Dilapidation survey to be undertaken

### 26 Highway management during construction

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

- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- where contractors will park
- where materials will be stored within the site
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

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

## **7.0 INFORMATIVES:**

### **STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH**

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: pre-application advice, negotiation during processing of the planning application and the use of planning conditions.

#### Works in the Highway

Consent is required from the Highway Authority for the works being proposed, under the Highways Act 1980

#### Contact Utilities

As the proposal may have an affect on Statutory Undertakers equipment

#### **Contact details:**

**Author:** Jonathan Kenyon Development Management Officer

**Tel No:** 01904 551323

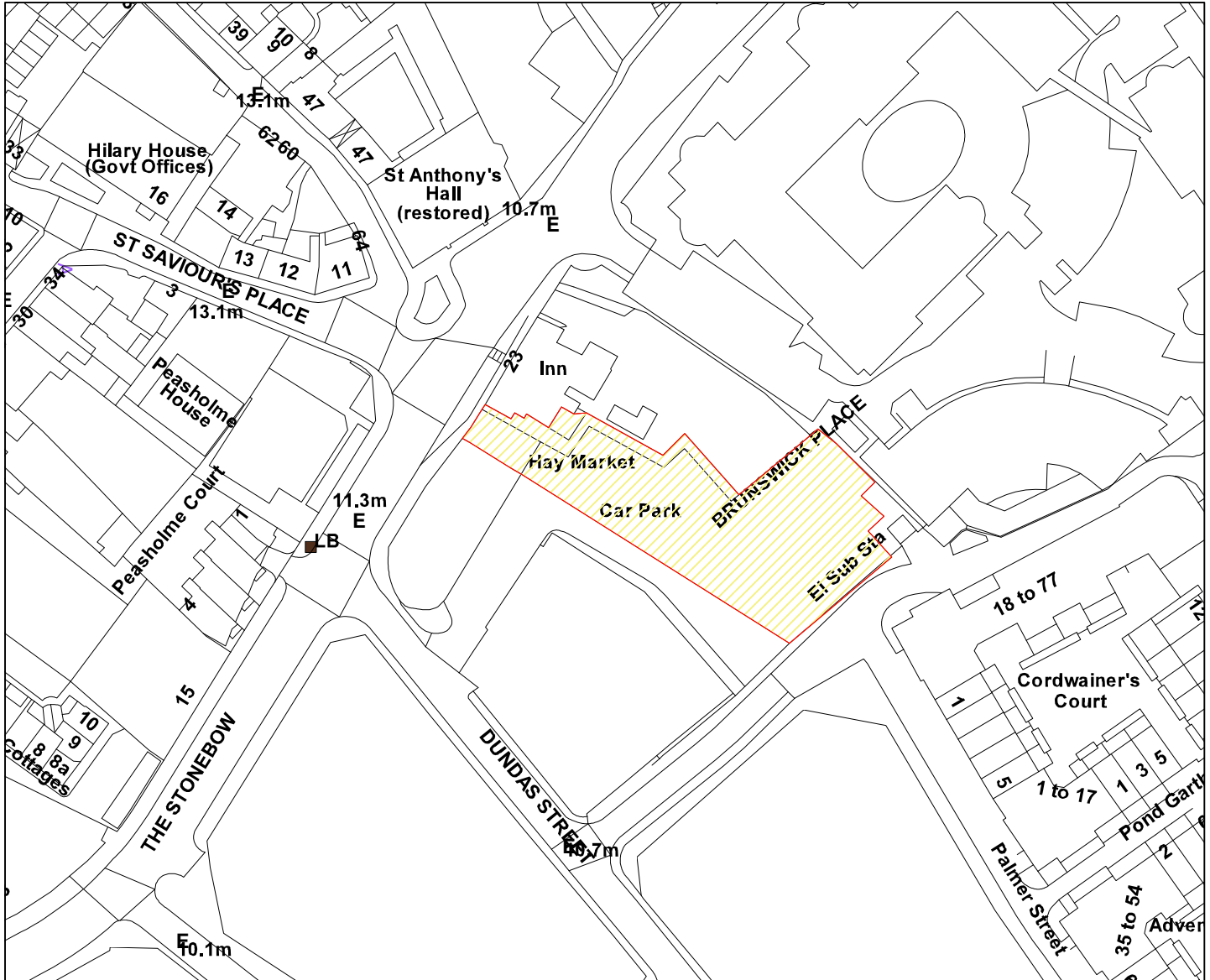
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# 13/03232/OUTM

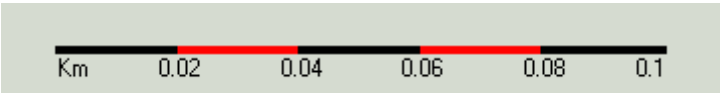
## Haymarket Car Park



GIS by ESRI (UK)



**Legend**



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	09 December 2013
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 19 December 2013      **Ward:** Rural West York  
**Team:** Major and                      **Parish:** Askham Bryan Parish  
Commercial Team                      Council

**Reference:** 13/02946/FULM

**Application at:** Askham Bryan College Askham Fields Lane Askham Bryan  
York YO23 3PR

**For:** Erection of educational and associated buildings and related parking, circulation areas and landscaping (for animal management centre, farm and equestrian purposes, 2 staff dwellings, animal housing), siting of animal shelters, silos and feed bins, erection of security fencing, formation of external equine training areas including polo field, formation of new access to York Road, reorganisation of existing access and parking areas, formation of ponds, change of use of existing buildings, temporary student accommodation and providing glazed roof to existing quadrangle

**By:** Askham Bryan College

**Application Type:** Major Full Application (13 weeks)

**Target Date:** 22 November 2013

**Recommendation:** Approve following referral to the Secretary of State and subject to the prior completion of a section 106 agreement

**1.0 PROPOSAL**

1.1 Askham Bryan College was established as the West Riding Institute of Agriculture in 1936 and has been in use for land based education since the end of the second World War. It is one of the principal agricultural colleges, and the fastest growing, in the UK drawing students from across the country and abroad. The college provides a wide range of full and part-time courses from entry/foundation to degree level and an extensive range of short courses. Students numbers for 2013/14 are 1768 for full time and long term part-time courses, and 1600 for short courses. 150 FTE (full time equivalent) lecturers/instructors and 90 administrators and support staff are based at the York campus. The courses which have experienced the greatest increase in student numbers in recent years, which is projected to continue, are those relating to farming, equine and animal management.

1.2 The application site comprises the main campus which includes a wide range of indoor and outdoor teaching facilities, a commercial dairy unit and equine centre and residential, administrative and ancillary buildings, together with adjacent arable, grazing and woodland. The site is set on a hill ridge running parallel to the A64; the site is within the Greenbelt. Two public rights of way run north/south through the site; one follows the existing farm access from York Road through the farm to the

A64 (will be referred to as AB 2/7) and one runs through the site of the proposed polo field (will be referred to as AR 21/4 AB 2/8) to the west of the existing campus.

1.3 The application seeks planning permission for the following development:

- 2 no. Animal Management Centres
- Animal shelters, aviary and enclosures to the south of the animal management centre and within the arboretum (between the main campus building and the A64), perimeter fence to the wildlife and conservation area
- Birds of prey centre
- Following the demolition of the existing animal management buildings extension of existing parking facilities. The parking would become more formalised and would provide bus turning and waiting facilities
- Conversion of the existing equestrian building to provide storage and winter housing for animals in relation to the animal management centre
- The quadrangle of the main teaching block would be covered by a glazed roof
- A entrance lobby to the main teaching block
- Two rows of single storey portacabin student accommodation set between the existing student accommodation and the teaching blocks (retrospective) a 3 year temporary planning permission is sought for this development
- A farm reception building
- Extensions of an existing agricultural building
- An general purpose/livestock building on the site of the existing silage clamp
- A silage clamp
- Conversion of an existing cattle shed to equine loose boxes
- An equestrian centre, with entrance from York Road and 2 no. two bed dwellings
- Re-profiling of fields/hill to the west of the campus to create a polo field with associated landscaping

1.4 The proposed development would be undertaken in three phases:

### **Phase 1**

1.5 Animal Management Centre 1 (AMC1) - The proposed building would be sited to the south of the existing animal management centre on the hill slope that falls away to the A64. The two storey building would provide teaching accommodation, with open plan teaching zones on the ground floor and enclosed teaching spaces on the second floor. The building would be 56.4 metres (east/west elevation) and by 20.7 metres in depth (north (south elevation), including the render wedge it would be 29.5 metres in depth. The roof would be a shallow asymmetric pitched roof: 6.8 metres to eaves, and 7.9 metres to ridge height. The 'windcatchers' on the roof would be the same height as the feature white render wedge and the total height would be 8.4 metres in height. The walls would be brick with grey pvc roof. The north elevation would have vertical feature louvers at first floor level. The south elevation would



have horizontal brise soleil on timber columns in front of the glazed elevation, this would be viewed in context of the feature render and glazed wedge

1.6 The Animal Management Centre 2 (AMC2) would be sited to the east of AMC1, as with AMC1 the buildings would be built out rather than set into the hill slope, land levels would increase by up to 2.5 metres. The south elevation fronting the A64 would be timber clad, other elevations would be a mixture brick, timber cladding and mesh fencing. The building would provide teaching and office accommodation in relation to cats and dogs with separate cat and dog accommodation, the cattery would be the northern wing of the buildings while the kennels form the eastern wing of the building. The cattery and the kennels would be enclosed by a 2.3 metre high wire mesh fence. The main height of the single storey building would be 3.7 metres (include the ventilation turrets it would be 4.7 metres). The entrance would be from the formal garden area to the west, north of AMC1. The extension and formalisation of the car parking area to the north would follow the demolition of existing animal management centre.

1.7 Access to the wildlife and conservation area to the south and south west would be possible via or adjacent to AMC1. Both AMC1 and AMC2 would have controlled access through the proposed perimeter fence that would enclose wildlife and conservation area. The Animal Management Centres would enable the range of animals kept at the college to increase over time to include: capybara, mongoose, skunk, bush dogs, lemurs, ostrich, zebra, tapier, Deer/antelope, Llama, Wallaby, oryx rhea, emu, giraffe, small primates, agouti, porcupine, coati etc . As well as students having access to these animals it is the college's intention that there should be public access at weekends and holidays and to organised groups during term time. Some of these animals would use the paddocks to the south of AMC1 and AMC2 such as deer, oryx, ostrich, zebra, tapier, mara, capybara, giraffe, goats. Animal shelters are proposed in the paddocks and these would be set into the hill slope.

1.8 There would be enclosures within the woodland to the south west for the wallaby, marmoset, rare breed chicken and game birds, pigs, lemurs, bush dog, coatis, skunk, mongoose, meerkat. The enclosures would vary between 1.2 metre high brick walls for the mongoose and meerkats to 2.7 metre wire mesh fencing with electrified wire on top for the lemurs, bush dogs and coatis. In addition an aviary is proposed within the woodland area the single storey hexagonal building would include a teaching area with six bird enclosures. The building would be 27.7 metre in width, because of the hill slope the height would vary between 3.2 metres and 4 metres. The perimeter fence to the wildlife and conservation area would be 2.5 metres in height. The increase in animals is subject to the granting of a zoo licence.

1.9 The birds of prey centre that is currently sited within the paddock area would be moved to a new building west of the main teaching block and the north west of the arboretum. The L-shaped timber clad building would be 37.3 metres by 22.3 metres.

1.10 Temporary student accommodation (SV3) in the form of two rows of single storey portable buildings providing 34 bedrooms. Each building measures 36.5 metres by 9.8 metres has been sited centrally within the campus between the teaching block, sports hall, and other student accommodation. Permission is sought for 3 years; this part of the application is retrospective.

## **Phase 2**

1.11 The existing equine centre is sited to the eastern boundary of the campus adjacent to Askham Fields Lane. The intention is that the existing building will be used for storage and the wintering of animals in association with AMC1 and AMC2 and the wildlife and conservation area. The proposed equine centre (E1) would be sited to the west of the campus and rugby pitches. The single storey building would measure 100 metres by 70 metres. The building would be built on a gentle slope, the maximum height of the building would be 8.8 metres, the height of eaves would vary between 4.8 and 7.2. The building would have two indoor arenas (measuring 70 metres by 35 metres and 60 metres by 25 metres) separated by a judges stand, 42 stables and 6 classrooms. In addition there would be an external equestrian arena sited to the south of the proposed building. In association with the equestrian centre the adjacent cattle building (E2) will be partially re-clad and used as 26 stables. The fields to the west would be significantly re-profiled to create a polo pitch; as such the land levels would increase by 3 to 4 metres within 30 metres of York Road whilst further south the land levels would decrease by up to 6 metres. A public right of way currently runs across the proposed siting of the polo field. In addition three hedgerows would be lost. However the plans indicate a significant amount of tree planting close to the road and where the re-profiling becomes steep towards the brow of the hill. The vehicle entrance to the equestrian building would be from York Road, there would be a car park measuring 75 metre by 75 metres. The vehicle entrance would be a formal entrance with two storey gatehouses (E3). The site of the equine development would be on grade 2 and 3 agricultural land.

1.12 The development of the existing farm unit which is located to the west of the campus on the brow of the hill. The existing heifer shed (FM1) would be extended by 17.9 metres. The existing silage clamp to the west of the heifer shed would be demolished and replaced with a general purpose and livestock building (FM2) measuring 48.4 metres by 43.9 metres and 7.4 metres in height to the roof ridge the building would be concrete panels to a height 2.3 metres, above this it is a mixture of Yorkshire boarding and metal cladding. Further along the hill ridge and to the west of the existing slurry lagoon a silage clamp (FM3) is proposed, (revised plans have been submitted removing the roof) the silage clamp would be set on a concrete base measuring 45 metres by 50.9 metres and would have 5 walls running north south of a height of 3.3 metres (including the railings would be 4.3 metres). The 3 x 18 tonnes silage tanks (12.8 metres in height) would be relocated to the adjacent concrete apron together with 6 metre high feed bin. A farm reception/office

building (FM4) is proposed to the east of the existing dairy building. The proposed pitched roof building would 5.3 metres by 8.5 metres, 2.65 metres to the eaves and 4.7 metres in height to the roof ridge, the building would not obstruct the public right of way that runs adjacent.

1.13 The provision of a glazed roof to the quadrangle within the main teaching/office block (MB1) would provide further dining facilities and social areas for the students. A glazed lobby is proposed to create upgraded access to the dining area.

### **Phase 3**

1.14 A partner outline planning application includes a teaching block, and engineering buildings, conversion of the Westfield Fold buildings to student accommodation, and 3 storey student accommodation following the demolition of farm buildings to the north of Westfield Fold.

### **Pre-application Consultation**

1.15 Community consultation was undertaken. The agent states that the Parish Council were made aware of the proposals. The dwellings on Askham Fields Lane within the campus were invited to see the final draft of the application on 18 July 2031. Eleven residents attended the 4 hour session. Whilst residents were not asked for written feedback they expressed concerns regarding traffic and parking and that the current issues would escalate, and that the arboretum would be no longer accessible to them. The college has resolved to offer a free pass to the wildlife park. With regard to the parking provision residents were told that there would be increased parking provision.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

Contaminated Land GMS Constraints:

2.2 Policies:

CYSP2 The York Green Belt

CYSP3 Safeguarding the Historic Character and Setting of York

CYSP6 Location strategy

CYSP8 Reducing dependence on the car

CYGP1 Design

CYGP3 Planning against crime

CYGP4A Sustainability

CYGP6 Contaminated land

CYGP9 Landscaping

CYGP14 Agricultural land  
CGP15A Development and Flood Risk  
CYGP23 Temporary planning permission  
CYNE1 Trees, woodlands, hedgerows  
CYHE2 Development in historic locations  
CYNE3 Water protection  
CYNE6 Species protected by law  
CYNE7 Habitat protection and creation  
CYHE10 Archaeology  
CYGB1 Development within the Green Belt  
CYGB3 Reuse of buildings  
CYGB6 Housing devt outside settlement limits  
CYGB7 Agricultural or forestry dwellings  
CYGB8 Occupancy conditions for Agricultural or Forestry Dwellings  
CYGB10 Major development sites in GB  
CYGB11 Employment devt outside settlement limits  
CYGB13 Sports facilities outside settlements  
CYT2B Proposed Pedestrian/Cycle Networks  
CYT4 Cycle parking standards  
CYT7C Access to Public Transport  
CYT13A Travel Plans and Contributions  
CYT18 Highways  
CYH17 Residential institutions  
CYED5 Further and Higher Education Institutions

### **3.0 CONSULTATIONS**

#### INTERNAL CONSULTATIONS

#### HIGHWAY NETWORK MANAGEMENT

3.1 No objections. The Transport Assessment (TA) considered the impact of the increase in student numbers and public visitors to the Animal Management Centre and has indicated that this element of the scheme could be expected to generate in the region of 48 two-way movements per day. This low level of traffic and staggered arrival that will be seen will have a negligible impact on the surrounding highway and will occur during periods when traffic flows on the adjacent network are lower.

3.2 Student numbers are projected to nearly double over the next 5 years from 1200 to 2300. The level of car parking on site will increase from approximately 390 spaces to 530 spaces. Based upon the mode shift currently being achieved the proposed level of parking will accommodate the increase in student numbers.

3.3 The TA has used recognised national junction assessment software which has demonstrated that the development proposals will not have a detrimental impact on the adjacent highway network. A small increase in queuing is seen at the junction of Manor Heath however this only occurs during a short period during the AM peak hour and it must be borne in mind that queuing can currently be seen at this junction during the current AM peak periods. During the rest of the day and PM/Sat peak periods the junction continues to operate satisfactorily with development traffic added. The TA can be considered to be extremely robust as the level of traffic modelled as approaching the college from Copmanthorpe via Manor Heath is greater than in reality would be seen.

3.4 Askham Bryan College currently implements a number of sustainable travel initiatives in order to minimise the level of vehicular traffic and demand for parking generated by the site, including parking management procedures and the provision of free minibus travel to students travelling from further afield (Selby, Northallerton etc). In order to further support these initiatives and promote further mode shift the college have confirmed that they are willing to make a one-off contribution of £5k to be secured through a S106 Agreement towards the use of the ionTRAVEL program. The contribution will provide for the Travel Plan process to be managed by the CYC Travel Plan coordinator i.e. entry of all key data from the travel plan, targets and monitoring. There will be close liaison between the CYC Travel Plan coordinator and the college Travel Plan coordinator but much less labour intensive on the part of the site management. This level of control and collaborative working with the authority is considered to significantly increase the likelihood of the Travel Plan being successful and is effective in minimising car borne travel and associated requirements for car parking, whilst promoting sustainable travel.

3.5 Whilst accepting the rural location of the college officers have also negotiated and secured a contribution from the college which will be used towards the provision of enhanced pedestrian and cycle facilities within the vicinity of the site.

### ECOLOGIST

3.6 An overarching mitigation and management plan is necessary. This can be sought via condition

3.7 Based on its location and size, the land remodelling work should have limited impact on the badger sett and that the compensatory measures included within the overall development proposals are satisfactory. Do not consider that any further survey work is necessary. Only a small element of banking work would impinge on this area and therefore machinery use would be limited.

3.8 For both bats and badgers the proposed mitigation measures need to be spelt out and should be conditioned so as to say what they are actually going to do. The mitigation within their report simply makes suggestions. These could be included within the suggested mitigation plan condition.

### LANDSCAPE ARCHITECT

3.9 There are a number of public rights of way (PROW) in the area, including one that connects Askham Bryan with Askham Richard. There is a framed view of the site past 'The Parks' woodland. This view gives a clear illustration of the size and proximity of buildings to the two northern villages. The existing silage clamp and straw silage bales are clearly visible on the hill because there is no foreground vegetation. The distance and foreground appeal would distract from the additional buildings on the hill. Nonetheless this is a fairly limited view point to passers by. The impact of building E1 will be greater along York Road and also in views from Askham Richard.

3.10 PROW AR 21/4 AB 2/8 is not clearly marked or walked. This runs alongside an existing hedge across the proposed polo field. The current experience is that of crossing open fields, from where the topography and character of the land is fully appreciated. There are existing views of the college, but clearly the walkers' enjoyment of the experience would be lessened with the introduction of large buildings and the polo field.

3.11 From the southern third of Chapel Lane, views open out across the immediate field towards York Road. Views into the site are slightly restricted by the trees adjacent to York Road. These would partly screen E1 especially in the summer months. In the winter months there would be consciousness of this large structure through the winter tracery. The view currently extends further west past these trees, along the lane, across the field pattern and topography of Stock Hill, highlighted by well-maintained hedgerows. There would be harm to views along York Road and of Stock Hill as a result of the introduction of E3 and loss of hedges and changes to the topography to create the polo field.

3.12 Views from the A64 and northern ring road are restricted to the immediate proximity of this eastern part of the site. Views from or leaving the A64 are relatively fleeting due to the speed of traffic and partial screening by hedgerows. Nonetheless, the scene as viewed at a slower pace from vehicles, pedestrian and cyclists from the eastern boundary, is of an attractive pasture with a treed background. AMC 1 and 2 are positioned within the small enclosures, thereby retaining the larger open fields. Nonetheless they do represent incremental encroachment into the important foreground green infrastructure. There is a slight improvement in the setting back of AMC 2. Coupled with the loss of smaller-scale, older buildings, of more intimate scale and traditional farmstead style, the resulting views would be of a very different

flavour. The introduction of a range of animal shelters into these larger fields, which in turn appear to be sub-divided, plus an exchange of horses for oryx, ostrich, zebra and/or tapir, plus tall palisade fencing around the entire perimeter will further alter the character. Therefore there will be a resulting slight change in landscape character.

3.13 AMC2 is a relatively low key, timber-clad building but nonetheless would require some degree of naturalistic planting to soften the cat enclosure. The fencing may be better in black. The levels for AMC2 are brought out from the higher side such that the buildings are elevated on the southern slope by an additional 1.5m to existing ground levels with steep earth footings, which will increase their visual impact. Careful consideration needs to be given to earthworks and planting detail to disguise this effect.

3.14 The scale of AMC1 is in keeping with the larger barns and existing equestrian centre, so although it is given a contemporary facade by way of environmental features its simplicity renders it fairly sympathetic to its surroundings whilst including a design element that one would expect from a key-note building.

3.15 The construction of E1 is typical for an agricultural building and therefore suitable for the context. At nearly 100m long x 70m wide x 8.9m high, the footprint is exceptional given its foreground location and the topography of the site. To achieve this footprint there would be considerable levelling of the site to create the formation level. The natural topography though noticeable is less pronounced than further west towards Stock Hill and the proposed polo field.

3.16 There are views across to college complex from Askham Richard. E1 will be a noticeable addition to this. It is viewed obliquely, placing it in the context of the existing campus and would not have a significantly adverse affect on the views from the village, provided suitable planting sits the building in the landscape and lighting is kept to a minimum.

3.17 The introduction of the E1 building and the remodelling of the land to create terraces for a number of different functions, plus the introduction of a substantial area of hard standing adjacent to York Road would be a substantial intervention on this landscape. If this degree of change is accepted, would question whether this should be the limit, given the increasing sensitivity of the topography and landscape character of Stock Hill as one moves further westwards. Additional tree planting along York Road would screen the new building but would shorten views and slightly alter the landscape character.

3.18 The College breaks down in formality further away from the main building. Existing buildings at this westerly end of the site are very functional and agricultural. Gatehouses are usually associated with stately homes rather than a series of large timber sheds. The replacement of the entrance walls with hedging removes the

incongruity of the previously-proposed walled entrance. The architectural treatment suggests suburban domestic houses. They appear incongruous in this relatively isolated rural location.

3.19 The smaller field pattern and hedgerows associated with Stock Hill and the Askham villages are a notable feature. National and local character assessments recommend that such field patterns are retained through suitable management/reinstatement and gapping up of hedgerows. The landscape mitigation measures include the creation of new hedges and an improvement to those that would remain. These will help maintain bio-diversity value, but would not mitigate the loss of a locally distinctive field pattern. Not only does the polo field compromise the existing field pattern, due to its size and orientation, it represents a huge intervention on the landscape, thereby undermining a significant landscape feature that currently makes a strong contribution to local landscape character, in particular the setting and placement of Askham Richard and the college complex itself. In landscape terms, the topography of the site is a locally significant feature that should be retained. The gradients have been softened around the proposed polo field, enabled by a slightly larger land-take. This results in a less engineered landform. It still represents a considerable intervention into the topography of the land, especially in the south west corner of the field where a steep indent is unavoidable though this would be partly disguised under tree cover. Similarly, purely from a visual perspective, new tree planting would reasonably screen the polo field from York Road, which, from a distance would relate to the new tree cover on the steep bank. Thus screening would be adequate but there would be an overall change in local landscape character.

3.20 The existing silage clamp and silage tanks are clearly visible from both the A64 and York Road. Existing trees around the slurry pit and the dairy unit provide some screening from the south. FM3 is introduced further west, continuing the original pattern of buildings along the top of the ridge. The removal of the roof would considerably reduce the visual impact of the building, especially given the previously proposed ridge height of 10.5m (3m higher than the general livestock buildings). There currently exists a linear copse immediately to the south of the existing dairy unit and slurry pit/proposed FM2, in front of which is a grazed field running down to the A64. The positioning of FM3 allows retention of this open foreground and also accommodates a continuation of the woodland strip by way of a 'new native broadleaf woodland' in front of the buildings, which would be in keeping with the character of the local landscape and vegetation, whilst serving to reduce the visual impact of the new silage clamp.

3.21 The proposed animal enclosures set amongst the arboretum between MB1 and the A64 would not be particularly apparent as one travels at high speed along the A64, largely due to the high native hedge and trees along the colleges' southern boundary, though there would be fleeting glimpses in the winter months



3.22 There is a risk that the introduction of structures such as the aviary and birds of prey facilities and animal enclosures could result in a gradual deterioration of the landscape. However these are well-screened, and given the strength of the Oak avenue and general tree cover, the original landscape could readily be restored.

3.23 The paladin fencing, though unusual for an essentially agricultural setting, is suitably open and transparent, especially when set to the rear of the existing hedge which is to be gapped up and maintained at a suitable height in front of the fencing.

3.24 From a landscape character and visual impact perspective, the polo field, E1, and E3 are cause for concern because they would result in a direct diminishment of immediate landscape quality and wider landscape character. This has to be weighed up with other factors, but the polo field would cause the most significant harm to local landscape character and setting of the surrounding villages.

### ARCHAEOLOGY

3.25 The Desk based assessment identifies non-designated heritage assets within the application site. The place-name Barrow Fields which occurs within the application site strongly suggests the possibility of prehistoric burial mounds in the area. The site is therefore of archaeological interest, and there is a demonstrable requirement that more information is required to detail the archaeological significance of the prehistoric, Romano-British and medieval landscapes. This information is normally provided through pre-determination archaeological evaluation of a site. In the light of the exceptional circumstances relating to this site (the grant-aid funding of the development) have agreed that this information can be provided post-determination. Can be secured via condition

### FLOOD RISK MANAGEMENT TEAM - Object

3.26 Insufficient information to determine the potential impact of the proposals on the existing drainage system and downstream watercourse

### ENVIRONMENTAL PROTECTION UNIT

3.27 In terms of noise and disturbance, no objections subject to conditions. In terms of land contamination the ground investigation results did not identify any significant land contamination or elevated ground gas levels. No remedial action is required. Recommend condition for reporting if unexpected contamination

### CITY DEVELOPMENT

3.28 The site falls within the general extent of the Green Belt as shown on the Key Diagram of the RSS (the Yorkshire and Humber Plan) saved under The Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. As identified

under Policy GB10, Askham Bryan College is a major developed site in the Green Belt with a preferred use of Education. The college continues to be a recognised as a major developed site in the Green Belt with education the preferred use under Policy GB5 (emerging Local Plan). Policy GB10 states that there are advantages to permitting limited development at major developed sites provided development does not prejudice the Green Belt's openness or its purposes. Limited infilling may also help to provide jobs and secure economic prosperity. Development must not exceed the height of existing buildings and must not lead to a major increase in the developed portion of the site.

3.29 The applicant successfully demonstrates that the proposals will primarily be used for educational purposes, albeit the proposals will also provide commercial development.

3.30 The development proposals indicate two to three storey buildings, which is above the height of existing buildings. Should ensure that this would not prejudice the Green Belt's openness or its purposes

3.31 Subject to the above comments with regard to the proposed heights of the buildings, the proposals meet the requirement of Policy GB10. However the commercial element requires an assessment of Policy GB1.

3.32 As a Higher Education Institution, Policy ED5 applies. This policy encourages the continued development of the city's further and higher education institutions, subject to adequate measures being provided for student housing. It also suggests that if capable for dual or joint usage for community benefit this will be encouraged. This approach is reflected in the emerging Local Plan in Policy EST2. In addition, Policy SS2 recognises the economic role of York's higher and further education institutions both in terms of direct employment and through facilitating growth in research and development.

3.33 The development will result in an increase in student numbers. The temporary student accommodation is welcomed. Consider whether the impact of increases in student numbers at the college requires permanent student accommodation.

#### PUBLIC RIGHTS OF WAY

3.34 Objection No account taken of public footpath AR 21/4 AB 2/8 located where it is proposed to construct the polo field and the associated ground level alterations. Both of which will affect the use and enjoyment of the public footpath. The public footpath would be affected by potential stoppage to lawful users if the area is in use and by the proposed ground level alterations.

3.35 The Planning Statement mentions that procedures are in place to 'marshall' users when cross country events, wish to see a formal document that sets out the procedures to be undertaken in the event of the public agreeing to be marshalled towards and to the use an alternative route (one that protects users from the balls and horses). Also should the public wish to use the definitive line, the procedures in place to stop the event and allow the lawful user to pass. The statement states that the land would be in use for polo events ( 20 days per year) and for 'other equestrian training and /or animal grazing', therefore the area will be in use permanently. The occasional horse paddocks to the south will also affect use of the definitive line but only on competition/specific training days.

3.36 If the safety and enjoyment of the public using this route can not be safeguarded then would wish to see a diversion of the public footpath subject to the diversion criteria being met.

3.37 Another public footpath (No.2/7) is located within the boundary of the development but appears not to be directly affected by development. .

## EXTERNAL CONSULTATIONS/REPRESENTATIONS

### HIGHWAYS AGENCY

3.38 No objections. Request conditions for the perimeter fence and screening to the Wildlife and Conservation Area.

### ENVIRONMENT AGENCY

3.39 No objections. Request informatives regarding surface water drainage, compliance with Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) Regulations 2010, Developer should contact EA at least 14 days before the construction of the silage clamp

### POLICE ARCHITECTURAL LIAISON OFFICER

3.40 No objections

### YORK NATURAL ENVIRONMENT PANEL (original scheme)

3.41 Incorporation of naturalistic landscaping around the campus to benefit wildlife and to serve as a valuable educational resource.

3.42 There is concern regarding the future of the proposed staff/boardroom accommodation given that onsite accommodation stock has previously been sold off for domestic use - this should not be repeated.

3.43 The significant size of the 3 buildings, E1, FM2 & FM3, will have an intrusive affect on the gently undulating landscape. The proposed structures are comparably larger than the existing campus buildings and would be a detriment to the setting. If the buildings are well designed and appropriately set then the screening would not need to be so considerable. Planting on top of the ridge will maximise the screening affect. The Panel suggest an appropriate treatment would be to plant copses of a design usually associated with 'shoots'. Overlapping copses would provide affective interlocking screening as viewed from different external points.

3.44 If consent is granted there must be an enforceable planning condition attached to ensure the biodiversity mitigation is implemented and maintained to ensure landscape and wildlife benefit. There could be further naturalistic landscaping around the equine arena. Where there is loss of existing diverse horticultural garden landscape for educational use, the Panel would hope that this is reintroduced elsewhere with a net gain made.

3.45 If the proposed planting is implemented there will be a net increase and enhancement (e.g. gapping-up hedges) of habitats as compared to the existing arable land. There is concern that there will be a loss of an area of green field with no replacement elsewhere. It should be noted that the terminal moraine on site is of geological importance and should be protected.

3.46 The 2 water courses crossing the site could be affected, one of which leads past Askham bog. The water table and aquifer follows the ridge, filling the spring pond. Implementing the proposals will increase the hard-standing which may affect the aquifer. The surface water drainage should be directed into the aquifer and not drained away from the site. The current agricultural land will have its own associated drainage which should not be ignored, as without careful consideration implementing the proposals could lead to areas being water-logged or drying.

3.47 Sensitive lighting proposals should be incorporated into the designs. The external lighting should not be visible from surrounding area to prevent light pollution and the associated impact.

#### YORKSHIRE WATER -

3.48 No objections. There are a small diameter public foul sewer recorded to cross the red line site boundary. The sewer is likely to be affected. In this instance, YWS would look for this matter to be controlled by Requirement H4 of the Building Regulations 2000.

3.49 There is an existing water main laid in Askham Fields Lane that supplies the houses, but is unlikely to be affected by the proposal. A new water supply can be provided under the terms of the Water Industry Act, 1991.

ASKHAM BRYAN PARISH COUNCIL (original scheme) -

3.50 Support. Their principal concerns relate to traffic generation. The heavy use of the A64 roundabout at peak times currently creates delays in exiting from Askham Fields Lane. The forecast increases will aggravate the situation and the parish council register their concern at the potential safety hazard.

3.51 Request conditions should be applied: Review of highway signing to minimise the potential adverse impact on the village; and examine traffic calming measures on York Road adjacent to the proposed new access.

LOCAL RESIDENTS/NEIGHBOUR NOTIFICATION

3.52 One objection (to revised scheme)

- Parking permits proposed appear to be for parking areas which do not exist.
- Noise nuisance from the car parks late at night. The problem has increased and no action seems to have been taken. The Police have recently responded to reports resulting in a current investigation. Question where security is.
- Since the houses were enclosed within the Campus the former Askham Fields Lane has become a "rat run" for cars parking on site.
- Have spoken to students on Campus they are not aware they need register a vehicle, the traffic plan is not working.
- Noise from the exotic animals proposed on site and the potential noise disturbance to nearby dwellings
- Current parking/ traffic problems can only be made much worse if the current application to the East of the Campus is allowed to go ahead. We suggest that the present entrance road be re-routed through East Barrow Farm yard, as approved in the 2003 Equine Centre Application (03/00429/FUL) and Askham Fields Lane be designated for the use of residents and Nursery traffic only.

3.53 Six objections to original application

- The application does not identify (other than in the Noise Assessment Study) the private residential properties 36 to 61 Askham Fields Lane, within the College site. No mention is made of the rights of access of the private residential property owners.
- No mention is made in the application of the Children's Nursery operating within the college site on Askham Fields Lane.
- Other than the Noise Assessment Study, no assessment of the effect of the proposed habitats e.g. proximity to the A64, except reference 'free roaming animals choose to avoid roads, with traffic noise being one of the main contributing factors.

- The development of the site, and the poorly defined nature of the stock to be accommodated, creates ambiguity. Is this part of the development to become a Zoo with large exotics? The implied intended use of the site for commercial gain is at odds with the College's position within the green Belt.
- East and West elements of the proposals will be highly visible from roads to the East, North and South of the College. Much of the development stands in a prominent position on a ridge, screening by trees cannot hide such large tall buildings neither is it in the Colleges interests to hide them.
- Existing problems with parking are not being addressed, the proposed .development will compound the problems .
- Speed limits within the campus are often exceeded.
- Number of errors and omissions in the traffic assessment and other supporting information.
- Underestimated the number of visitors to the animal management centre
- The current traffic and parking issues are not satisfactorily managed by the college. Existing parking issues and traffic number causing disturbance to the occupants of Askham Fields Lane.
- The entrance road to the college is inadequate for the level and speed of traffic.
- Hedge boundary is affected by vehicles having contact/crash, concerned that increase in traffic will result in further safety issues for the users of the garden
- Tall perimeter fence to animal management area this will make it look like a prison.
- No objection to the college moving forward but they need a proper traffic management plan
- The college has told objector that they expect most of the students to cycle to the college, this is unlikely.
- Unlikely people will car share as they come from large area arrive at different hours and leave at different hours.
- Exotic animals so close to a residential street is inappropriate. The expected volume of visitors/vehicles to the centre would totally disrupt the lives of the residents on a daily basis, 7 days a week.
- Could impact on the status of Askham Bryan Village which is a Conservation Village.

#### **4.0 APPRAISAL**

##### RELEVANT SITE HISTORY

- 00/02355/FUL - Change of use with alterations of redundant pig buildings to animal housing for small animal courses - Approved
- 01/02434/FUL - Change of use of part of agricultural glass house to retail area - Approved

- 03/00429/FUL - Erection of single storey pitched roof equine centre for curriculum use - Approved
- 03/00508/FUL - Erection of new dairy unit and cattle shed to replace existing dairy unit and farm outbuildings - Approved
- 03/04089/FUL - Erection of new building to house beef cattle at Westfield Farm - Approved
- 05/01743/FULM - Erection of 3x three storey student accommodation blocks after demolition of 5x existing two storey accommodation - Approved
- 07/00753/FULM - Proposed erection of veterinary hospital with associated outbuildings, car parking and vehicular access - Approved
- 10/02602/FULM - Construction of steel framed agricultural building (Beef unit) to the rear of Westfield Cottages - Approved
- 11/01155/FULM - Erection of 7 single storey buildings forming an equine hospital and training centre with associated outdoor facilities, car parking and new access - Approved
- 12/03016/FUL - Erection of single storey student and staff accommodation block comprising 10 no. ensuite bedrooms, 1no. flat with separate access; 2no. supporting teaching spaces and associated external landscaping - Approved
- 13/02969/OUTM - Outline application for the erection of new building and conversion of existing building to provide student accommodation; the erection of teaching block following the demolition of a workshop; and the erection of an engineering building – Pending considered elsewhere on this agenda

## KEY ISSUES

- Policy background
- Green belt and consideration of very special circumstances
- Design and landscape considerations
- Traffic, highway and parking issues
- Public Right of Way
- Ecology
- Sustainability
- Drainage

## ASSESSMENT

### PLANNING POLICY

4.1 The NPPF sets out the presumption in favour of sustainable development, there are three dimensions/roles to sustainable development: economic, social, and environmental. These roles should not be undertaken in isolation and involves seeking positive improvements in the quality of the built, natural, and historic environment. The site falls within the general extent of the Green Belt as shown on

the Key Diagram of the RSS (the Yorkshire and Humber Plan) saved under The Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013.

4.2 The Askham Bryan Parish Plan (2006) discusses the College site and its importance to the area. The design guidelines set out in the Plan refer to the setting of the village and the retention of the agricultural character of the village and there is little mention of the college site. However some of the guidelines are considered to be applicable: the south aspect from Chapel Lane contributes to the setting of the village. Any new development should respect, maintain, or provide views through to these features and the open countryside; developments must reflect and complement the character of the immediate surrounding area particularly with regard to scale, density, and mix of design; no development should be permitted which would interrupt the open character and setting of the village approaches.

### GREEN BELT AND CONSIDERATION OF VERY SPECIAL CIRCUMSTANCES

4.3 The application relates to the re-development of the college campus. The site is within the Green Belt as defined City of York Development Control Local Plan Proposals Map, and the saved policies of the Yorkshire and Humber Regional Spatial Strategy (May 2008) sets out the extent of the City of York Green Belt. The campus is identified as a "major developed site in the Green Belt" within Policy GB10 the Development Control Local Plan (2005) and Policy GB5 (of the emerging Local Plan). Both policies state that the preferred use of the site is for education. Some of the development proposed falls outside of the developed site envelope shown in the proposal maps for both Local Plans. However as neither of these Local Plans have been adopted and the NPPF does not make reference to major developed sites, it is considered that the major developed site envelope can be given only very limited weight when considering this application.

4.4 The aim of the greenbelt is to prevent urban sprawl by keeping land permanently open, the characteristic of the greenbelt is its openness and permanence. The Green Belt serves 5 purposes: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. Inappropriate development is, by definition, harmful to the green belt and should not be approved except in very special circumstances.

4.5 The NPPF sets out that the construction of new buildings is inappropriate in the greenbelt, however it provides a list of exceptions these include: buildings for agriculture; provision of appropriate facilities for outdoor sport, outdoor recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it; the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the



original building; the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

4.6 Certain other forms of development are also not inappropriate in the greenbelt providing they preserve the openness of the greenbelt and do not conflict with the purposes of including land in the greenbelt, these include: engineering operations; and the re-use of buildings providing that the buildings are of permanent and substantial construction.

4.7 Much of the proposed development does not fall within the exceptions set out in paragraph 89 the NPPF, these elements include both animal management centres and associated outside enclosures, the aviary, the bird of prey centre, the equestrian building, the 2 no. gatehouses, the silage clamp and the agricultural storage and livestock buildings (for the purposes of the assessment against green belt policy the 'agricultural' buildings are considered to be 'educational' buildings). The other buildings by virtue of their siting within the existing campus are considered to be appropriate as they fall within limited infilling or the partial redevelopment of a previously developed site that does not have a greater impact on the openness of the greenbelt.

4.8 The polo field and the engineering works involved would fall within the category of provision of appropriate facilities for outdoor sport and outdoor recreation, whilst it would result in a significant landscape change the re-profiling and the eventual appearance would not result in a loss of openness and neither would this part of the development conflict with the purposes of including land within the greenbelt. The assessment of the landscape change will be in the following section.

4.9 There are commercial elements to some of the proposals. The animal management and wildlife and conservation areas would be open to the public at weekends and during the holidays and for organised groups for educational and social purposes during term time. The applicants have various estimates as to the number of visitors expected these range from 59 visitors per day (10,000 per annum) to 200 visitors per day (33,800 per annum). The travel assessment has stated that the approximate number of days open to the public (not including the organised term time visits) as 169 days. The equestrian aspect of the application will also have a commercial element with a large number of the horses being in private ownership, in addition to the use of the facilities for competitions. The commercial aspect of the buildings would be ancillary to the main education use.

4.10 The proposed equine centre (building E1) does not fall within any of the exception categories set down in paragraph 89 NPPF, as such very special

circumstances are required to overcome the presumption against inappropriate development. The proposed building by virtue of its scale and siting outside of the existing campus boundaries would result in harm to the openness of the greenbelt. The applicant has put forward the following reasons as to why the building can not be sited on the existing rugby fields within the existing campus boundaries, following the re-siting of the rugby pitches elsewhere within or adjacent to the campus. The applicant stated that the playing field is too small to accommodate E1 together with the surrounding operational areas and access facilities, and may result in separate buildings which would run counter to providing a prestigious equestrian education and competition centre. The applicant states that the building would be unreasonably close to the student residential accommodation both in terms of the physical dominance of the building and also potential problems of smell arising from manure handling and storage. Noise from the proposed engineering building (subject of the outline application) has the potential to startle horses. E1 has been designed to maximise the operational relationships between different elements of the unit. The existing sport changing rooms are located in the main body of the campus are readily accessible from both pitches; students would have to travel further if the rugby pitches were relocated. In addition would conflict with the colleges aim to concentrate different activities into different zones. The applicant's argument for the proposed location of the building is reasonable in the context of the management of the activities of the college campus. The consequent impact of building E1 of the openness of the green belt and landscape character, and the effective expansion of the existing built campus is assessed below.

4.11 The NPPF states that housing should be located where it will enhance or maintain the vitality of rural communities. Local planning authorities should avoid new isolated homes in the countryside unless there are very special circumstances such as: the essential need for a rural worker to live permanently at or near their place of work in the countryside. The proposed development would result in an increase in the number of stables from 42 to 68, as such another resident member of staff is required to provide the security and care of the horses at all times. This was considered reasonable as part of the formerly proposed equine hospital application where accommodation was proposed within one of the hospital buildings. The current manager lives close by (on campus), however the applicant has made the case that for security reasons the dwellings need a view of the entrance of the building. It is considered that there is a functional requirement for on-site accommodation to provide security and care of the horses. Along with building E1, the new dwellings are considered to be inappropriate development in the green belt.

4.12 The animal management centre buildings and associated outside enclosures, the aviary, the bird of prey centre, the temporary student accommodation, the silage clamp and the agricultural storage and livestock buildings whilst considered to be inappropriate development in the green belt are not considered to be unduly harmful to the openness of the green belt. Nevertheless to be acceptable in green belt

terms they need to be justified by very special circumstances alongside the equine building and associated dwellings.

4.13 The NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the green belt. 'Very special circumstances' will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The applicant has put forward the following:

- The campus is sited in this location and therefore the proposed development cannot be located other than within or adjacent to the existing campus.
- The proposals will provide the basis for a significant financial input into the campus over an extended period. Construction value is estimated to be £33,972,000. The successful contractor could potentially employ local sub-contractors and suppliers. As such there is the potential for the development to affect the local economy.
- The development will allow student numbers to increase by 65%, and the number of full time students who are resident on the site will double. This will generate a need of 120+ teaching and support staff, potentially adding £2million per annum into the local economy.
- Further input into the economy will occur from the on-going supply of domestic and housekeeping services, estimated at £150, 000 per annum (excluding wages) which as far as possible will be sourced locally.
- The proposed developments are inter- related, mutually supportive and in terms of their importance to the future development and status of the college, comprise a long term development and all the elements are essential.
- There is insufficient land to accommodate the development within the existing boundaries of the campus.
- Will allow the range of courses to be increased and the standard of residential and social facilities available and thus contributing to the reputation of the college and by associate the city.
- The equine centre will rival any currently existing in the UK and together with the polo pitch will provide a facility of international standard.
- The links to the Council and the wider community in respect of students assisting in land-based and conservation projects and the uses of the college facilities during the holidays will be strengthened and extended to the economic, social, and cultural benefit of the city.

4.14 It is intended that the number of equine and animal management students in full time courses and higher education would increase. In animal management it is envisaged that the full time students would increase from 201 in 2013/14 to 280 by 2017/18 and the higher education would increase from 192 in 2013/14 to 230 by 2017/18. The projected increase in the full time equine courses would be from 105 in 2013/14 to 205 by 2017/18 and the higher education courses equine student

numbers have the potential to increase from 43 in 2013/14 to 110 in 2017/18. The proposed facilities are intended to provide a greater quality and degree of specialisation in areas such as zoo animal management, and conservation and animal behaviour. The proposed facilities will enable higher levels of specialisation to be achieved on campus rather than studying off site. The intention is that it would reduce costs and inefficiencies in transporting students to other locations and contribute to raising the profile of the college. The constraints of the existing equine unit and adjacent external areas limit the number of horses that can be kept and the time the horses can be allowed to run free in the paddocks, and limits the range of horses that can be kept at the unit and thus the range of courses and students that can be accommodated. The college expect that the number of students would increase from 1200 in 2013/14 to 2300 - 2500 students in 2017/18, together with an increase in staff numbers by 180.

4.15 The equestrian buildings would cause harm to the openness of the greenbelt by virtue of its scale. However facilities of this type and size, by its very nature, will be situated in open areas and in York this will almost inevitably be on Green Belt land. A number of benefits could arise from the granting of planning permission of the re-development in terms of its enhanced reputation, and the provision of additional learning opportunities and enhancing the reputation of York as a provider of high class education facilities.

4.16 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. On balance, it is considered that the above considerations cumulatively of amount to very special circumstances sufficient to outweigh the harm that would be caused to the Green Belt.

## DESIGN AND LANDSCAPE CONSIDERATIONS

4.17 The Government attaches great importance to the design of the built environment. The NPPF states that good design is a key aspect of sustainable development, and is indivisible from good planning, and should contribute positively to making places better for people. Development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks; 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. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

4.18 The southern line of the existing buildings are located at a height of 35m along the ridge formed by the glacial moraine. The topography increases in height further to the west at Stock Hill at a height of 44m. Within the otherwise relatively flat surrounding land, this is a noticeable ridge/hill. The college complex is experienced by the highest numbers from the A64. From the A64 the college is perceived as a farmstead on the hill (Westfield farm buildings), followed by the main building, and then a stables and a large timber barn (equestrian centre). These are all visible, albeit fleetingly from vehicles travelling at relatively high speed, along the A64 in varying degrees at different locations and times of the year.

4.19 Previous development of the campus has maintained a building line along the ridge with development on the northern slope of the ridge. The proposed AMC buildings would be set forward of the top of the ridge on the southern slope. The AMC1 building by virtue of its design and height would act as a focal building within the campus; AMC2 would be of a relatively modest appearance and would have a subservient relationship to AMC1. There would be formal gardens to the north of the AMC1 building to provide an entrance and emphasise the statement building aspect of the proposed college building. The buildings would be built out of the slope on a level platform with an increase in land levels (the maximum increase in land levels would be 2.5 metres). The proposed buildings would be set further south than the existing animal management buildings and would have a greater visual prominence, however by virtue of their design they are not considered to harm the visual amenity of the area or this part of the transport corridor.

4.20 The means of enclosure to the various species of animals will be screened by the existing arboretum but also the proposed perimeter fencing and tree/hedge screening. The majority of the tree species within the arboretum are deciduous and together with the existing and proposed screening/planting to the A64 would allow some views of the enclosures during the winter from outside of the site however it is not considered to result in harm. The broadleaved woodland proposed to the east of the public right of way AB 2/7 would create screening of the bird of prey facility in the wider landscape. Shelter structures are proposed in the woodland area to provide shelter for students and visitors, no details have been provided, they could be sought by a condition. A 2.5 metre high perimeter wire mesh paladin fence is proposed to the boundary with the A64, which would be barely visible from outside of the site when viewed in context of the existing trees and hedging along the A64 boundary. The fence is required to prevent the escape of the proposed animals. The Highways Agency is requesting further boundary treatment to prevent any views into

the paddock that may cause a distraction to the users of the A64 and result in safety issues. It is considered that that the screening can be sought via condition.

4.21 The extension to the heifer shed, the proposed silage clamp, and the proposed agricultural storage and livestock building would form part of the existing farm complex of the college campus. The proposed buildings would be visible from a distance by virtue of the siting on the brow of the ridge and being on the edge of the campus. The applicants have stated that the roof to the silage clamp (building height 10.55 metres) is required for operational and health and safety grounds, however revised plans have been submitted showing the roof removed, and (by virtue its sensitive location on the brow of the ridge and its visual separation from the farm complex caused by the low level slurry lagoon) is considered to have a significant reduction in the visual impact. The walls and the eventual storage of silage would be visible however it would be of an agricultural appearance not at odds with the surroundings. The proposed agricultural storage and livestock building whilst relatively large would be of an agricultural appearance and would be visible against the context to the existing farm complex, and from the A64 and the wider greenbelt would have the appearance of a farm. Whilst the appearance of the buildings would become more prominent from the north by virtue of the re-profiling of the northern slope of the hill for the polo field, the plans show woodland planting to the north and south of the proposed buildings which would eventually provide an element of screening.

4.22 The farm reception building (FM4) would be of a utilitarian appearance, it would not be visible from outside of the campus. It would be visible from the public right of way (AB 2/7) that runs north to south however it is not considered to result in harm to the enjoyment of this public right of way, or prevent use of the prowl.

4.23 The proposed temporary portacabin student accommodation (SV3) would be set within the centre of the campus and would not be visible from outside of the natural campus boundaries. The buildings are of a utilitarian and temporary appearance. The applicant only seeks consent for this aspect of the application for 3 years only.

4.24 The glazed roof to the quadrangle of MB1 would not be visible from outside of the building; it would create additional student space and thus better social facilities of the students. The glazed entrance to the building is simple and modest in appearance and does not detract from the appearance of the host building, it would not be visible from the wider campus or from outside of the site.

4.25 The additional cladding to the existing beef shed (E2) to create stable accommodation would be minimal and would not significantly impact on the appearance of the building, it would maintain an agricultural appearance, in addition would be screened from wider area by the proposed adjacent E1.

4.26 The proposed equestrian centre (E1) is large and utilitarian in appearance, the external appearance would be profile metal sheeting for the roof, and the walls would be block work, profiled metal sheeting, and Yorkshire boarding. The proposed building would be south of York Road by minimum of 75 metres. By virtue of its scale and appearance it would be very prominent in the landscape, and the large car park to the front would further emphasise its presence within the open topography. A separate access is proposed to the equestrian centre from York Road with 2 gate houses either side of the vehicle entrance.

4.27 NPPF states that there should be limited impact from light pollution to local amenity, intrinsically dark landscapes and nature conservation. A lighting strategy was requested for the above development so the impact can be assessed on the landscape, whilst an assessment has not been submitted the applicant has confirmed wall lighting, and illumination of the car park and the driveway, detail can be sought via condition. It is not intended to illuminate the polo field.

4.28 The re-profiling of the northern slope of Stock Hill ridge to create a polo field would result in the land adjacent to the York Road increasing in height by 4 metres within 30 metres of the road, and the land reduced by up to 6 metres where the southern edge of the polo field is proposed, thus creating a new slope to the south to take account of the height of the hill. The alterations would result in a significant change to the landscape. In addition the polo field would be unlikely to have the appearance of an agricultural field in that it will be closely mown turf. The plans show a substantial depth of woodland planting to the north and south of the pitch that would eventually provide some screening of the pitch and the equestrian building.

4.29 The proposed dwellings would be prominent on York Road. Previously proposed 2.5 metre high curtilage walls fronting York Road have replaced with hedging. The substantial woodland landscaping proposed to the south of York Road would eventually result in an element of enclosure and physical barrier/screening along the road and would result in the dwellings appearance and prominent isolated appearance on York Road being reduced over time. It is proposed that the dwellings would be built after, or concurrently with, the equestrian centre building E1. As such this larger building will act as a backdrop to the dwellings and they will appear as part of the wider expanded campus.

#### TRAFFIC, HIGHWAY AND PARKING ISSUES

4.30 Information supplied by the applicant has indicated that the animal management centre and the wildlife and conservation areas element of the scheme could be expected to generate in the region of 48 two-way movements per day when it is open to the public. This low level of traffic and staggered arrival that will be seen will have a negligible impact on the surrounding highway and will occur during periods when traffic flows on the adjacent network are lower.

4.31 Student numbers are projected to increase from 1200 to 2300 by 2017. The level of car parking on site is proposed to increase from approximately 390 spaces to 530 spaces. Based upon the mode shift currently being achieved the proposed level of parking will accommodate the increase in student numbers. Highways Network Management are satisfied from the information submitted that the development proposals will not have a detrimental impact on the adjacent highway network.

4.32 A small increase in queuing is seen at the junction of Manor Heath however this only occurs during a short period during the AM peak hour, queuing can currently be seen at this junction during the current AM peak periods. During the rest of the day and PM/Sat peak periods the junction continues to operate satisfactorily with development traffic added. The Highways Agency have not raised any objections regarding the impact to the A64.

4.33 Askham Bryan College currently implement a number of sustainable travel initiatives in order to minimise the level of vehicular traffic and demand for parking generated by the site, including parking management procedures and the provision of free minibus travel to students travelling from further afield. In order to further support these initiatives and promote further mode shift the college have confirmed that they are willing to make a one-off contribution of £5k to be secured through a S106 Agreement towards the use of the ionTRAVEL program. The contribution will provide for the Travel Plan process to be managed by the CYC Travel Plan coordinator i.e. entry of all key data from the travel plan, targets and monitoring. This level of control and collaborative working with the authority is considered to significantly increase the likelihood of the Travel Plan being successful and is effective in minimising car borne travel and associated requirements for car parking, whilst promoting sustainable travel. A number of objections have been received regarding existing parking problems and the speed of vehicles within the campus, however with the proposed additional car parks and the implementation of the Travel Plan it is considered that this may overcome the parking issues. The speed of vehicles on college owned roads is a matter for the college and not something the Council are able to control.

4.34 Officers are negotiating a contribution from the college which will be used towards the provision of enhanced pedestrian and cycle facilities within the vicinity of the site, this will be secured via a S106.

#### PUBLIC RIGHT OF WAY

4.35 The public right of way (AR21/4 AB2/8) directly affected by the proposed development runs across the proposed site of the polo field. The applicant has submitted further information regarding the PROW during events, at the time of



writing the report further comments were awaited from the Public Rights of Way Team regarding the additional information. However it is considered likely that the applicant will be required to divert the path to avoid the polo field; an application under section 257 Town and Country Act will be required.

## ECOLOGY

4.36 The NPPF sets out that the Planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; minimising impacts on biodiversity and providing net gains in biodiversity where possible

4.37 The proposed development will result in the loss of 3 hedgerows to make way for the proposed polo pitch, however it is considered that the tree planting proposed elsewhere within the campus would result in a net biodiversity gain.

4.38 There is a badger sett within the site in close proximity of the re-profiling works to create a polo field. The extent of the proposed earthworks appears to be about 30 metres from the entrance to the sett. Natural England advice states that the use of very heavy machinery within 30 metres of any entrance to an active sett, and lighter machinery (particularly used for any digging operation) within 20 metres, or light work such as hand digging operation) within 20 metres, or light work such as hand digging or scrub clearance within 10 metres, all require a licence. The applicant's ecologist considers that it is unlikely that the badger sett would need to be closed even if a licence is required, and conditions within the licence would include changes to working methods to reduce disturbance to the sett and should not cause major delays to the project.

4.39 The bat activity surveys recorded use of the site and surrounding area. Emergence was recorded from the main office building. To proceed with any proposed development which may affect the roost, there is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 for a European Protected Species (EPS) licence granted by Natural England. An overarching mitigation and enhancement plan can be obtained via condition. It is also considered prudent to condition lighting details to ensure there is limited impact on bats as well as on visual amenity grounds and impact to the wider countryside/green belt.

## SUSTAINABILITY

4.40 It is a requirement of policy GP4a of the Local Plan that a sustainability statement is submitted with applications for development. The proposed development should also meet the requirements of the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction. Commercial developments involving more than 500 sq m of space should

demonstrate that they can achieve a BREEAM rating of 'very good', among the requirements are that the development can generate at least 10% of its energy demands from low or zero carbon technology.

4.41 The applicant has submitted a statement with stating that the intention is for AMC1 to obtain BREEAM excellent rating and the equestrian building and the farm buildings and the student accommodation to be assessed under BREEAM. No reference is made to the other buildings attaining the appropriate BREEAM requirement. The standards can be secured through planning conditions.

4.42 The applicant has made no reference has been made to generation of 10% of the energy demands from low or zero carbon for the development it is considered that these standards can be secured through planning conditions.

## DRAINAGE

4.43 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. Local Plan policy GP15a: Development and Flood Risk advises discharge from new development should not exceed the capacity of receptors and water run-off should, in relation to existing run-off rates, be reduced.

4.44 Some drainage details for the 2 no. animal management buildings has been submitted however the Flood Risk Management team do not consider that the information fulfils the appropriate soakaway test. Some surface water drainage has been submitted for other parts of the proposed development. By reason of the potential to affect neighbouring land and roads it is considered that this information is required to ensure that the proposed drainage method is appropriate and works in this location, it is consider that in this case given the extent of the college's land ownership the information can be sought via condition.

## **5.0 CONCLUSION**

5.1 Much of the proposed development is considered to constitute inappropriate development within the Green Belt, and by virtue of the scale and siting of some of the proposed development would impact and cause harm to the openness and visual amenity of the Green Belt. Central Government advice in the NPPF makes it clear that such development should not be approved, except in very special circumstances. The proposed facilities are required for the college to expand and compete, and improve existing courses, this is supported by local and national planning policy. The proposed college facilities are required in proximity to the current campus and cannot reasonable be sited elsewhere. It is considered that very special circumstances exist that outweigh the harm to the greenbelt. Other impacts of the development are considered to be acceptable and in accordance with

national and local planning policy and where reasonable and necessary will be mitigated by condition.

5.2 Approval is recommended subject to the referral of the application to the Secretary of State under The Town and Country Planning(Consultation) (England) Direction 2009 and the completion and signing of a Section 106 agreement covering a contribution towards a pedestrian/cycle path and the use of the ionTRAVEL program.

**6.0 RECOMMENDATION:** Approve following referral to the Secretary of State and subject to the prior completion of a section 106 agreement.

Subject to the following conditions:

- 1 PLANS1 Development in accordance with approved plans
- 2 TIME2 Development start within three years -
- 3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples and colours of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of each building hereby approved. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

- 4 The buildings (indicated as SV3 on Drawing Number (05)01 Revision A received 22 November 2013) shall be removed by 01 January 2017 unless prior to that date a renewal of the permission shall have been granted in writing by the Local Planning Authority.

Reason: The temporary nature of the building is such that it is considered inappropriate on a permanent basis.

- 5 Prior to the commencement of each of the following buildings: Animal Management Centre 1(AMC1), Animal Management Centre 2 (AMC2), and the Equine Centre (E1) details shall be submitted and approved in writing by the Local Planning Authority to demonstrate how the development will provide 10% of its predicted energy requirements from on-site renewable sources. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the local planning authority. The approved schemes shall be implemented before first occupation of the buildings.

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

6 The following buildings: Animal Management Centre 1(AMC1), Animal Management Centre 2 (AMC2), and the Equine Centre (E1) shall be constructed to the appropriate BRE Environmental Assessment Method (BREEAM) standard of 'very good'. A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority within 6 months of occupation of each building. Should any of the buildings fail to achieve a BREEAM standard of 'very good' a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures would be required to achieve a standard of 'very good'. Any agreed 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 City of York Council Interim Planning Statement 'Sustainable Design and Construction'.

7 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 initially indicated in Drawing Numbers (05)21 Revision A and (05)01 Revision A received 22 November 2013, Drawing Number (05)35 received 23 August 2013, and Drawing Number 3992 (05)45b 29 November 2013. The details shall include the period/phasing of the landscaping scheme. This scheme shall be implemented within the agreed timescale.

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.

8 No development shall take place until an archaeological evaluation in accordance with a detailed methodology (to include geophysical survey, metal detecting, trial trenches, community involvement, analysis, publication and archive deposition) which shall first be submitted to and approved in writing by the said Authority of the site of the site has been carried out and a report submitted to and approved in writing by the Local Planning Authority. A report on the results of the evaluation shall be submitted to the Local Planning Authority within six weeks of the

completion of the field investigation.

Reason: The site is located within an area identified as being of archaeological interest. The investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ.

9 If, following the carrying out of the archaeological evaluation required by Condition 8, the Local Planning Authority so requires, an archaeological excavation of the site shall be carried out before any development is commenced. The excavation shall be carried out in accordance with a detailed methodology (to include trenches, community involvement, post-excavation analysis, publication and archive deposition), which shall first be submitted to and approved in writing by the said Authority. Reasonable access shall be afforded to any Local Planning Authority nominated person who shall be allowed to observe the excavations. A report on the excavation results shall be submitted to the Local Planning Authority within twelve months of the completion of the field investigation.

Reason: The site is located within an area identified as being of archaeological interest. The investigation is required to ensure that archaeological features and deposits identified during the evaluation are recorded before development commences, and subsequently analysed, published and deposited in an archaeological archive.

10 The occupation of the 2 no. dwellings detailed as E3 on Drawing Number (05)01 Revision A (received 22 November 2013) shall be limited to a person/s solely or mainly employed by Askham Bryan College.

Reason: Because of their location within the green belt, the dwellings would be unacceptable unless justified by the security and care needs of the adjacent equine facility.

11 Construction of the 2 no. dwellings detailed as E3 on Drawing Number (05)01 Revision A (received 22 November 2013) shall not be commenced before commencement of the construction of the Equine Centre detailed as E1 on the aforementioned plan.

Reason: The justification for the gatehouses is for the security and care needs of the horses housed in the Equine Centre (E1), if the Equine Centre is not constructed there is no justification for the dwellings.

12 The proposed hedge to the northern boundary of the 2 no. dwellings and the vehicle entrance to the equine building hereby approved as shown on Drawing Number (05)20 Revision A (received 22 November 2013) shall be in place prior to the occupation of the dwellings, shall be maintained to a minimum height of 1.8

metres, and shall not be removed.

Reason: For the visual amenity of York Road. The hedge is considered to screen some of the impact of the proposed dwellings and domestic paraphernalia, a fence or wall would be harmful to the rural character of the area and the openness of the greenbelt.

13 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 Classes A, B, C, and E of Schedule 2 Part 1 of that Order shall not be erected or constructed with regards to the 2 no. proposed dwellings (Drawing Number (05)20 Revision A received 22 November 2013).

Reason: 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. The dwellings hereby approved result in visual harm to York Road as well as impacting on the openness of the greenbelt, to ensure that extensions and/or alterations do not result in further harm and are consistent and reasonable with the justification for the dwellings, and the purposes of Condition 10.

14 The Wildlife and Conservation Area shall not extend further than the extent shown edged in green on Drawing Number 392 (05)01 Revision A received 22 November 2013

Reason: For the avoidance of doubt . To assess the impact of further extension of this area. To ensure the safety and that there is no distraction to users of the A64.

15 The perimeter fence details of the Wildlife and Conservation Area shall be submitted to and approved in writing by the Local Planning Authority prior to the use of the paddocks by any animals except for horses, goats, alpaca, pigs, geese, ducks, chickens, llama, sheep, rabbits, donkeys. The proposed fence shall be a minimum height of 2.5 metres

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

16 The method of screening along the boundary of the Wildlife and Conservation Area (shown edged in green on Drawing Number 392 (05)01 Revision A received 22 November 2013) and the A64 and slip road shall be submitted to and approved in writing by the Local Planning Authority and be in place together with the perimeter fence (subject of Condition 15) prior to the use of the paddocks by any animals except for horses, llamas, sheep, goats, rabbits. The proposed screening will be retained, maintained and have a minimum height of 2.5 metres.

Reason: To prevent views of the paddocks from vehicles to ensure that there is no distraction to users of the A64, and to ensure that the proposed method of screening does not harm the visual amenity of the transport corridor, or the openness of the greenbelt.

17 Prior to the first occupation of any building hereby approved a Full Travel Plan shall be submitted and approved in writing by the Local Planning Authority. The travel plan should be developed and implemented in line with local and national guidelines. The development shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

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

Reason: To ensure the development complies with local and national highways and planning guidance, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users.

18 The Animal Management Centre buildings AMC1 and AMC2 shall not be occupied until the parking areas to the north of the AMC buildings shown on the approved plans edged in purple/brown have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: To ensure that appropriate levels of on site parking are provided in the interests of highway safety.

19 In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be undertaken, and where remediation (clean-up) 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. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part 2A of the Environmental Protection Act 1990.

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 Prior to their construction, details of the shelters 'woodland enclosures' within the Wildlife and Conservation Area shall be submitted to and approved in writing by the Local Planning Authority. The details shall include appearance, scale, siting, and materials. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the visual amenity of this transport corridor and the wider area and the openness of the green belt as no details were submitted during the application process.

21 Prior to their construction, details of the gates and brick piers to the boundary with the A64 shown as being replaced on Drawing Number (05)01 Revision A received 22 November 2013 shall be submitted to and approved in writing by the Local Planning Authority. The details shall include appearance and scale. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the visual amenity of this transport corridor and the wider area and the openness of the green belt as no details were submitted during the application process.

22 The re-profiling to create the polo field and associated paddocks subject of this application shall be carried out in accordance with the details shown in Drawing Number 3992 (05)45b received 29 November 2013.

Reason: To ensure the development is in compliance with the approved plan, as deviation from the plan may result in harm to the visual amenity of the area.

23 Details of all machinery, plant and equipment to be installed in or located on the buildings hereby permitted, which is audible at the boundaries of the nearest residential properties located at 36 to 61 Askham Fields Lane when in use, shall be submitted to the local planning authority for approval. These details shall include maximum sound levels ( $L_{Amax}(f)$ ) and average sound levels ( $L_{Aeq}$ ), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

REASON: To protect the amenities of adjacent residents



INFORMATIVE: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed 5dB(A) below the background noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 1997, this being the design criteria adopted by EPU, including any acoustic correction for noises which contain a distinguishable, discrete, continuous note (whine, hiss, screech, hum, etc.); noise which contain distinct impulses (bangs, clicks, clatters, or thumps); or noise which is irregular enough to attract attention.

24 Prior to commencement of the following buildings: Animal Management Centre 1(AMC1), Animal Management Centre 2 (AMC2), and the Equine Centre (E1) a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting 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.

All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 (2009) Code of Practice; 'Noise Control on Construction and Open Sites'.

REASON: To protect the amenities of adjacent residents

25 All demolition and construction works and ancillary operations which are audible beyond site boundary or at the nearest noise sensitive dwelling, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday 08:00 to 18:00

Saturday 09:00 to 13:00

Not at all on Sundays and Bank Holidays.

REASON: To protect the amenities of adjacent residents

26 Prior to the occupation of each building details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall detail the locations, heights, design and lux of all external lighting. The development shall be carried out in accordance with the approved lighting scheme.

Reason: In the interests of visual amenity, to prevent light disturbance and nuisance, and to assess the impact on ecology

INFORMATIVE: There should be no direct illumination of foraging, roosting and

commuting habitat and any light spillage should be minimised as much as possible.

27 Prior to the construction of each building hereby approved, no demolition or development shall take place until full details of what measures for bat mitigation and conservation are proposed and have been submitted to and approved in writing by the Council. Where appropriate, a copy of the Natural England Protected Species Licence approving mitigation measures should be supplied to the Council prior to any work taking place.

The measures should include :

- (i) The inspection of any buildings to be demolished or disturbed as close to the date of work as possible and no earlier than one month prior to any work to ascertain the presence or otherwise of roosting or hibernating bats in the structure. Further survey may be required at the appropriate time of year if a) the demolition is to be carried out between April and Sept. or b) an endoscopic hibernation survey if the demolition is to be carried out between October and March. The results should be submitted to the Council beforehand.
- (ii) A plan of how work is to be dealt with during the demolition/development phase to accommodate the possibility of bats being present.
- (iii) No buildings containing bats to be demolished until the bats have been safely excluded using previously agreed methods. By preference demolition should take place in winter when bats are less likely to be present.
- (iv) Details of what provision is to be made within the new building to replace the features lost through the demolition of the original structure. Features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards, bat lofts and bat boxes.
- (v) Details of any offsite enhancements that can be provided.
- (vi) The timing of all operations

The works shall be completed in accordance with the approved details prior to the occupation of the accommodation and shall be retained unless otherwise agreed in writing with the Local Planning Authority.

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

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

Type boxes internally mounted into the walls rather than the externally mounted ones are recommended. Structures built into the fabric of the building provide better and longer lasting habitat that are less prone to environmental fluctuations and future disturbance.

28 Prior to the commencement of development, full details of a landscape/ habitat creation / restoration scheme should be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

- (i) Purpose, aims and objectives for the scheme;
- (ii) A review of the site's ecological potential and any constraints;
- (iii) Description of target habitats and range of species appropriate for the site;
- (iv) Selection of appropriate strategies for creating / restoring target habitats or introducing target species;
- (v) Selection of specific techniques and practices for establishing vegetation;
- (vi) Sources of habitat materials (e.g. plant stock) or species individuals;
- (vii) Method statement for site preparation and establishment of target features;
- (viii) Extent and location of proposed works;
- (ix) Aftercare and long term management;
- (x) The personnel responsible for the work;
- (xi) Timing of the works;
- (xii) Monitoring;

All habitat creation works shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority. The works shall be carried in accordance with a programme agreed with the local planning authority.

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

29 No development shall take place until a Wildlife Protection Plan has been submitted to and approved in writing by the Local Planning Authority of what reasonable measures are to be taken to reduce/avoid any possible impact on targeted habitats, areas and species during the construction phase.

This plan should :

- (i) Provide details of what assessments, protective measures (if any) and sensitive work practices are to be employed prior to and during construction to avoid any impacts.
- (ii) Provide a timetable for implementing the above measures and construction showing any phasing of work carried out to avoid sensitive times of the year.
- (iii) Provide a list of persons responsible for 1) Compliance with consents relating to nature conservation, 2) Compliance with conditions relating to nature conservation. 3. Implementation and monitoring of sensitive work practices.
- (iv) Provide details of any training to be provided for construction staff with regard to

wildlife and protected species.

(v) Provide details of what contingency procedures are to be in place in the event that any protected species are found following commencement of development.

The works shall be completed in accordance with the approved details prior to the occupation of the accommodation and shall be retained unless otherwise agreed in writing with the Local Planning Authority.

Reason: To take account of and protect habitat and wildlife during construction of the development.

30 Prior to the construction of each building, the polo field, the equestrian centre (E1) car park, and the animal management centre's car park details of surface water drainage works shall be 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:

i) Calculations and invert levels to ordnance datum of the existing surface water system together with details to include calculations and invert levels to ordnance datum of the proposals for the new development.

(ii) A topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development shall not be raised above the level of the adjacent land, to prevent run-off from the site affecting nearby properties.

(iii) Existing and proposed surfacing shown on plans.

(iv) Additional surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

(v) If soakaways are the proposed method of surface water disposal, these shall be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself. The tests shall be carried out for each proposed building and witnessed by the City of York Council's Flood Risk Management Team.

If soakaways prove to be unsuitable then in accordance with City of York Council's Strategic Flood Risk Assessment, peak run-off from:

(a) Proposed buildings within Brownfield areas must be attenuated to 70% of the  
Application Reference Number: 13/02946/FULM                      Item No: 4c

existing rate (based on 140 l/s/ha of proven connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used.

(b) Proposed buildings within Greenfield areas or above not proven must be attenuated to that of the existing rate (based on a Greenfield run off rate of 1.40 l/sec/ha). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site. To ensure that the proposed drainage of the development is acceptable and would prevent flooding to neighbouring property and road infrastructure

## **7.0 INFORMATIVES: Notes to Applicant**

### **1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH**

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

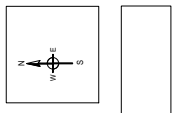
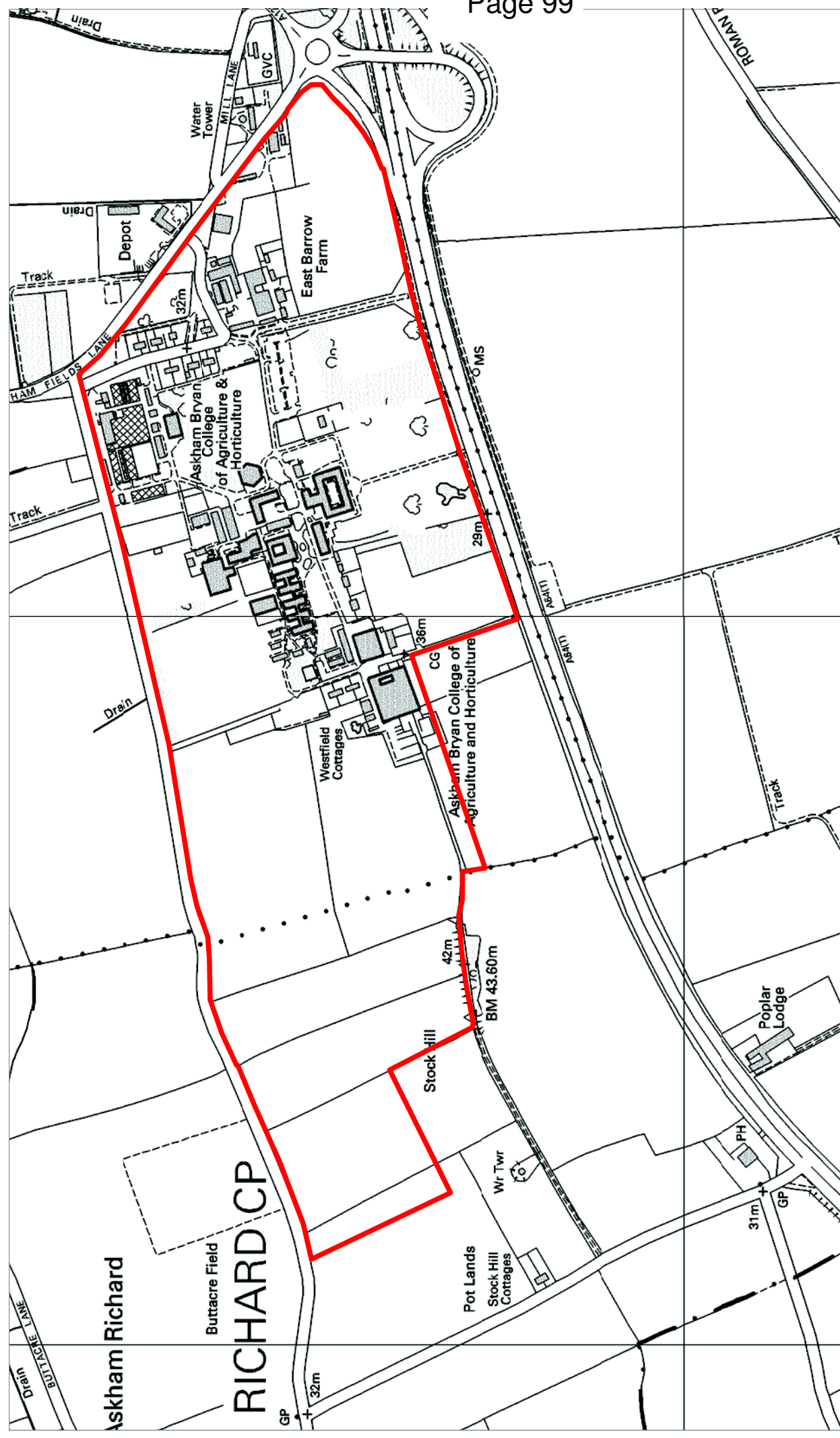
- Requested additional information
- Requested revisions to plans and elevations
- Application of conditions and Section 106

#### **Contact details:**

**Author:** Victoria Bell Development Management Officer

**Tel No:** 01904 551347

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**ASKHAM BRYAN COLLEGE -  
13/02946/FULM AND 13/02969/OUTM**

DATE 9/12/2013  
Drawing No. 1302946

SCALE: 1:7000  
DRAWN BY: PSL  
Project: PS



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**COMMITTEE REPORT**

**Date:** 19 December 2013      **Ward:** Rural West York  
**Team:** Major and                      **Parish:** Askham Bryan Parish  
Commercial Team                      Council

**Reference:** 13/02969/OUTM  
**Application at:** Askham Bryan College Askham Fields Lane Askham Bryan  
York YO23 3PR  
**For:** Outline application for the erection of new building and  
conversion of existing building to provide student  
accommodation; the erection of teaching block following the  
demolition of a workshop; and the erection of an engineering  
building  
**By:** Askham Bryan College  
**Application Type:** Major Outline Application (13 weeks)  
**Target Date:** 18 December 2013  
**Recommendation:** Approve following referral to Sec. of State

**1.0 PROPOSAL**

1.1 Askham Bryan College was established as the West Riding Institute of Agriculture in 1936 and has been in use for land based education since the end of the second World War. It is one of the principal agricultural colleges, and the fastest growing, in the UK drawing students from across the country and abroad. The college provides a wide range of full and part-time courses from entry/foundation to degree level and an extensive range of short courses. Student numbers for 2013/14 are 1768 for full time and long term part-time courses, and 1600 for short courses. 150 FTE (full time equivalent) lecturers/instructors and 90 administrators and support staff are based at the York campus.

1.2 The application site is set on a hill ridge running parallel to the A64; the site is within the Greenbelt.

1.3 The outline application is for a 3 storey student accommodation block following the demolition of agricultural buildings (SV1), the conversion and redevelopment of existing farm buildings into student accommodation (SV2), an engineering workshop (ENG1), and a 2 storey teaching block (TB1). Details of appearance are reserved, this application will consider scale, access, layout and landscaping.

1.4 The proposed development set out above would form phase 3 of the re-development of the college campus, Phases 1 and 2 are subject of a full application (13/02946/FULM)

1.5 The main campus access from Askham Fields Lane will provide access to SV1, SV2, and TB1. An existing access to the horticultural buildings from York Road will provide access to ENG1

1.6 SV1 is proposed to provide 160 en-suite bedrooms with ancillary storage space; the three storey building would be approx 9 metres to the eaves with a low pitch or asymmetric roof. The building would be set between the existing student accommodation and the farm unit, currently on the site is a livestock shed and a general agricultural building.

1.7 The proposed TB1 would follow the demolition of the existing engineering building set within the campus opposite the college library. The proposed 1920m<sup>2</sup> of teaching space would be provided over 2 storeys. The proposed building would be 7 metres in height to the eaves, if a traditional design is proposed at the reserved matters stage the building could be 8 metres in height to the roof ridge

1.8 The proposed ENG1 building would have a footprint of 2,100m<sup>2</sup> and would have a height of 6 metres to the eaves with a 6 degree roof slope to 7.6 metres in total height. The walls and roof are expected to be of metal sheeting. The proposed site is to the north of the existing engineering buildings. Committee may recall that this site was proposed for an equine hospital (permission granted under refs. 07/00753/FULM and 11/01155/FULM)

1.9 The proposed conversion of the brick built stack yard to student accommodation (SV2) will retain the existing external appearance. The building is currently used as office space, butchery area, meeting rooms and associated uses. No details have been provided as to the number of accommodation units that would be provided within the building. The building is a two storey running east to west with a 2no single storey wing running north to south.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:  
Air safeguarding Air Field safeguarding 0175  
DC Area Teams West Area 0004

2.2 Policies:  
CYSP2 The York Green Belt  
CYSP3 Safeguarding the Historic Character and Setting of York  
CYSP6 Location strategy  
CYSP8 Reducing dependence on the car  
CYGP1 Design  
CYGP4A Sustainability  
CYGP6 Contaminated land  
CYGP9 Landscaping

CGP15A Development and Flood Risk  
CYNE1 Trees, woodlands, hedgerows  
CYNE6 Species protected by law  
CYNE7 Habitat protection and creation  
CYHE10 Archaeology  
CYGB1 Development within the Green Belt  
CYGB3 Reuse of buildings  
CYGB6 Housing devt outside settlement limits  
CYGB10 Major development sites in GB  
CYGB11 Employment devt outside settlement limits  
CYT2 Cycle pedestrian network  
CYT4 Cycle parking standards  
CYT7C Access to Public Transport  
CYT13A Travel Plans and Contributions  
CYT18 Highways  
CYH17 Residential institutions  
CYED5 Further and Higher Education Institutions

### **3.0 CONSULTATIONS**

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT

3.1 No objections

ARCHAEOLOGY

3.2 The Desk based assessment identifies non-designated heritage assets within the application site. The place-name Barrow Fields which occurs within the application site strongly suggests the possibility of prehistoric burial mounds in the area. The site is therefore of archaeological interest, and there is a demonstrable requirement that more information is required to detail the archaeological significance of the prehistoric, Romano-British and medieval landscapes. This information is normally provided through pre-determination archaeological evaluation of a site. In the light of the exceptional circumstances relating to this site (the grant-aid funding of the development) have agreed that this information can be provided post-determination. Can be secured via condition

FLOOD RISK MANAGEMENT TEAM

3.3 Insufficient information provided by the applicant to determine the potential impact of the proposals on the existing drainage system and downstream watercourse

ENVIRONMENTAL PROTECTION UNIT

3.4 The ground investigation results did not identify any significant land contamination or elevated ground gas levels. Consequently, no remedial action is required and the site is deemed to be suitable for its proposed use. However, as a precautionary measure, would recommend condition.

3.5 A noise assessment was undertaken. Not all aspects of the development raise concerns as most of the site is already within the ownership and control of the college and unlikely to adversely affect neighbours due to the distances involved.

3.6 Student Village Building (SV1) will provide residential accommodation for students and as a result any proposed accommodation will be located directly adjacent to the college site and will be affected by the operations of the college. Teaching Block (TB1) and Engineering Block (ENG1) is to be located approximately 170m from the nearest residential properties at 36 to 61 Askham Fields Lane and so there is the potential for noise from any proposed plant or equipment from the building to adversely affect the existing dwellings.

3.7 As part of the noise assessment the impact of increases in vehicles numbers on noise was considered. The worst case predicted change in noise level is 3.4dB, the estimated impact is shown to be negligible for the properties located to the north of the college site on Askham Fields Lane.

3.8 In addition to traffic road noise have concerns about the impact of increased vehicles in relation to car parking. Have concerns about the increase in the number of noise events which will be experienced by the properties to the north proposed car parks, particularly later at night. The car parks nearest to these properties will be limited and a barrier provided to prevent access out of hours. Suggest that this be conditioned between the hours of 07:00 to 19:00 Monday to Friday and 08:00 to 18:00 on Saturday and Sundays.

3.9 In view of NPPF and the Council's Low Emission Strategy, which was adopted in October 2012, EPU request 4 electric vehicle recharging points

## CITY DEVELOPMENT

3.10 The site falls within the general extent of the Green Belt as shown on the Key Diagram of the RSS (the Yorkshire and Humber Plan) saved under The Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. As identified under Policy GB10, Askham Bryan College is a major developed site in the Green Belt with a preferred use of Education. The college continues to be a recognised as a major developed site in the Green Belt with education the preferred use under Policy GB5 (emerging Local Plan). Policy GB10 states that there are advantages to permitting limited development at major developed sites provided development does not prejudice the Green Belt's openness or its purposes. Limited infilling may also help to provide jobs and secure economic prosperity. Development must not exceed the height of existing buildings and must not lead to a major increase in the developed portion of the site.

3.11 The applicant successfully demonstrates that the proposals will primarily be used for educational purposes, albeit the proposals will also provide commercial development.

3.12 The development proposals indicate two to three storey buildings, which is above the height of existing buildings. Should ensure that this would not prejudice the Green Belt's openness or its purposes

3.13 Subject to the above comments with regard to the proposed heights of the buildings, the proposals meet the requirement of Policy GB10. However the commercial element requires an assessment of Policy GB1.

3.14 As a Higher Education Institution, Policy ED5 applies. This policy encourages the continued development of the city's further and higher education institutions, subject to adequate measures being provided for student housing. It also suggests that if capable for dual or joint usage for community benefit this will be encouraged. This approach is reflected in the emerging Local Plan in Policy EST2. In addition, Policy SS2 recognises the economic role of York's higher and further education institutions both in terms of direct employment and through facilitating growth in research and development.

3.15 The development will result in an increase in student numbers. The temporary student accommodation is welcomed. Consider whether the impact of increases in student numbers at the college requires permanent student accommodation.

## PUBLIC RIGHTS OF WAY

3.16 Public footpath (No.2/7) is located within the boundary of the development but appears not to be directly affected by development. The nature of the surface of the road that the public footpath follows is predominantly tarmacadam. If this access

road is to be used as access for delivery and construction vehicles associated with the development proposal in any way then the developer and/or the landowner will be responsible for its repair: request a survey to be carried out on the condition of the surface of the public footpath with photographic evidence prior to any development commencing or associated works.

## EXTERNAL CONSULTATIONS/REPRESENTATIONS

### HIGHWAYS AGENCY

3.17 No comments received

### ENVIRONMENT AGENCY -

3.18 No objections. Request informatives regarding foul drainage, surface water drainage, compliance with comply with The Water Resources (Control of Pollution) (Sludge, Slurry and Agricultural Fuel Oil) (England) Regulations 2010 (as amended 2013), and water efficiency,

### POLICE ARCHITECTURAL LIAISON OFFICER

3.19 No comments

### YORKSHIRE WATER

3.20 There are a small diameter public foul sewer recorded to cross the red line site boundary. The sewer is likely to be affected. In this instance, YWS would look for this matter to be controlled by Requirement H4 of the Building Regulations 2000.

3.21 There is an existing water main is laid in Askham Fields Lane that supplies the houses, but is unlikely to be affected by the proposal. A new water supply can be provided under the terms of the Water Industry Act, 1991.

### ASKHAM BRYAN PARISH COUNCIL

3.22 No comments received.

## **4.0 APPRAISAL**

### RELEVANT SITE HISTORY

- 05/01743/FULM - Erection of 3x three storey student accommodation blocks after demolition of 5x existing two storey accommodation - Approved
- 07/00753/FULM - Proposed erection of veterinary hospital with associated outbuildings, car parking and vehicular access - Approved

Application Reference Number: 13/02969/OUTM      Item No: 4d

- 11/01155/FULM - Erection of 7 single storey buildings forming an equine hospital and training centre with associated outdoor facilities, car parking and new access - Approved
- 12/03016/FUL - Erection of single storey student and staff accommodation block comprising 10 no. ensuite bedrooms, 1no. flat with separate access; 2no. supporting teaching spaces and associated external landscaping - Approved
- 13/02946/FULM - Erection of educational and associated buildings and related parking, circulation areas and landscaping (for animal management centre, farm and equestrian purposes, 2 staff dwellings, animal housing), siting of animal shelters, silos and feed bins, erection of security fencing, formation of external equine training areas including polo field, formation of new access to York Road, reorganisation of existing access and parking areas, formation of ponds, change of use of existing buildings, temporary student accommodation and providing glazed roof to existing quadrangle – Pending and considered elsewhere on this agenda.

## KEY ISSUES

- Policy background
- Green belt and consideration of very special circumstances
- Scale and Landscape considerations
- Traffic, Highway, Parking and Access Issues
- Ecology
- Sustainability
- Drainage

## ASSESSMENT

### PLANNING POLICY

4.1 The NPPF sets out the presumption in favour of sustainable development, there are three dimensions/roles to sustainable development: economic, social, and environmental. These roles should not be undertaken in isolation and involves seeking positive improvements in the quality of the built, natural, and historic environment. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

4.2 The NPPF puts emphasis on supporting economic growth in rural areas in order to create jobs and prosperity. Local plans should support the expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well design new buildings; promote the development and

diversification of land-based rural business; support sustainable leisure development that benefit business in rural areas, communities and visitors, and which benefit the character of the countryside

4.3 The Askham Bryan Parish Plan (2006) discusses the College site and its importance to the area. The design guidelines set out in the Plan refer to the setting of the village and the retention of the agricultural character of the village and there is little mention of the college site. However some of the guidelines are considered to be applicable: the south aspect from Chapel Lane contributes to the setting of the village. Any new development should respect, maintain, or provide views through to these features and the open countryside; developments must reflect and complement the character of the immediate surrounding area particularly with regard to scale, density, and mix of design; no development should be permitted which would interrupt the open character and setting of the village approaches.

#### GREEN BELT AND CONSIDERATION OF VERY SPECIAL CIRCUMSTANCES

4.4 The application relates to the re-development of the college campus. The site is within the Green Belt as defined City of York Development Control Local Plan Proposals Map, and the saved policies of the Yorkshire and Humber Regional Spatial Strategy (May 2008) sets out the extent of the City of York Green Belt. The campus is identified as a "major developed site in the Green Belt" within Policy GB10 the Development Control Local Plan (2005) and Policy GB5 (of the emerging Local Plan). Both policies state that the preferred use of the site is for education. Some of the development proposed falls outside of the developed site envelope shown in the proposal maps for both Local Plans. However as neither of these Local Plans have been adopted and the NPPF does not make reference to major developed sites, it is considered that the major developed site envelope can be given only very limited weight when considering this application.

4.5 The aim of the greenbelt is to prevent urban sprawl by keeping land permanently open, the characteristic of the greenbelt is its openness and permanence. The Green Belt serves 5 purposes: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. Inappropriate development is, by definition, harmful to the green belt and should not be approved except in very special circumstances.

4.6 The NPPF sets out that the construction of new buildings is inappropriate in the greenbelt, however it provides a list of exceptions these include: buildings for agriculture; provision of appropriate facilities for outdoor sport, outdoor recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it; the extension or alteration of a building provided



that it does not result in disproportionate additions over and above the size of the original building; the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

4.7 Certain other forms of development are also not inappropriate in the greenbelt providing they preserve the openness of the greenbelt and do not conflict with the purposes of including land in the greenbelt, these include: engineering operations; and the re-use of buildings providing that the buildings are of permanent and substantial construction.

4.8 Buildings SV1, SV2, and TB1 are considered to fall within the NPPF exception category of limited infilling or the partial or complete redevelopment of previously developed sites, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. However the proposed engineering building would be sited to the north of the main campus and would impact on the openness of the greenbelt.

4.9 The proposed engineering building would result in an increase in the developed proportion of the whole site and would be sited outside the existing built envelope of the campus. In addition the proposed large scale and massing is considered to significantly harm the openness of the greenbelt. As such the proposal is considered to constitute inappropriate development in the Green Belt, and very special circumstances would be required in order to justify the development, and outweigh the harm to the greenbelt.

4.10 The applicant has put forward the following justification for the new building:

As a result of the scale and height of the existing building, the largest vehicles and machinery owned by the college cannot be accommodated within the building. As such this limits the teaching function and also limits the College's ability to maintain large vehicles. In addition the current buildings proximity to the teaching blocks and the College Conference Centre cause problems of noise disturbance and a conflict with pedestrian and vehicles within the central campus. The proposed re-siting of the workshop with a separate (existing) access from York Road will remove these concerns. It is hoped that the improved facilities will attract additional.

4.11 Very special circumstances put forward by the applicant, for the development as a whole including 13/02946/FULM, are as follows:

- The campus is sited in this location and therefore the proposed development cannot be located other than within or adjacent to the existing campus
- The proposals will provide the basis for a significant financial input into the campus over an extended period. Construction value is estimated to be £33,972,000. The successful contractor could potentially employ local sub-contractors and suppliers. As such there is the potential for the development to affect the local economy
- The development (subject of this application and 13/02946/FULM) will allow student numbers to increase by 65%, and the number of full times students who are resident on the site will double. This will generate a need of 120+ teaching and support staff, potentially adding £2million per annum into the local economy
- Further input into the economy will occur from the on-going supply of domestic and housekeeping services, estimated at £150, 000 per annum (excluding wages) which as far as possible will be sourced locally
- The proposed developments (application 13/02946/FULM and 13/02969/OUTM) are inter- related, mutually supportive and in terms of their importance to the future development and status of the college, comprise a long term development and all the elements are essential
- There is insufficient land to accommodate the development within the existing boundaries of the campus
- Will allow the range of courses to be increased and the standard of residential and social facilities available and thus contributing to the reputation of the college and by associate the city
- The links to the Council and the wider community in respect of students assisting in land-based and conservation projects and the uses of the college facilities during the holidays will be strengthened and extended to the economic, social, and cultural benefit of the city

4.12 Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. On balance, it is considered that the above considerations cumulatively are capable of amounting to very special circumstances sufficient to outweigh the limited harm that would be caused to the Green Belt.

#### SCALE AND LANDSCAPE CONSIDERATIONS

4.13 The southern line of the existing buildings is located at a height of 35m along the ridge formed by the glacial moraine. The topography increases in height further to the west at Stock Hill at a height of 44m. Within the otherwise relatively flat surrounding land, this is a noticeable ridge/hill. The college complex is experienced by the highest numbers from the A64. From the A64 the college is perceived as a farmstead on the hill (Westfield farm buildings), followed by the main building, and then a stables and a large timber barn (equestrian centre). These are all visible,

albeit fleetingly from vehicles travelling at relatively high speed, along the A64 in varying degrees at different locations and times of the year. Previous development of the campus has maintained a building line along the ridge with development on the northern slope of the ridge.

4.14 The proposed SV1 would be sited in the existing campus adjacent to the existing 3 storey student accommodation and the agricultural buildings, the proposed accommodation would be spread over 3 storeys. The building would be screened from the wider greenbelt to the west by a line of Poplars. The development would be viewed in the context of the surrounding buildings and the campus.

4.15 The proposed SV2 would be the conversion of farm building sited towards the top of the ridge, no additional buildings or extensions are proposed, from the information submitted the external envelope of the building would be unchanged; as such the building would not result in a greater presence within the landscape. The number of accommodation units would be limited by virtue of the size of the building. The proposed student accommodation would be in close proximity to the existing dairy building and as such there may be some disturbance in terms of noise and odour however by virtue of the nature of the college and the students' courses the proximity is not considered to result in a loss of amenity and is considered to be acceptable.

4.16 The public right of way directly affected by the proposed development of SV1 and SV2 is AB 2/7 which runs to the west of the proposed development along the existing farm lane from York Road to the A64. The view from the road would be an increase in density of the campus but would still predominately be of the character of walking through a farm yard. The development is unlikely to prevent use of the right of way.

4.17 The proposed two storey TB1 would follow the demolition of the existing Engineering block. The proposed teaching block would be of a similar footprint centrally sited within the campus, it is unlikely that it visible from outside the campus by virtue of its proposed two storey height. No landscaping is proposed in relation to this part of the application.

4.18 The proposed ENG1 building would have a footprint of 2,100m<sup>2</sup> and be 7.6 metres in height; the plan shows a building measuring 30 metres by 70 metres. The proposed ENG1 would be prominent by virtue of its proposed height, scale, and massing and its proximity to the road and the northern boundary of the campus. The proposed building would be viewed against the backdrop of existing college buildings. The site gently slopes up from York Road towards the main campus. The proposed building is set back from York Road by approx 40 metres with an area of hardstanding to the north. It is expected that the building would be of a utilitarian appearance. The existing row of tall conifers that delineates the eastern boundary of the site would be retained. The line of poplars along the western boundary provide a

reasonable degree of seasonal screening. The existing frontage hedge would also be retained and supplemented by additional tree planting in order to soften the visual appearance of the development from York Road.

#### TRAFFIC, HIGHWAY, PARKING AND ACCESS ISSUES

4.19 Student numbers are projected to increase from 1200 to 2300 by 2017. The level of car parking on site will increase from approximately 390 spaces to 530 spaces as part of application 13/02946/FULM, no car parking is proposed as part of this application. Highways Network Management are satisfied from the information submitted that the development proposals together with the 13/02946/FULM, will not have a detrimental impact on the adjacent highway network. The Highways Agency has not raised any objections regarding the impact to the A64.

#### ECOLOGY

4.20 The NPPF sets out that the Planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; minimising impacts on biodiversity and providing net gains in biodiversity where possible

4.21 The bat activity surveys recorded use of the site and surrounding area. To proceed with any proposed development which may affect the roost, there is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 for a European Protected Species (EPS) licence granted by Natural England. An overarching mitigation and enhancement plan can be obtained via condition. It is also considered prudent to condition lighting details to ensure there is limited impact on bats as well as on visual amenity grounds and impact to the wider countryside/green belt.

#### SUSTAINABILITY

4.22 It is a requirement of policy GP4a of the Local Plan that a sustainability statement is submitted with applications for development. The proposed development should also meet the requirements of the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction. Commercial developments involving more than 500 sq m of space should demonstrate that they can achieve a BREEAM rating of 'very good', among the requirements are that the development can generate at least 10% of its energy demands from low or zero carbon technology.

4.23 The applicant has submitted a statement with stating that the intention is for the proposed student accommodation and the proposed teaching block to be assessed under BREEAM. The standards can be secured through planning conditions.

4.24 The applicant has made no reference to generation of 10% of the energy demands from low or zero carbon for the development it is considered that these standards can be secured through planning conditions.

## DRAINAGE

4.25 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. Local Plan policy GP15a: Development and Flood Risk advises discharge from new development should not exceed the capacity of receptors and water run-off should, in relation to existing run-off rates, be reduced.

4.26 Some surface water drainage details have been submitted. By reason of the potential to affect neighbouring land and roads it is considered that this information is required to ensure that the proposed drainage method is appropriate and works in this location, it is considered that in this case given the extent of the college's land ownership the information can be sought via condition

## **5.0 CONCLUSION**

5.1 The Engineering building is considered to constitute inappropriate development within the Green Belt, and by virtue of the scale and siting would impact and cause harm to the openness and visual amenity of the Green Belt. Central Government advice in the NPPF makes it clear that such development should not be approved, except in very special circumstances. The proposed facilities are required for the college to expand and compete, and improve existing courses. The proposed college facilities are require proximity to the current campus and as such can not be sited elsewhere, and together with the other reasons put forward by the applicant are considered to constitute very special circumstances that outweigh the harm to the greenbelt.

5.2 Buildings SV1, SV2, and TB1 are considered to fall within the NPPF exception category of limited infilling or the partial or complete redevelopment of previously developed sites, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

5.3 Other impacts of the development are considered to be acceptable and in accordance with national and local planning policy and where reasonable and necessary will be mitigated by condition.

5.4 Approval is recommended subject to the referral of the application to the Secretary of State under The Town and Country Planning(Consultation) (England) Direction 2009.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve following referral to Secretary of State

Subject to the following conditions:

1 OUT1 Approval of Reserved Matters -

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

Details to be submitted: appearance of the proposed development to be carried out, including a schedule of all external materials to be used.

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

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

Drawing Number (05)01 Revision A received 22 November 2013;

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

4 Samples of the external materials to be used for each building shall be approved in writing by the Local Planning Authority prior to the commencement of the development of each building. The development shall be carried out using the approved materials. Samples and colours of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of each building hereby approved. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

5 The development shall be constructed to the appropriate BRE Environmental Assessment Method (BREEAM) standard of 'very good'. A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority within 6 months of occupation of each building. Should any of the buildings fail to achieve a BREEAM standard of 'very good' a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures would be required to achieve a

standard of 'very good'. Any agreed 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 City of York Council Interim Planning Statement 'Sustainable Design and Construction'.

6 Prior to the construction of each of the following buildings: Teaching Block (TB1), Student accommodation (SV1), and the Engineering Block (ENG1) details shall be submitted and approved in writing by the Local Planning Authority to demonstrate how the development will provide 10% of its predicted energy requirements from on-site renewable sources. 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 relevant building.

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

7 No development shall take place until an archaeological evaluation in accordance with a detailed methodology (to include geophysical survey, metal detecting, trial trenches, community involvement, analysis, publication and archive deposition) which shall first be submitted to and approved in writing by the said Authority of the site of the site has been carried out and a report submitted to and approved in writing by the Local Planning Authority. A report on the results of the evaluation shall be submitted to the Local Planning Authority within six weeks of the completion of the field investigation.

Reason: The site is located within an area identified as being of archaeological interest. The investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ.

8 If, following the carrying out of the archaeological evaluation required by condition 7, the Local Planning Authority so requires, an archaeological excavation of the site shall be carried out before any development is commenced. The excavation shall be carried out in accordance with a detailed methodology (to include trenches, community involvement, post-excavation analysis, publication and archive deposition), which shall first be submitted to and approved in writing by the said Authority. Reasonable access shall be afforded to any Local Planning Authority nominated person who shall be allowed to observe the excavations. A report on the excavation results shall be submitted to the Local Planning Authority within twelve months of the completion of the field investigation.

Reason: The site is located within an area identified as being of archaeological interest. The investigation is required to ensure that archaeological features and deposits identified during the evaluation are recorded before development commences, and subsequently analysed, published and deposited in an archaeological archive.

9 Details of all machinery, plant and equipment to be installed in or located on the engineering block and the teaching block hereby permitted, which is audible at the boundaries of the nearest residential properties located at 36 to 61 Askham Fields Lane when in use, shall be submitted to the local planning authority for approval. These details shall include maximum sound levels ( $L_{Amax}(f)$ ) and average sound levels ( $L_{Aeq}$ ), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed 5dB(A) below the background noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 1997, this being the design criteria adopted by EPU, including any acoustic correction for noises which contain a distinguishable, discrete, continuous note (whine, hiss, screech, hum, etc.); noise which contain distinct impulses (bangs, clicks, clatters, or thumps); or noise which is irregular enough to attract attention.

REASON: To protect the amenities of adjacent residents

10 Construction work shall not begin until a scheme for protecting the proposed student accommodation (SV1 and SV2) from external noise has been submitted and approved in writing by the local planning authority; all works which form part of the scheme shall be completed before the development is occupied.

Note: To achieve compliance with this condition details should be submitted to demonstrate that the internal and external noise levels at the properties comply with the requirements of the World Health Organisation Guidelines on Community Noise and BS8233 as follows with adequate ventilation provided:-

- 1) Day time internal noise level in living rooms of 35 dB(A) Leq 16 hour (07:00 to 23:00)
- 2) Night time internal noise level in bedrooms of 30 dB(A) Leq 8 hour (23:00 to 07:00)
- 3) Night time internal maximum noise level in bedrooms of 45 dB(A)  $L_{max}$



REASON: To ensure that the occupants of the student accommodation have a reasonable level of residential amenity

11 In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be undertaken, and where remediation (clean-up) 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. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part 2A of the Environmental Protection Act 1990.

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.

12 Prior to commencement of development of the student accommodation (SV1), the engineering block (ENG1), and the teaching block (TB1), a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting 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.

All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 (2009) Code of Practice; 'Noise Control on Construction and Open Sites'.

REASON: To protect the amenities of adjacent residents

13 A landscaping scheme shall be approved by the Local Planning Authority prior to completion of construction of the engineering block. The scheme shall include tree planting to the north of the engineering block hereby approved

The approved 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 and provides adequate screening of the engineering building in the interests of the character and appearance of the area in accordance with paragraph 58 of the National Planning Policy Framework.

14 Prior to the occupation of each building details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall detail the locations, heights, design and lux of all external lighting. The development shall be carried out in accordance with the approved lighting scheme.

Reason: In the interests of visual amenity, to prevent light disturbance and nuisance, and to assess the impact on ecology

INFORMATIVE: There should be no direct illumination of foraging, roosting and commuting habitat and any light spillage should be minimised as much as possible.

15 The proposed Engineering Block (ENG1) shall not exceed 7.6 metres in height.

Reason: In the interests of visual amenity

16 No demolition shall take place and the commencement of development of each of the approved development shall not take place until full details of what measures for bat mitigation and conservation are proposed for each building have been submitted to and approved in writing by the Council. Where appropriate, a copy of the Natural England Protected Species Licence approving mitigation measures should be supplied to the Council prior to any work taking place.

The measures should include:

(i) The inspection of any buildings to be demolished or disturbed as close to the date of work as possible and no earlier than one month prior to any work to ascertain the presence or otherwise of roosting or hibernating bats in the structure. Further survey may be required at the appropriate time of year if a) the demolition is to be carried out between April and Sept. or b) an endoscopic hibernation survey if the demolition is to be carried out between October and March. The results should be submitted to the Council beforehand.

(ii) A plan of how work is to be dealt with during the demolition/development phase to accommodate the possibility of bats being present.

(iii) No buildings containing bats to be demolished until the bats have been safely excluded using previously agreed methods. By preference demolition should take

place in winter when bats are less likely to be present.

(iv) Details of what provision is to be made within the new building to replace the features lost through the demolition of the original structure. Features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards, bat lofts and bat boxes.

(v) Details of any offsite enhancements that can be provided.

(vi) The timing of all operations

The works shall be completed in accordance with the approved details prior to the occupation of the accommodation and shall be retained unless otherwise agreed in writing with the Local Planning Authority.

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

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

Type boxes internally mounted into the walls rather than the externally mounted ones are recommended. Structures built into the fabric of the building provide better and longer lasting habitat that are less prone to environmental fluctuations and future disturbance.

17 All demolition and construction works and ancillary operations which are audible beyond site boundary or at the nearest noise sensitive dwelling, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday 08:00 to 18:00

Saturday 09:00 to 13:00

Not at all on Sundays and Bank Holidays.

REASON: To protect the amenities of adjacent residents

18 Prior to the construction of each building hereby approved details of foul and surface water drainage works shall be 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 the relevant building being brought into use.

Details shall include:

i) Calculations and invert levels to ordnance datum of the existing surface water system together with details to include calculations and invert levels to ordnance datum of the proposals for the new development.

(ii) A topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development shall not be raised above the level of the adjacent land, to prevent run-off from the site affecting nearby properties.

(iii) Existing and proposed surfacing shown on plans.

(iv) Additional surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

(v) If soakaways are the proposed method of surface water disposal, these shall be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself. The tests shall be carried out for each proposed building and witnessed by the City of York Council's Flood Risk Management Team.

If soakaways prove to be unsuitable then in accordance with City of York Council's Strategic Flood Risk Assessment, peak run-off from:

(a) Proposed buildings within Brownfield areas must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used.

(b) Proposed buildings within Greenfield areas or above not proven must be attenuated to that of the existing rate (based on a Greenfield run off rate of 1.40 l/sec/ha). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site. To ensure that the proposed drainage of the development is acceptable and would prevent flooding to neighbouring property and road infrastructure

## 7.0 INFORMATIVES:

### Notes to Applicant

#### 1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Requested additional information
- Application of conditions

#### 2. INFORMATIVE: Control of Pollution Act 1974

#### 3. INFORMATIVE: Statutory Undertakers

#### 4. ENVIRONMENT AGENCY WATER EFFICIENCY INFORMATIVE

The EA endorse the efficient use of water, especially in new developments. The EA Water Demand Management Team can provide information and advice on any aspect of water conservation including water saving technologies. New developments could take economic advantage of these technologies and should be considered. Widespread use of these and other technologies that ensure efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area. Further advice can be obtained from our website at

[www.environment-agency.gov.uk/homeandleisure/beinggreen/117266.aspx](http://www.environment-agency.gov.uk/homeandleisure/beinggreen/117266.aspx)

#### Contact details:

**Author:** Victoria Bell Development Management Officer

**Tel No:** 01904 551347

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Schools GMS Constraints: Knavesmire Primary 0206

## 2.2 Policies:

CGP15A - Development and Flood Risk

CYGP1 - Design

CYGP4A - Sustainability

CYGP9 - Landscaping

CYHE2 - Development in historic locations

CYH4A - Housing Windfalls

## 3.0 CONSULTATIONS

### INTERNAL:-

3.1 Integrated Strategy Unit raise no objection to the proposal.

3.2 Environmental Protection Unit raise no objection to the proposal subject to any permission being conditioned to control the hours and means of construction and to mitigate against un-foreseen contamination.

3.3 Housing Development Services raise no objection to the proposal.

3.4 Highway Network Management raise no objection to the proposal.

3.5 Design, Conservation and Sustainable Development raise no objection to the proposal but raise a number of detailed concerns in respect of the proposed site layout, notably the vehicle circulation areas and the interaction between the proposed phases.

### EXTERNAL:-

3.6 Safer York Partnership raise no objection to the proposed development.

3.7 Natural England raise no objection to the proposed development.

3.8 Yorkshire Water Services Limited raise no objection to the proposal.

3.9 English Heritage raise no objection to the proposal.

3.10 Sport England raise no objection to the proposal.

3.11 Five letters of representation have been received in respect of the proposal. One of support and four of objection. The following is a summary of the letters of objection:-

- \* Concern in respect of the impact of the extended construction period upon the residential amenity of neighbouring properties;
- \* Concern in respect of the impact of the loss of mature landscaping along the eastern site boundary upon the visual amenity of the wider street scene;
- \* Concern in respect of the impact of the proposal upon traffic flow in adjoining side streets;
- \* Concern in respect of the impact of the proposal upon nearby services such as schools and local shops.

## **4.0 APPRAISAL**

KEY CONSIDERATIONS :-

4.1 KEY CONSIDERATIONS INCLUDE:-

- \* Impact upon the residential amenity of nearby properties;
- \* Impact upon the setting of the Racecourse/Terry's Conservation Area;
- \* Impact upon the visual amenity of the wider street scene;
- \* Sustainability.

STATUS OF THE DRAFT LOCAL PLAN:-

4.2 The York Development Control Local Plan was approved for Development Control purposes in April 2005; its policies remain material considerations in arriving at Development Management decisions although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework.

PLANNING POLICY CONTEXT:-

4.3 Central Government Planning Policy as outlined in paragraph 49 of the NPPF urges Local Planning Authorities to consider all applications for planning permission for residential development in the context of the presumption in favour of sustainable development. Planning for new residential development as outlined in paragraph 50 of the NPPF should be based upon the size, type, tenure and range indicated by local needs. At the same time paragraph 61 of the NPPF seeks that planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

#### IMPACT UPON RESIDENTIAL AMENITY:-

4.4 Policy GP1 of the York Development Control Local Plan sets out a firm policy presumption in favour of new development which respects or enhances the local environment, are of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area and ensure that residents living nearby are not unduly affected by noise disturbance, overlooking, overshadowing or dominated by overbearing structures . The application site has previously been given Outline Planning Permission for residential development with ancillary facilities including a retail unit. Determination of Reserved Matters is presently sought in respect of the construction of phase 1 of the overall development focussed on one of the principal access points to the site from Campleshon Road.

4.5 The proposal envisages the erection of a series of brick and art-stone built two and three storey properties with one four storey apartment block, set back from the main Campleshon Road frontage of the site. A high degree of shelter is currently given to properties along Campleshon Road by a belt of mature trees within the highway boundary and the existing landscaped bund flanking the site boundary. The developer has indicated a wish to retain the bund although some clearance work has been undertaken to facilitate access improvement works and to allow for the site to be laid out. This clearance work will give rise to some short term impact in respect of the properties closest to the site entrance which for the duration of the early development works will have clear visibility of the site and some perception of increased noise. Robust safeguards have however been set in place in respect of the determination of the Outline Planning Permission in relation to residential amenity during the construction process and the applicant has indicated an intention to re-landscape the site boundary and the associated bund so that any impact over the medium to long term would be minimal. The terms of Policy GP1 of the Draft Local Plan can therefore be complied with.

#### IMPACT UPON THE SETTING OF THE RACECOURSE/TERRY'S CONSERVATION AREA:-

4.6 Policy HE2 of the York Development Control Local Plan sets out a firm policy presumption that within or adjacent to Conservation Areas and in locations which affect the setting of Listed Buildings development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. Central Government Planning Policy as outlined in paragraph 131 of the NPPF urges Local Planning Authorities to give significant weight to the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and the desirability of new development making a positive contribution to local character and distinctiveness. The proposal envisages the erection of a development of 57 houses together with 28 apartments set out in three blocks and an ancillary retail unit. The application site previously comprised a series of low rise Modern factory units associated with

the Chocolate manufacturing process, which have been largely cleared. The boundary of the Conservation Area lies to the north and west of the site with the associated Grade II Listed factory and Headquarters buildings. The existing buildings are highly prominent, providing a clearly defined visual boundary to the site blending in, in terms of scale and massing with the buildings of the Racecourse to the north. The proposed buildings would be of uniform two and three storey heights, with one four storey block close to the eastern boundary with Campleshon Road, which would not visually challenge the factory buildings in the middle distance. It is felt that the proposed four storey block would harm the setting of the Conservation Area or the visual amenity of the wider street scene by virtue of the degree of set back from Campleshon Road and the level of shelter given by the existing mature landscaped bund. At the same time the proposed palette of materials with the chosen prominent use of mid red brick and art-stone would pay close reference to that used in the existing buildings. The setting of the wider Conservation Area and the nearby Listed Buildings have therefore been secured and the terms of Policy HE2 of the Draft Local Plan along with paragraph 131 of the NPPF have therefore been complied with.

#### IMPACT UPON THE VISUAL AMENITY OF THE WIDER STREET SCENE:-

4.7 Paragraph 61 of the NPPF urges Local Planning Authorities to give significant weight to the need to secure high quality and inclusive design that addresses the connection between people and places and the integration of new development in to the existing built and historic environment. The proposed development follows the broad principles already laid out in the "parameters plan" approved as part of the Outline Planning application process. This allowed for the creation of a series of axial circulation routes based upon the retained factory buildings and the existing retained access from the site on to Campleshon Road. Slightly taller apartment and service buildings would be located around the periphery of the site to the east where a degree of shelter would be provided by the existing landscaped bund and where they would not compete visually with the retained factory buildings to the south. A central landscaped square would be provided at the centre of the site to give a clearly defined public space. The majority of vehicle and cycle parking would be located in rear courts behind the residential development. The pattern of building would be as a series of short and medium sized terraces of town houses which reflect the pattern of the surrounding area in terms of density as well as scale and massing. The arterial vehicle routes would be planted with individual trees and lengths of hedgerow at regular intervals. This is felt to be acceptable and to secure the requirements of Paragraph 61 of the NPPF.

**SUSTAINABILITY:-**

4.8 Policy GP4 a) of the York Development Control Local Plan sets out a clear policy requirement that new development be designed to address the principles of sustainable development notably through the provision of high quality design, the minimisation of waste and use of non-renewable resources and the usage of non car means of transport. Issues of Sustainability were addressed extensively at the stage of the Outline Planning Permission with a waste minimisation strategy agreed and the provision of incentives to sustainable transport.

**OTHER ISSUES:-**

4.9 Concern has been expressed in respect of the impact of the proposal upon the provision of local services such as local schools and shops and also the impact of the proposal upon the local highway network. These issues have been specifically addressed by mitigation measures included within the Section 106 Agreement attached to the Outline Planning permission.

4.10 The issue of the provision of affordable housing was also considered in relation to the Section 106 Agreement attaching to the Outline Planning Permission and is covered by a separate but parallel requirement to submit an overall plan for approval prior to commencement of formal construction of the first phase of building.

**5.0 CONCLUSION**

5.1 Under this reserved matters application access, appearance, landscaping, layout and scale are for consideration at this stage The proposal is felt to relate well to the setting of the Racecourse/Terry's Conservation Area and the surviving Grade II Listed factory buildings to the south as well as to the grain of the surrounding built environment. Any impact upon the residential amenity of neighbouring properties is felt to be acceptable and approval is therefore recommended.

**COMMITTEE TO VISIT**

**6.0 RECOMMENDATION: Approve**

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

Drawing Refs:- 2265\_PL\_001; 2265\_PL\_002; 2265\_PL\_010; 2265\_PL\_011;  
2265\_PL\_012; 2265\_PL\_100; 2265\_PL\_110; 2265\_PL\_111; 2265\_PL\_211;  
2265\_PL\_212; 2265\_PL\_213; 2265\_PL\_214; 2265\_PL\_221; 2265\_PL\_231;  
2265\_PL\_241; 2265\_PL\_251; 2265\_PL\_261; 2265\_PL\_262; 2265\_PL\_265;  
2265\_PL\_266; 2265\_PL\_281; 2265\_PL\_282; 2265\_PL\_401; 2265\_PL\_402;  
2265\_PL\_405; 2265\_PL\_406; 2265\_PL\_411; 2265\_PL\_412; 2265\_PL\_413;

Application Reference Number: 13/03429/REMM

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2265\_PL\_414; 2265\_PL\_415; 2265\_PL\_416; 2265\_PL\_421; 2265\_PL\_431;  
2265\_PL\_441; 2265\_PL\_451; 2265\_PL\_461; 2265\_PL\_465; 2265\_PL\_481; 2265\_PL\_  
501; 2265\_PL\_502; 2265\_PL\_503; 2265\_PL\_630; 2265\_PL\_631; 2265\_PL\_632; 2265\_  
PL\_633; R-1459-1; R-1459-2; R-1459-3; R-1459-4; R-1459-5. Date Stamped 15th  
October 2013.

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

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Clarification of the site layout and landscaping.

#### **Contact details:**

**Author:** Erik Matthews Development Management Officer

**Tel No:** 01904 551416

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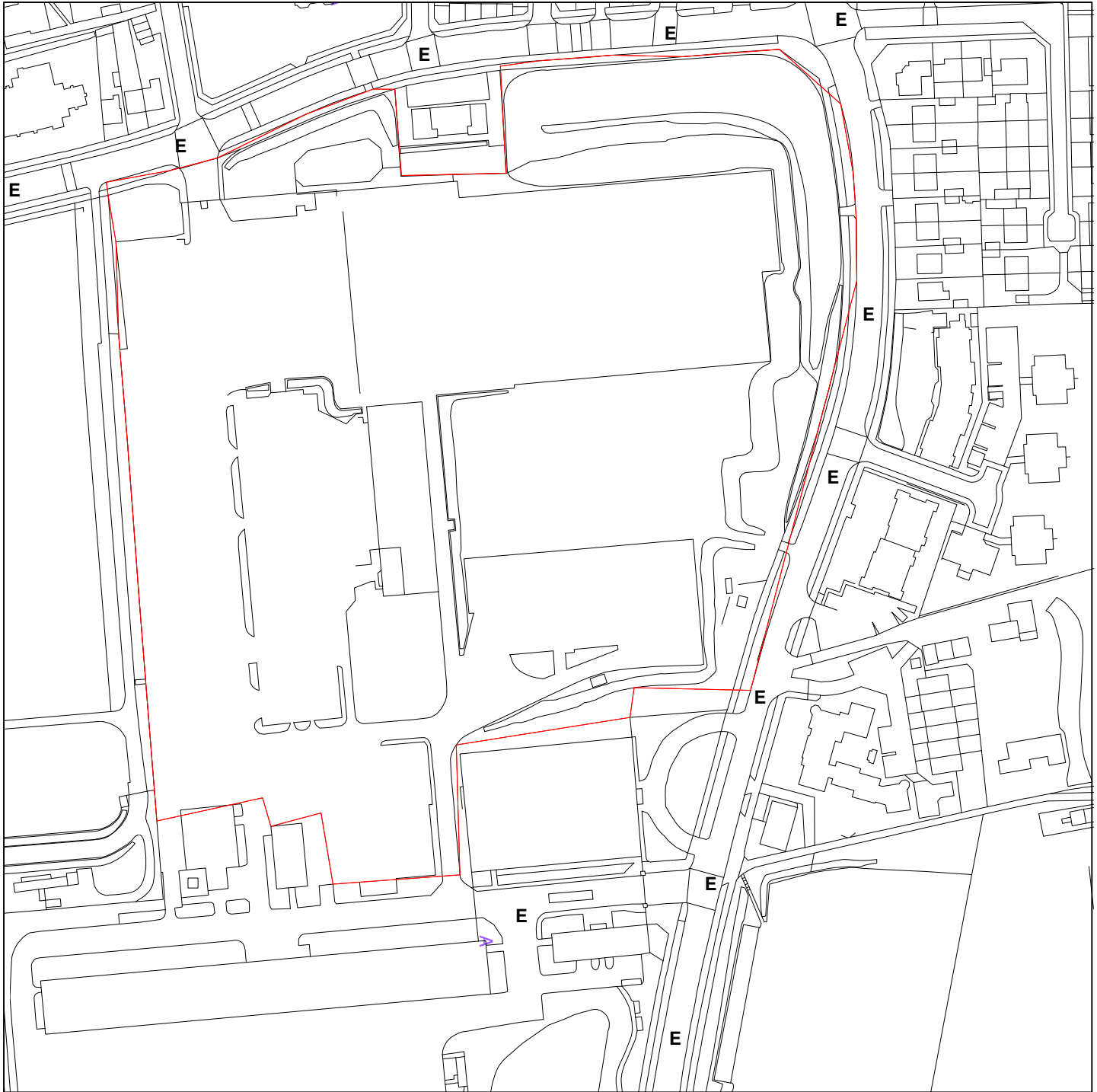


# 13/03429/REMM

## Factory, Bishopthorpe Road



GIS by ESRI (UK)



Scale : 1:2000

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	09 December 2013
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 19 December 2013      **Ward:** Westfield  
**Team:** Major and                      **Parish:** No Parish  
                    Commercial Team

**Reference:** 13/02892/FULM  
**Application at:** Our Lady's R C Primary School Windsor Garth York YO24 4QW  
**For:** Erection of 56 no. two storey dwellings and associated works  
**By:** Mr Joel Owen  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 26 November 2013  
**Recommendation:** Approve subject to Section 106 Agreement

**1.0 PROPOSAL**

1.1 Our Lady's School Hob Moor comprises a low rise brick built complex dating from the 1950s occupying an island site within the Hob Moor Stray, an urban common protected by Private Act of Parliament. The complex is now derelict following on from a replacement school being erected to more Modern standards a short distance away. Planning permission is sought for the erection of 56 houses on the cleared site, 41 for social rent or discounted sale and 15 for open market sale. They would be a mix of 29 two and 27 three bedroom properties. The application details have been amended since submission to create an easement around a trunk sewer crossing the site at its western edge and also to deal with concerns in terms of the impact of the proposal upon the eastern boundary of the site with Hob Moor Stray.

1.2 The application was deferred from consideration at the 21st November Planning Committee to allow for re-consideration of the provision of open space within the site, the future of the site boundary fence and the BREEAM Sustainability Code Level at which the development would be constructed. The developer has now responded in relation to each of these issues including to retain a section of the existing fence subject to a suitable treatment and to provide an area of childrens' play space at the northern edge of the site. This would reduce the number of units proposed from 56 to 55.

1.3 As a consequence of the complicated nature of the site the proposal attracts a requirement for commuted payments in respect of, highway works at £10,960 and the provision of off site open space at £27,064 giving a total requirement for £38,024. The open space requirement has been reduced to make allowance for the provision of children's play space on site along with the proximity of the open space on Hob Moor. This would be secured via a Section 106 Agreement together with the provision of arrangements for securing the affordable housing to remain affordable in perpetuity along with the maintenance of the landscaped boundary of the site with Hob Moor.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

Schools GMS Constraints: Our Lady's RC Primary 0213

### 2.2 Policies:

CYGP1 - Design

CGP15A - Development and Flood Risk

CYGP4A - Sustainability

CYH4A - Housing Windfalls

CYNE8 - Green corridors

CYNE6 - Species protected by law

CYL1C - Provision of New Open Space in Development

CYED4 - Developer contributions towards Educational facilities

## **3.0 CONSULTATIONS**

### INTERNAL:-

3.1 Environmental Protection Unit raise no objection to the proposal subject to any permission being conditioned to require remediation of any land found to be contaminated and to protect the amenity of neighbouring properties during the construction process.

3.2 Lifelong Learning and Leisure raise no objection to the proposal subject to commuted sums being paid in lieu of the provision of off-site open space.

3.3 Design, Conservation and Sustainable Development express concerns in respect of the proposed landscape treatment of the site boundaries and its impact upon the setting of Hob Moor.

3.4 Highway Network Management raise no objection to the layout of the proposal as amended subject to the payment of commuted sums in respect of Sustainable Transport Measures and amendments to off-site Traffic Regulation Orders.

3.5 Housing Services raise no objection to the proposal subject to measures being put in place to ensure that the affordable element of the scheme remains so in perpetuity.

3.6 Strategic Flood Risk Management express concern in respect of the level of information submitted with the scheme in terms of surface water drainage. A detailed drainage scheme has subsequently been submitted with the proposal

3.7 Education Services raise no objection raise no objection to the proposal and following a re-assessment of local needs no longer require the payment of a commuted sum in lieu of the provision of school places.

#### EXTERNAL:-

3.8 The Ainsty Internal Drainage Board raise no objection in principle to the proposal but express concern in relation to the level of information provided in terms of surface water drainage.

3.9 Yorkshire Water Services Limited raise no objection to the proposal but express concern in relation to the level of information provided in terms of surface water drainage.

3.10 The Safer York Partnership raise no objection to the proposal.

3.11 The York Natural Environment Panel express concerns in respect of the over-development of the site and the impact upon the setting of Hob Moor.

3.12 The Friends of Hob Moor object to the proposal on the grounds that it would seriously erode the setting of Hob Moor as well as causing serious harm to the nearby locally designated nature reserve by altering the pattern of surface water drainage and introducing domestic pets who will harm small mammals and ground nesting birds.

3.13 The Kingsway Area Residents Association object to the proposal on the grounds that it would result in over-development of the site, cause an unacceptable impact in terms of traffic upon adjoining side roads, give rise to unacceptable pressure upon nearby schools and other services, would be unsustainable in transport terms and would cause unacceptable harm to the setting of Hob Moor.

3.14 The Yorkshire Wildlife Trust object to the proposal on the grounds that it would give rise to a serious impact upon the setting of Hob Moor and the increased

intensity of usage of the site through noise, disturbance, litter and domestic pets would seriously harm the character and integrity of the Local Nature Reserve. If approval is given no separate access should be gained to the Moor, restrictions should be imposed upon the keeping of domestic pets and additional patrolling of the Moor should be undertaken to deal with litter.

3.15 Twelve letters of objection have been received from neighbouring residents. The following is a summary of their contents:-

- \* Concern in respect of the impact of construction noise and traffic on adjoining properties;
- \* Concern in respect of the impact of the proposal upon neighbouring services such as schools;
- \* Concern that the proposal would amount to over-development of the site;
- \* Concern that the proposal would lead to a harmful impact upon the setting of Hob Moor;
- \* Concern that the proposal would lead to an increase in crime and anti-social behaviour in the locality;
- \* Concern that the proposal would lead to a harmful impact upon wildlife in the adjoining nature reserve;
- \* Concern at the loss of the existing outer boundary fence.

## **4.0 APPRAISAL**

### **KEY CONSIDERATIONS:-**

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

- \* Impact upon the setting of Hob Moor;
- \* Impact upon the locally designated nature reserve;
- \* Over development of the site;
- \* Impact upon the local surface water drainage network;
- \* Impact upon the safety and convenience of local highway users;
- \* Section 106 Issues;
- \* Sustainability;
- \* Environmental Impact Assessment.

### **STATUS OF THE DRAFT LOCAL PLAN:-**

4.2 The York Development Control Local Plan was approved for Development Control purposes in April 2005; its policies remain material considerations in arriving at Development Management decisions although it is considered their weight is limited except where in accordance with the National Planning Policy Framework.

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

4.3 Central Government Planning Policy as outlined in paragraph 49 of the NPPF urges that Local Planning Authorities consider all applications for residential

development in the context of the presumption in favour of sustainable development. Planning for new housing development is outlined in paragraph 50 of the NPPF should at the same time be based upon the size, type, tenure and range indicated by local needs. At the same time paragraph 118 cautions against approving developments that would result in the loss of important wildlife habitat.

#### IMPACT UPON THE SETTING OF HOB MOOR:-

4.4 Policy H4a) of the York Development Control Local Plan sets a firm policy presumption in favour of new residential development which is within the urban area and is currently derelict, vacant or under-used, the development is of an appropriate scale and density to surrounding development and it would not have a detrimental impact on existing landscape features. The application site comprises a former primary school that was constructed in the 1950s on site virtually surrounded by Hob Moor. There is a substantial degree of mature landscaping surrounding site both within and outside of the site boundary. The proposal for the erection of 56 houses would significantly increase the density of development within the site over and above that existing although it would be characteristic of the pattern of development of the residential area to the north and north west. The overall height of development would not however exceed that existing and the pattern of scale and massing would reflect that of the nearby residential properties to the north west. Any visual impact in views from the north and north east would also be significantly reduced by the proposed open space to the northern edge of the site which at the same time would reduce the number of units to be constructed from 56 to 55.

4.5 Concern has been raised in respect of the proposed density of the development which is intended to be 43 per hectare. However, measurement indicates that the density of the existing residential development to the north west is significantly greater at approximately 80 per hectare (comparable with the inner urban area of the City). The existing Draft Local Plan sets a minimum density target within the urban area of 40 per hectare and the Preferred Options Draft of the New Local Plan (which at present can be afforded no weight) sets a minimum density target of 50 per hectare within the urban area. Recently approved developments such as that at Sessions of York have an average density of 45 dwellings per hectare.

4.6 Hob Moor comprises an urban common protected by Private Act of Parliament incorporating a locally designated Nature Reserve seeking to protect ground nesting birds. An important element of its character are the long sweeping views to the north and north east across the grassland towards the City Centre. The application site with its mature landscape fringes is of significant importance in securing those views and the setting of the Moor. The proposed development would have a major visual impact and in order to minimise that impact the existing boundary treatment will need to be secured and reinforced where possible. The applicant has agreed to in part undertake this by replacing the existing steel security fence surrounding the site with a more acceptable green powder coated fence. At the same time the proposed dwellings have been pulled in some 2-3 metres from the eastern boundary which is

the most critical in terms of impact. Subject to the submission of a detailed landscape scheme reinforcing the boundary treatment and the inclusion within the Section 106 Agreement for provisions for the holistic maintenance of the existing boundary treatment then the impact of the development upon the setting of Hob Moor is on balance felt to be acceptable. It is intended to retain the existing peripheral boundary fence suitably modified and colour coated to lessen its visual impact.

#### IMPACT UPON THE LOCALLY DESIGNATED NATURE RESERVE:-

4.7 Policy NE5a) of the York Development Control Local Plan sets a firm policy presumption that development that would have an adverse effect upon a Local Nature Reserve will only be permitted where the reasons for development clearly outweigh the substantive nature conservation value of the site. Hob Moor contains an area of habitat for ground nesting birds and comprises a damp grassland managed by periodic seasonal grazing of cattle. Concern has been expressed in respect of the impact of the proposal in two respects , the potential for alteration to the pattern of surface water drainage and also the introduction of increased numbers of domestic animals in to the area. The proposal by providing an additional 41 affordable units would have a significant impact upon the wider need in the City for Affordable Housing and it is not felt that the consequent increase in domestic animals would have a material impact upon the local wildlife habitat when balanced against this. In terms of drainage any impact can be minimised by conditioning any permission to require attenuation of flows from the new properties before it enters the existing surface water sewer network.

4.8 Concern has been raised in respect of the potential impact of domestic small animals belonging to occupiers of the proposed properties on animals within the Nature Reserve. The view of the Countryside Officer is that whilst there are a number of clear concerns in respect of the development any such impact would not be material. It would in any case not be reasonable in planning terms to seek to restrict the keeping of small animals by occupiers of the proposed new properties.

#### OVER-DEVELOPMENT OF THE SITE:-

4.9 Concern has been expressed in terms of the proposed 55 properties being an over-development of the site with consequent impacts upon the level of amenity space available for potential occupiers along with the visual amenity of the wider street scene. Central Government Planning Policy in paragraph 17 of the NPPF "Core Planning Principles" does indeed call for the provision of an acceptable standard of amenity for new and existing occupiers of properties. The submitted details do however clearly demonstrate that the site can be developed successfully with the minimum acceptable separation distances between properties with adequate garden and amenity space available for potential occupiers. The pattern of density is compatible with that prevailing within the residential development to the



north and north west. The proposal is not therefore felt to be an over-development of the site.

#### IMPACT UPON THE LOCAL SURFACE WATER DRAINAGE PATTERN:-

4.10 Policy GP15a) of the York Development Control Local Plan sets out a firm policy requirement that developers must satisfy the Local Planning Authority that any flood risk will be successfully managed with the minimum environmental effect whilst ensuring that the site can be developed, serviced and occupied safely. The site lies within Flood Zone 1 and is therefore at the lowest deemed risk of flooding however, the habitat of the adjacent Hob Moor is in large measure dependent upon the existing surface water drainage conditions being maintained. The application as submitted illustrated surface water drainage by soak-away which would have led to potential increases in the levels of water draining into the Moor. The subsequent detail submitted along with the comments of statutory consultees support the principle of surface water drainage to the existing sewer network with suitable attenuation. This is supported subject to any permission being conditioned to require the submission and approval of a full drainage scheme. The terms of Policy GP15a) of the Draft Local Plan can therefore be complied with.

#### IMPACT UPON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS ON THE LOCAL NETWORK:-

4.11 Concern has previously been expressed in relation to the impact of the proposal upon traffic conditions on the local highway network. The application site is accessed via a narrow and winding network dating to the laying out of the housing development in the early 1950s when conditions were not as they are now. The scheme has however been subject to a detailed Transport Assessment and subject to the appropriate modification of Traffic Regulation Orders and the provision of means to encourage sustainable transport then it is felt that the adjoining network could absorb the estimated traffic flows coming from the site without undue harm to local amenity and the safe and free flow of traffic on the local network.

#### SECTION 106 ISSUES:-

4.12 Attention has already been drawn to the need to secure the provision of the affordable element within the site via the medium of a Section 106 Agreement along with the management of the landscaped boundary with Hob Moor and the necessary highway works on the adjoining network. Concern has also been expressed in relation to the pressure of the proposed development on local services notably local sports facilities. Policy L1c) of the York Development Control Local Plan sets out a clear requirement in the case of residential development for the payment of commuted payments for the provision of open space required in connection with the development. In the current case the requirement would be for a payment of £27,064 which can be secured by the means of a Section 106 Agreement.

4.13 It has proved possible to significantly reduce the level of the required open space commuted sums by providing an area of Children's Play Space at the northern edge of the site which also has the effect of softening the visual impact of the proposal in views from the north and north east.

#### SUSTAINABILITY:-

4.14 Paragraph 49 of the NPPF sees the development of new housing as a key element of the presumption in favour of Sustainable Development intrinsic to Central Government Planning Policy. Policy GP4a) of the York Development Control Local Plan seeks to apply the principles of sustainable development to new construction including a requirement for new residential development to have a minimum of 10% of its energy needs derived from renewable sources. The current proposal seeks to achieve a BREEAM Code Level 3 in terms of its Sustainability and makes use of previously developed land. It is proposed to secure a minimum of 10% of the energy demand of the proposed development by means of using solar PV arrays fixed to the roof of each property. Concern has previously been expressed in relation to the fact that a Code Level 3 as required by the Council's Interim Planning Statement rather than a Code Level 4 accreditation is being sought. The applicant has submitted detailed calculations that indicate an additional cost of approximately £200,000 which it had stated would render the development economically unviable bearing in mind the level of grant aid available and recent sharp increases in build costs.

#### ENVIRONMENTAL IMPACT ASSESSMENT:-

4.15 The proposed development as being for urban development over 1 hectare in area falls within Schedule 2 of the 1999 Town and Country Planning (Environmental Impact Assessment ) Regulations where an Assessment may be submitted at the request of the Local Planning Authority. It is the view of Officers that the Environmental Effects of the proposed development over and above that of the existing use of the site would not be such as to warrant the Assessment of the proposal under the Regulations and the relevant Screening Opinion has been given.

## 5.0 CONCLUSION

5.1 Providing adequate arrangements are put in place to safeguard the boundary of the site with Hob Moor and secured by means of a Section 106 Agreement with additional boundary planting secured by condition, then on-balance the impact of the scheme is felt to be acceptable. Concern has also been expressed that the proposal would represent an over-development of the site however, the pattern of density whilst tight is reflective of that of the housing development to the north and North West as is the pattern of scale and massing. The standard separation distances can also be complied with.

5.2 In terms of the proposed surface water drainage from the site, particularly its relationship to the nearby Local Nature Reserve, if any permission is conditioned to require that any surface water discharges are suitably attenuated and discharged to the existing surface water sewer network then it is felt that an acceptable arrangement can be achieved.

5.3 There are requirements in terms of commuted sums related to Highway Works and Open Space for £38,024 and overall it is felt that the proposal is acceptable in planning terms and approval is therefore recommended subject to the a legal agreement to secure the contributions

**6.0 RECOMMENDATION:** Approve subject to Section 106 Agreement

1 TIME2 Development start within three years -

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

Drawing Ref:- 187/37(02) 003 Rev E; 187/37(02)202; 187/37(02)201;  
187/37(02)104; 187/37(02)103; 187/37(02)102; 187/37(02)101; 187/37(02)203;  
187/37(02)210 Rev A and 187/37(02)211 Date Stamped 21st August 2013

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

3 VISQ8 Samples of exterior materials to be app -

4 VISQ7 Sample panel ext materials to be approv -

5 VISQ4 Boundary details to be supplied -

6 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 Classes A,B,C,E, F of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of safeguarding the setting of Hob Moor and 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.

7 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 , shrubs and other

planting 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.

8 Trees shown as being retained on the approved plans shall be protected in accordance with BS: 5837 Trees in relation to construction.

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 shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing; phasing of works; site access for demolition/construction and methodology; type of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading); parking arrangements for site vehicles; locations for storage of materials; locations of utilities. Details of existing and proposed levels and surfaces shall also be included.

The protective fencing line shall be adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation or deep-digging, parking or manoeuvring of vehicles; there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, or 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.

9 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, and carried out in accordance with these approved details. Such details shall allow for attenuation of surface water flows to 70% of the existing levels with allowance made for no on-site retention of water in the event of a 1 in 30 year severe weather event and no discharge to adjacent properties in the case of a 1 in 100 year event.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

10 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 8.3 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

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

11 No building work shall take place until details have been submitted to and approved in writing by the Local Planning Authority, to demonstrate how the applicant will provide, from renewable sources, 5% of the development's total energy demand on land within the control of the applicant. The development shall not be occupied until these works have been carried out in accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority

Reason: In the interests of sustainable development

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

- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- where contractors will park
- where materials will be stored within the site
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

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

highway users.

- 13 HWAY1 Details roads, footpaths, open spaces req. -
- 14 HWAY7 Const of Roads & Footways prior to occup -
- 15 HWAY18 Cycle parking details to be agreed -
- 16 HWAY19 Car and cycle parking laid out -
- 17 HWAY40 Dilapidation survey -

18 The development hereby permitted shall not come into use until the following highway works: provision of a traffic calming scheme on Winsor Garth incorporating managed on-street parking facilities and provision of a raised plateau crossing point together with associated signing and lining at the interface between Windsor Garth, the internal site access road and the Hob Moor cycle route (which definition shall include works associated with any Traffic Regulation Order required as a result of the development) 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.

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

19 All demolition and construction works and ancillary operations which are audible beyond site boundary or at the nearest noise sensitive dwelling, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday 08:00 to 18:00

Saturday 09:00 to 13:00

Not at all on Sundays and Bank Holidays.

REASON: To protect the amenities of adjacent residents

20 All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 (2009) Code of Practice; 'Noise Control on Construction and Open Sites'.

REASON: To protect the amenities of adjacent residents

21 Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess

the nature and extent of any land contamination. 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:
  - o human health,
  - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - o adjoining land,
  - o groundwaters and surface waters,
  - o ecological systems,
  - o 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'.

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.

22 Prior to development, 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 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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.

23 Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and 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.

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

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

25 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting 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 safeguard the residential amenity of Neighbouring Properties and to Secure Compliance with Policy GP1 of the York Development Control Local Plan.

26 A three pin 13amp external electrical socket shall be provided at each of the dwellings hereby authorised which shall be located on an external wall adjacent to the drive way of each property. The socket shall comply with the requirements of BS1363 or an equivalent standard and shall incorporate an appropriate locking and weather proof cover.

Reason:- To promote sustainable transport by the provision of re-charge points for electrical vehicles.



## 7.0 INFORMATIVES:

### Notes to Applicant

#### 1. CONTROL OF POLLUTION ACT 1974:-

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

#### 2. HIGHWAY WORKS:-

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

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart  
Application Reference Number: 13/02892/FULM Item No: 4f

Partington (01904) 551361

### 3. UTILITIES:-

You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

### 4. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- i) Amendments to the Site Layout to Reflect Landscape Concerns.
- ii) Amendment of the Site Layout to provide a satisfactory sewer easement.
- iii) Provision of an amended surface water drainage scheme

#### **Contact details:**

**Author:** Erik Matthews Development Management Officer

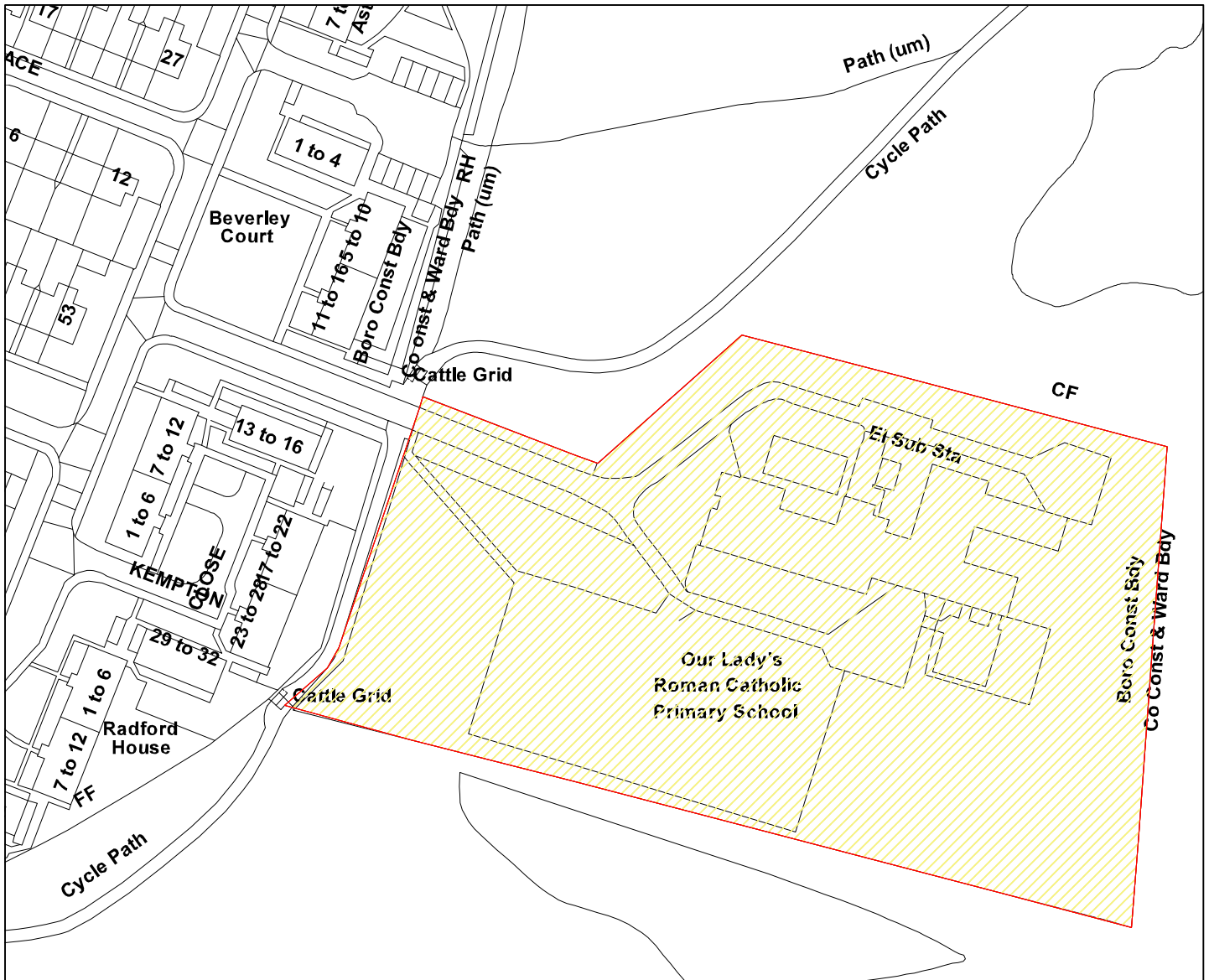
**Tel No:** 01904 551416

# 13/02892/FULM

## Our Ladys R C Primary School

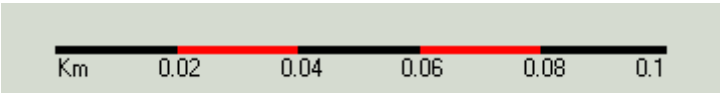


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**Legend**

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	09 December 2013
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 19 December 2013      **Ward:** Fishergate  
**Team:** Major and                      **Parish:** Fishergate Planning  
                    Commercial Team                      Panel

**Reference:** 13/03349/FULM

**Application at:** 32 Lawrence Street York

**For:** Demolition of existing car showroom and erection of 3 no. student accommodation buildings comprising of 220 studios with associated external works including freestanding energy building (revised scheme)

**By:** Mr Richard Lockey

**Application Type:** Major Full Application (13 weeks)

**Target Date:** 14 January 2014

**Recommendation:** Approve subject to Section 106 Agreement

**1.0 PROPOSAL**

1.1 Members may recall that a scheme for the erection of student flats was granted on this site in November 2012. This is a full application for an amended scheme for student accommodation. The existing buildings on this former garage site have now been demolished. The proposal is to construct a similar scheme to that which has been approved to provide self contained student accommodation consisting of 220 individual units. 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 additional residential units. St Lawrence Church, a grade II listed building, the tower of the former church, a grade I listed building and a scheduled Ancient Monument 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 (AAI). 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.

1.4 The existing buildings have now been demolished on the site, the archaeology works have been undertaken in the areas of the foundations and drainage attenuation tank and some of the lowering of land levels at the back of the site has taken place. This proposed scheme is similar to the original submission in that it proposes to reduce levels of the site at the rear eastern part of the site (approx. 400mm) and construct three blocks of building to provide the student accommodation on roughly the same footprint as the original scheme. The proposed number of units has been reduced because of the type of accommodation to be provided. The original scheme proposed clustered development where every 5 or 6 bedrooms was served by a shared kitchen and living area. The proposed units are fully self-contained. The change in the plan form of the rooms has led to the need to change the elevational treatment of the units and to change the plan depths of the buildings.

1.5 Vehicular access to the site is from the Lawrence Street frontage with a secondary pedestrian access from Lawrence Lane. Internally the site provides 9 car parking spaces, 2 disabled parking spaces and turning area, areas of open space and provision for secure cycle parking for 112 cycles as well as visitor cycle spaces for approximately 24 cycles.

## SITE HISTORY

1.6 Planning permission was granted for the erection of 244 student units on the site in November 2012. (Planning reference 12/02609/FULM)

1.7 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.

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

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYED10 -Student Housing

CYGP1 - Design

CYGP3 - Planning against crime

CYGP4A - Sustainability

CYL1C - Provision of New Open Space in Development

CYHE2 - Development in historic locations

## **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. More information is sought about the location of the energy centre and the potential for noise from the air source heat pumps. Contaminated land information has not been resubmitted when this is received further comments will be made on the application.

3.3 Planning and Environment - 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 Design Conservation and Sustainable Development (DCSD) - Design and Conservation Officer - No comments received

3.5 DCSD- Sustainability Officer - No comments received

3.6 DCSD - City Archaeologist - No comments received

3.7 DCSD - Landscape Architect - Comments will be received following the amendment of the landscaping details

3.8 DCSD - Countryside Officer - No comments received

3.9 Strategic Flood Risk Management - No objections subject to conditions

EXTERNAL

3.10 Fishergate Planning Panel - No comments received

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

3.12 Environment Agency - do not wish to be consulted on the application

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3.13 English Heritage - There should be a robust archaeological mitigation strategy agreed with the City Archaeologist.

3.14 Conservation Area Advisory Committee - comments awaited

3.15 Police Architectural Liaison Officer - The applicant has clearly demonstrated that crime prevention measures have been considered and where appropriate has incorporated these into the design of the scheme. There are no concerns or issues at this time.

3.16 Five letters of objection have been received covering the following points:-

- Support the student housing provided the ringing of the church bells is not affected
- Concerned about loss of light to velux roof lights facing the site. The blocks adjacent to the boundary will reduce light and lose views from these windows.
- The high concentration of people leading to limited parking, limited access, strain on surrounding amenities
- The high proportion of students in close proximity to many permanent family housing blocks such as mine and those of the Tannery.
- Objected to the Hull Road Dairy site and every concern raised there has come to fruition
- Concerned about the level of student housing on Lawrence Street and that land at the Convent will be developed next  
Increased noise, anti-social behaviour and petty vandalism (please don't assume this is mere conjecture - I know for a fact this happens!);
- Sleep disturbance during the night due to increased street noise and loud music;
- Increasing takeover of Lawrence Street as a student community, driving residents away;
- Negative impact on the area;
- Increase in traffic noise, congestion and pollution;
- Falling property prices as a result of all the above.
- Already a lot of noise from the site during demolition very concerned about student housing

3.17 Two letters of support have been received covering the following points:-

- removal of the garage buildings will be a great improvement to important gateway site. Special care should be taken to integrate new buildings, development needs to maintain and enhance the setting of the listed buildings and conservation area adjoining the site.
- Support proposal; good arrangements should be put in place for monitoring use of the accommodation.
- Would like to register interest in receiving 106 money for St. Lawrence Church Hall which is used for a lot of community activities. The hall is increasingly becoming dilapidated.

3.18 A reconsultation exercise has been undertaken following amendments to the scheme and the submission of additional information. The consultation process does not expire until 2 days after committee and therefore delegated powers is being sought to assess any additional comments received after the committee date. The item will be referred back to committee if it is assessed that objections received raise new issues that have not been considered before.

## **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. The planning (listed building and Conservation Area) Act requires that the setting of listed building and conservation areas is preserved or enhanced.

## PRINCIPLE OF DEVELOPMENT

4.13 The site is a vacant garage site; the garage buildings which previously occupied the site have now been removed. The previous decisions and appeals on this site do not raise objections to the principle of student accommodation. 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 has been updated to support this application. The report 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 in the Fishergate ward. The Planning and Environment team consider the report successfully demonstrates there is 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 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 CONSERVATION AREA

4.14 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.

4.15 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.

4.16 The existing site has few redeeming features it is an industrial, hard surfaced area with no landscape features. There was 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 enhanced by the redevelopment of the site.

4.17 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.

4.18 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 (some change in the window detailing of the roofscape on this proposal are marginally better because of an increase in cill heights to windows), having significant flat roof areas within the pitched roofs and now introducing raised areas to give height to the lift shafts; 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.

4.19 The main changes to this new scheme which impact on its overall visual appearance of the development are the change in the depth of each block, which results in the gable detail for each block presenting a slightly deeper elevation and a shallower pitch to the roof, this also results in the building being moved closer to Lawrence Lane by up to 1 metre, the moving of Block B in part by 1 metre closer to the southern boundary and the gap between block A and block B being lessened from 5 to 4 metres ; the change in the fenestration of the buildings so that the windows to individual rooms on many elevations including the main visible elevations to the Lawrence Street frontage, the Lawrence Lane frontage and facing south towards Barbican Mews are larger and the corner windows providing light into shared kitchens being removed and replaced by a combination of grey cladding and windows, the change to the rear elevation of block C to provide for the change to the arrangement of bed spaces. Individually these changes are not significant but as a

whole they do represent changes that in some areas will weaken the scheme that already represents a significant mass of building on a tight and constrained site. The change to the gable depths and change to the pitch of roof are essential to secure the type of accommodation which is sought. The changes to the proximity of the site to Lawrence Lane frontage and to the southern side will have marginal visual impact and is offset by changes to the elevation treatment which seek to reduce the visual length of the building blocks. The reduction in the gap between block A and B will be accentuated by the removal of corner windows so that the more solid appearance of the building will close up the space and the changes to block C will increase the mass of this element of the block in an area close to the church. Despite these misgivings the overall appearance and more coherent response to the window detailing of the building will go some way to offsetting the design concerns, and the impact in terms of the setting of adjacent listed buildings and conservation area will not be so different as to warrant refusal. The final comments of the Conservation and Design officer on these points are however awaited and will be reported direct to committee.

4.20 The proposal introduces a new energy centre building to be located on the southern boundary adjacent to properties on Barbican Mews. The building is single storey and as originally proposed was a flat roofed structure. The scheme has been amended to incorporate a pitch roof with solar panels. The building measures 10.75 metres by 7.5 metres standing 2.5 metres to eaves and 4.6 metres to ridge and set 1 metre from the joint boundary wall. The building is proposed in an open space which was to provide a visual space within the development to lessen the overall mass of structures and provide an area for amenity planting, a setting for the structures and maintain views to the church. The positioning of the building adjacent to the gable lessens the impact but in views through the site will lessen the overall spaciousness of the scheme. The original proposal to use a flat roof structure would in officer's view have limited the visual impact but the introduction of a pitched roof with solar panels will highlight the structure and is not supported. Officers are seeking an amendment to the scheme to return the building to a flat roofed structure which will be lower than the existing wall on the southern boundary. At this mass the building will be less prominent and could be supported.

## LANDSCAPING AND AMENITY AREAS

4.21 The scheme in the footprint of the blocks is similar to that which was approved, with the addition of the energy centre building to service the air source heat pump technology incorporated into the design of this scheme. Other reductions in the relatively substantial areas of open space result from changes to block C. The space located to the front of block C is almost the same and in accordance with the previous scheme the appropriate planting of the area should assist the setting the buildings. Landscaping of this area has been submitted and includes a variety of trees. The details of the scheme are yet to be reviewed and comments on the scheme and any amendments will be reported direct to committee. The space to the



rear of block C and is bounded by Barbican Mews and the western end elevation of the flax mill building. This area was considered capable of providing a useful outdoor space in the last scheme and appropriately planting important to enhance the use of the space. The landscaping scheme submitted shows the enhancement of the space by the introduction of trees and planting the details of which have still to be reviewed. Officers would prefer the building to be placed elsewhere in the site but the site does not have sufficient space to relocate the building. Overall though, there remains a useful open area to provide for the amenity and setting of the site (subject to the change to the energy building design as discussed above). The NPPF in the design section says that schemes should optimise the potential to include (among other things) provision of green and other public space. Given the approved layout and with a satisfactory landscaping scheme, the details of which will be reported to committee, it is not felt that the loss of an element area of open space can be resisted.

4.22 The Landscape Architect on the previous scheme referred 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.

## HIGHWAYS, ACCESS ARRANGEMENTS AND PARKING

4.23 The site has formerly been used as a car garage which would have generated high levels of traffic, including HGV movements. The proposals are for student accommodation which can accommodate 220 students. 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.

4.24 11 car spaces are proposed 2 of which are to be restricted to disabled students with the remaining 9 for visiting staff and students.

4.25 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.

4.26 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.

4.27 Covered and secure cycle parking (112 spaces) has been provided at various locations around the site and, where possible, is integral to the building footprint. Cycle parking provision is at 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 however there is scope for further cycle parking to be provided within the site through the implementation of the Travel Plan if demonstrated to be necessary in the future. 24 visitor/casual caller cycle spaces are also proposed in addition to this.

4.28 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. Officers have requested the provision of a real time BLISS display at the adjacent stop outside the Wagon and Horses public house in order to assist in the promotion of sustainable travel.

## RESIDENTIAL AMENITY

4.29 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'.

4.30 The site is former garages 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.

4.31 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.

4.32 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 windows 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 buildings running along the western boundary. These buildings extend forward as far as the newer buildings. 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 mono pitched buildings are located up to part of the boundary to provide cycle parking. The change to the relationship between the development as approved on this boundary and the proposed development consists of extension of the five storey building in a southerly direction and a change to the roof area, the loss of a step back in the front block of the building where it is adjacent to the gable end adjacent building and the closing of the gap between the two building from 5 metres to 4 and slight changes to the heights of structures. These changes are not significant of themselves but do, as a whole, increase an already tight scheme along the length of the boundary; officers will report further on this issue direct to Committee having reviewed the detail with the applicant. In this respect the changes to the frontage block are not significant. The changes to the rear are being reviewed and members will be updated on this issue at Committee following further discussions with the applicant.

4.33 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. The changes to the scheme will mean that the pattern of windows facing the site will change and the building will appear slightly bulkier because of the change in the roof pitch overall the changes will have a similar impact to the approved scheme.

4.34 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 details of block C adjacent to the Barbican Mews development has changed the most of the three blocks. The rear part of the block has been change to allow a different room configuration and this has resulted in the overall increase in length of the back part of the structure by 3 metres. However this has been achieved by reducing the length of the building closer to the boundary (7 metres away) by 2.2 metres and setting the remaining length of the building to 10.5 metres from the boundary. The apex of the roof along this length of the building is slightly higher and repositioned to even up the rear elevation; this results in the apex being closer to the joint boundary than on the original scheme and therefore the building will look a bulkier from the south. The sizes of windows on this elevation have not been changed from the original scheme. The changes to the rear of the block will not significantly alter the impact of the scheme when considered against the approved scheme

4.35 The front part of block C is the same distance from the side boundary as the original scheme but is set forward of its original position by about 1 metres. The difference in the siting will not change the impact on the adjacent property and the details are considered to be acceptable from a residential amenity perspective.

4.36 As set out above the proposal introduces a new energy centre building to be located on the southern boundary adjacent to properties on Barbican Mews. The building is single storey and as originally proposed was a flat roofed structure. The scheme has been amended to incorporate a pitch roof with solar panels. The building measure 10.75 metres by 7.5 metres. The building stands 2.5 metres to eaves and 4.6 metres to ridge and is set 1 metre from the joint boundary wall. The pitch of the building with solar panels will be viewed from the upper windows of the adjacent properties as set out above the pitched roof on the building is, from visual perspective, unacceptable however from a residential amenity view point whilst it would be preferable for the area to remain open in accordance with the previous scheme the building at 1 metre from the boundary and of limited height will not detract from the adjacent properties that have a view over the site sufficient to refuse planning permission.

4.37 Intensity of the development/use of site for students - the number of units has been reduced since the approval of the last scheme. Each unit is also self contained

so that the communal areas which may tend to attract more social noise are excluded. 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.

4.38 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 mostly 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.

4.39 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. Further discussion on this issue has concluded that the air quality along the road frontage is such that the condition would need to apply to all windows along the street frontage.

## ARCHAEOLOGY

4.40 An archaeological evaluation of the site was carried out in advance of earlier applications for development on this site. MAP Archaeological Consultants carried out the evaluation between February and March 2009. A report on the evaluation was submitted to the City of York HER (SYO1171).

4.41 The last application included 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 recommended that those areas to be disturbed by ground works are subject to an archaeological excavation, undertaken prior to the start of the development.

4.42 The City Archaeologist 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.

4.43 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 were not considered of national importance.

4.44 The archaeological features and deposits recorded in the archaeological evaluation indicated 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.

4.45 The conclusion in relation to the previous proposal was that the development would have a substantial impact on the significance of these archaeological features and deposits (undesigned heritage assets). However, the significance of these assets was not considered sufficient to warrant refusal of the 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 was considered appropriate 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 be recorded through an archaeological excavation prior to development commencing. The archaeological excavation to 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.

4.46 The applicant says that the archaeology required for this site has now been completed and an interim summary report has been submitted. Comments are to be reported from the City Archaeologist about the acceptability of the submitted information and whether the information is sufficient to satisfy the archaeology requirements for this site.

## SUSTAINABILITY

4.47 The conditions on the previous application required the achievement of a BREEAM 'very good' rating including ensuring that a Post Construction assessment is submitted to secure a 'very good' rating. A condition to ensure 10% renewables is achieved for the development was also proposed. Such conditions were in line with the requirements of the IPS on Sustainable Design and Construction. The plans accompanying this application shows positions for Air Source Heat pumps and includes a new energy building. The applicant has stated the proposals seek to achieve a high level of renewables on site and the plans would suggest that this is the aim. However the original sustainability statement accompanies this proposal and has not been updated to relate to the new proposals. Further information is required on this point and information will be reported direct to committee. It is however clear through the layout that thought has been given to the provision of renewables on site and that through appropriate conditions the requirements of the Interim planning Statement can be achieved.

## OPEN SPACE

4.48 An off-site open space contribution is required for sports pitches in accordance with policy L1c of the DLP. As with the previous scheme 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 £41780 based on 220 dwelling units The applicant has indicated that such a commuted payment would be acceptable in principle and it is anticipated 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

4.49 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. The applicant confirms that a scheme for the upgrading of the water supply has been agreed with Yorkshire Water Authority and confirmation of this is awaited from Yorkshire Water. Conditions may still be required to ensure the scheme is implemented.

## BIODIVERSITY

4.50 In considering the previous application the existing buildings on site were considered to have low potential for supporting bats as most of the buildings were very open; however it was advised that care should be taken during demolition. The buildings have now been demolished and it does not appear that any bat activity was found.

4.51 In the previous scheme it was advised that there is good habitat within the immediate surrounding area of the site, particularly with the mature trees within the grounds of the church, 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

4.52 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.

4.53 The Police Architectural Liaison Officer on the previous scheme said that the behaviour of homeless persons/squatters on the site had placed a huge demand on police resources. Development of the land will help to improve the environment and eradicate some of the crime and disorder problems that have been experienced. Since the last application the existing buildings have been demolished and the site secured there are no objections from the Police Architectural officer to the current



proposals. 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 requirements of the NPPF are satisfied.

## OTHER ISSUES

4.54 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. Planning and Environment team (policy) also suggests 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 change the use to housing would require planning permission under current legislation and therefore affordable housing could be sought through any future planning applications. Were legislation to change or case law to suggest otherwise, the condition may be used to secure the requirement of unrestricted housing schemes.

## 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. The Planning and Environment Team is 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, subject to the comments of the design and conservation officer that the design of the scheme meets the requirements of advice in the NPPF and the requirements of local plan policies ED10 and GP1.

5.4 Amenity concerns about the development fall into two main areas; the impact of the structures themselves and secondly a 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 changes are needed to block B where it abuts the Tannery buildings and adjacent open space however overall the scheme has a similar impact to the approved scheme. 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 in approving the previous application and by the appeal Inspector for the earlier refused scheme.

5.5 The landscaping details of the scheme still need to be reviewed, amendments to block B considered, changes to the energy centre sought, updating of the sustainability statement, comments of the City Archaeologist and Conservation and Design Officer are required and a legal agreement drawn up for the payment of an open space contribution. Subject to these issues being resolved and to appropriate conditions the scheme is supported.

5.6 A reconsultation exercise has been undertaken following amendments to the scheme and the submission of additional information. The consultation process does not expire until 2 days after committee and therefore delegated powers is being sought to assess any additional comments received after the committee date. The item will be referred back to committee if it is assessed that objections received raise new issues that have not previously been considered.

**6.0 RECOMMENDATION:** Approve Subject to :-

- No new issues being raised before end of reconsultation period
- Receipt of satisfactory s106 Unilateral Undertaking

1 TIME2 Development start within three years -

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

To be confirmed

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

3 Before the commencement of development, 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.

- 4 VISQ8 Samples of exterior materials to be app -
- 5 VISQ7 Sample panel ext materials to be approved -
- 6 HWAY10 Vehicular areas surfaced, details reqd -
- 7 HWAY17 IN Removal of redundant crossing -
- 8 HWAY18 Cycle parking details to be agreed -
- 9 HWAY19 Car and cycle parking laid out -
- 10 HWAY21 Internal turning areas to be provided -

11 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with 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 Wagon and Horses public house

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

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

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

highway.

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

13 The site shall not be occupied until a Full Travel Plan has been submitted and approved in writing by the Local Planning Authority (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.

14 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'

15 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

16 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (an archaeological excavation and subsequent programme of analysis and publication by an approved archaeological unit) in accordance with the specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be recorded prior to destruction.

17 ARCH2 Watching brief required -

18 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.

19 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

Application Reference Number: 13/03349/FULM

Item No: 4g

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.

20 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 (Eh), showing all buildings within 100 metres of the site boundary
- A plan showing vertical illuminance levels (Ev), showing all buildings within 100 metres of the site boundary.
- A specification of the Environmental Zone of the application site, as defined in The Institution of Lighting Engineers' Guidance Notes for the Reduction of Light Pollution.
- A statement of the need for floodlighting.

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

Reason: In the interests of residential and visual amenity

21 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.

22 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 December 2013 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.

23 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.

24 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

25 Notwithstanding the details shown on the approved plans 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.

26 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, cill 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.

27 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.

28 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.

29 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.

30 The development shall not be carried out except in complete accordance with the details included in the submitted flood risk assessment prepared by BSCP QL 1248/FRA1 dated August 2013 unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of satisfactory and sustainable drainage

31 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.

32 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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

Reason. To protect the amenity of local residents

34 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.

35 All windows to habitable living spaces (bedrooms and living rooms) to the ground, first, second and third floors of Block A in the development, facing Lawrence Street, should be non-opening to protect future residents from poor air quality along Lawrence Street. Mechanical ventilation should be provided to draw clean air from the rear of the building. The developer should provide a maintenance schedule for such ventilation systems, and clarify responsibility for running costs and maintenance works.

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

## **7.0 INFORMATIVES: Notes to Applicant**

### **1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH**

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Discussion of amended scheme
- Negotiation of legal agreement

### **2. INFORMATIVE:**

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

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

### **3. CHANGE FROM STUDENT ACCOMMODATION**

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.

**Contact details:**

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

**Tel No:** 01904 551351

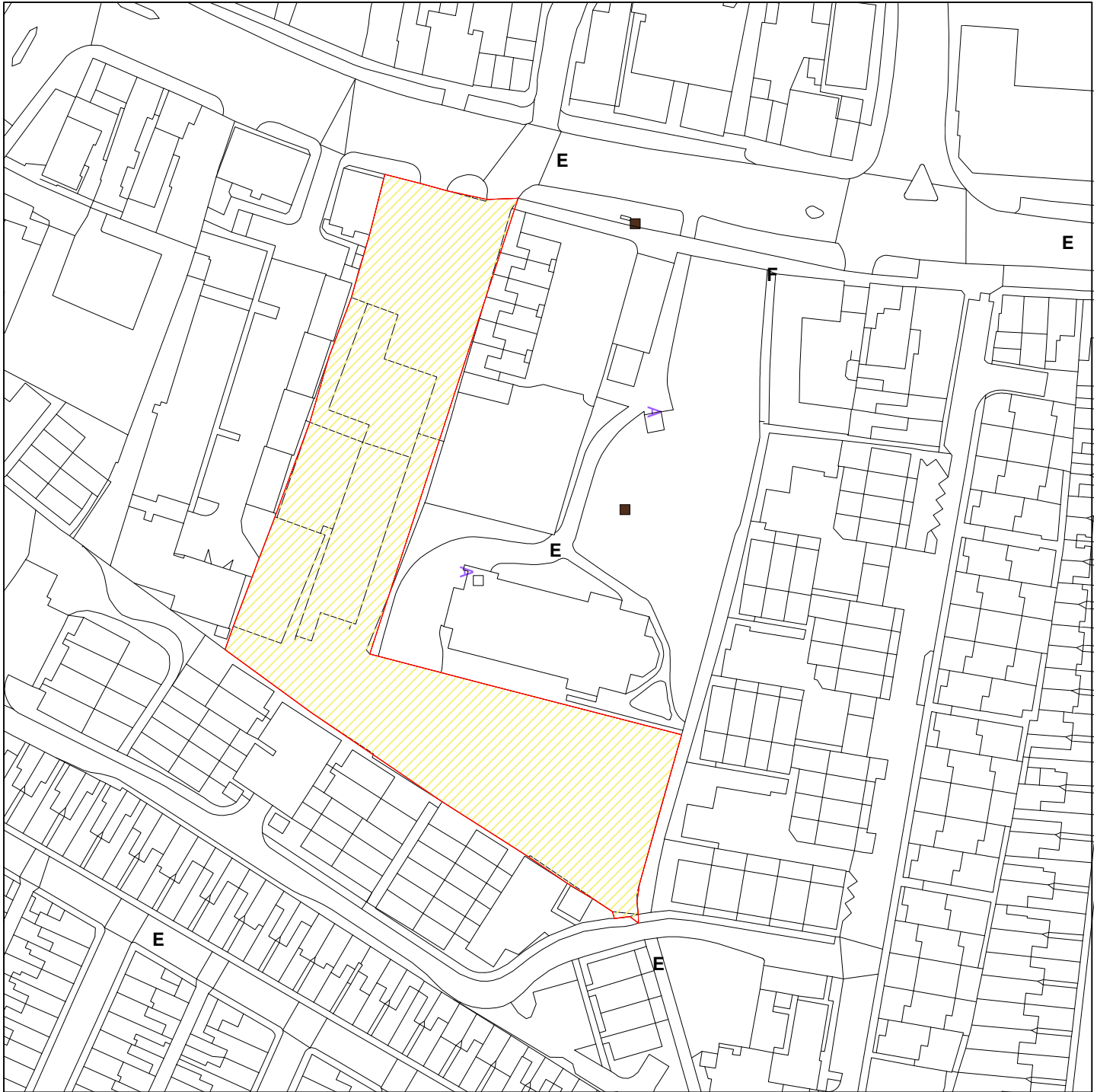
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# 13/03349/FULM

32 Lawrence Street



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	09 December 2013
<b>SLA Number</b>	Not Set

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**Committee update**

Applications 13/03232/OUTM & 13/03302/FULM – Dundas Street / Hiscox Site

**13/03232/OUTM**

Delete condition 4 – Landscaping (landscaping will be the subject of a reserved matters application)

- Add the following conditions –

**Highway works**

The development hereby approved shall not be occupied until the following works have been approved in writing by the Local Planning Authority and the works have been carried out in accordance with the approved details -

- a) The pedestrian / cycle route through the site
- b) The vehicular access onto Black Horse Lane (if applicable)
- c) Areas for parking, servicing and manoeuvring of vehicles

Reason: In the interests of highway safety and management, and visual amenity.

**Highway works**

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

Reason: In the interests of highway safety and management, and visual amenity.

**13/03302/FULM**

- Vary condition 3 (landscaping) to -

Prior to occupation of the development hereby approved the hard landscaping proposals and highways works, as shown on drawing 2561 17C, shall be implemented (and the existing crossing that will become redundant shall be removed).

A detailed landscaping/highway scheme (including existing and proposed surfacing materials, vehicular parking and servicing arrangements, and the number, species, height and position of trees and shrubs) shall be approved by the Local Planning Authority prior to completion of construction. The scheme shall include proposals for the roof areas, following the concept plans established within the submitted design and access statement, and an interim arrangement for the area within the application site where the office/hotel building is proposed, which shall be provided until construction on that site commences.

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

Reason: In the interests of the highway management, the character and appearance of the area and to enhance biodiversity in accordance with paragraphs 58 and 109 of the National Planning Policy Framework.

- Add condition -

No door or gate shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

### **Both applications**

The applicants have asked if the delivery times (when the buildings are complete, not during construction) can be varied to -

7am to 7pm weekdays

8am to 6pm Saturdays, Sundays & banks holidays

The hours recommended in the report are in line with those conditioned for the remainder of the Hungate site. Officers consider the weekday times could be extended as requested, but recommend weekends and bank holiday times remain 09.00 to 18.00.

## Clarifications (13/03302/FULM)

- Officer recommendation

It is recommended both applications are approved. There will be an associated legal agreement (to secure public realm improvements). However as the Council is the current landowner it is proposed the agreement is completed at the point of sale, rather than before the planning permission is issued. At present there could not be a legal agreement completed as the Council would effectively be entering into an agreement with itself.

- Flood risk

Paragraph 4.22 of application 13/03302/FULM

Flood levels are as follows -

1 in 100 year flood	10.01 AOD
1 in 200	10.5 AOD

The level recommended by the Environment Agency is 10.94 AOD; the 1 in 100 flood level, which estimates a 20% increase due to climate change. Previously the level recommended by the Environment Agency was 10.6 AOD and this is what was agreed for the Hungate site.

There is no objection to the finished floor level being lower at the south end, as the area would be used as storage & w/c facilities and could therefore flood without harm.

### Cycle parking

For the Hiscox building CYC standards would be for at least 104 spaces. These shall be required through condition 6.

“Unless otherwise agreed there shall be at least 100 cycle spaces within the building and at least 4 sheffield type cycle stands (or similar) provided by the building entrance prior to first use of the building. The location and type of the cycle stands shall be approved by the Local Planning Authority prior to installation”.

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**Committee Update – 13/02946/FULM – Askham Bryan College**

Environmental Protection Unit comments

- No objections to revised scheme
- Request a number of conditions: details of machinery, contamination, hours of construction, CEMP,

Public Rights of Way comments

- Request the applicant to divert the public footpath that current crosses the site of the proposed polo pitch

Ramblers Association comments

- Would prefer to the public footpath that currently crosses the polo pitch to be diverted

Officers advise revisions to the following conditions for clarity:

- Condition 7

No development, other than the Animal Management Centres (AMC1 and AMC2) 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 initially indicated in Drawing Numbers (05)21 Revision A and (05)01 Revision A received 22 November 2013, Drawing Number (05)35 received 23 August 2013, and Drawing Number 3992 (05)45b 29 November 2013. The details shall include the period/phasing of the landscaping scheme. This scheme shall be implemented within the agreed timescale.

A detailed landscaping scheme for the Animal Management Centres (AMC1 and AMC2, and the birds of prey centre initially indicated the aforementioned plans shall be submitted and approved in writing by the Local Planning Authority and be implemented prior to the occupation of these buildings.

Any trees or plants which within a period of five years from the completion of each phase of the approved landscaping scheme 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.

- Condition 8

Prior to commencement of each building, area of animal enclosures, and the polo field hereby approved an archaeological evaluation in accordance with a detailed methodology (to include geophysical survey, metal detecting, trial trenches, community involvement, analysis, publication and archive deposition) of the site shall be submitted to and approved in writing by the Local Planning Authority.

A report of the results of the evaluation following the aforementioned agreed methodology shall be submitted to and agreed in writing by the Local Planning Authority. The report shall be submitted to the Local Planning Authority within six weeks of the completion of the field investigation.

- Condition 9

Following the carrying out of the archaeological evaluation on each part of the site required by Condition 8, if the Local Planning Authority so requires, an archaeological excavation of that part of the site shall be carried out before any development is commenced. The excavation shall be carried out in accordance with a detailed methodology (to include

trenches, community involvement, post-excavation analysis, publication and archive deposition), which shall first be submitted to and approved in writing by the said Authority. Reasonable access shall be afforded to any Local Planning Authority nominated person who shall be allowed to observe the excavations. A report on the excavation results shall be submitted to the Local Planning Authority within twelve months of the completion of the field investigation.

- Condition 15

The specified height of the fence is revised to 2.4 metres. *The Highways Agency have confirmed they are content with the revision.*

- Condition 16

The height of the proposed screening altered to 2.4 metres from 2.5 metres.

- Condition 17

Prior to the first occupation of any building hereby approved a Full Travel Plan shall be submitted and approved in writing by the Local Planning Authority. The travel plan should be developed and implemented in line with local and national guidelines. The development shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

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

- Condition 20

Prior to their construction, details of the shelters and 'woodland enclosures' within the Wildlife and Conservation Area shall be submitted to and approved in writing by the Local Planning Authority. The details shall include appearance, scale, siting, and materials. The development shall be constructed in accordance with the approved details.

- Condition 26

Prior to the occupation of each building details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall detail the locations, heights, design and lux of all external lighting associated with that building. The development shall be carried out in accordance with the approved lighting scheme.

- Condition 30

Alterations to two parts of the condition

(iv) Additional surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

(v) If soakaways are the proposed method of surface water disposal, these shall be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself. The tests shall be carried out for each of the proposed buildings, the polo field, and the equestrian centre car park and shall be witnessed by the City of York Council's Flood Risk Management Team.



**Committee Update –13/02969/OUTM – Askham Bryan College**

Environmental Protection Unit comments

- No objections to revised scheme
- Request a number of conditions: details of machinery, contamination, hours of construction, CEMP

Officers advise revisions to the following conditions for clarity:

- Condition 7

Prior to commencement of each building hereby approved an archaeological evaluation in accordance with a detailed methodology (to include geophysical survey, metal detecting, trial trenches, community involvement, analysis, publication and archive deposition) of the site shall be submitted to and approved in writing by the Local Planning Authority.

A report of the results of the evaluation following the aforementioned agreed methodology shall be submitted to and agreed in writing by the Local Planning Authority. The report shall be submitted to the Local Planning Authority within six weeks of the completion of the field investigation.

- Condition 8

Following the carrying out of the archaeological evaluation on each part of the site required by Condition 7, if the Local Planning Authority so requires, an archaeological excavation of that part of the site shall be carried out before any development is commenced. The excavation shall be carried out in accordance with a detailed methodology (to include trenches, community involvement, post-excavation analysis, publication and archive deposition), which shall first be submitted to and approved

in writing by the said Authority. Reasonable access shall be afforded to any Local Planning Authority nominated person who shall be allowed to observe the excavations. A report on the excavation results shall be submitted to the Local Planning Authority within twelve months of the completion of the field investigation.

- Condition 14

Prior to the occupation of each building details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall detail the locations, heights, design and lux of all external lighting associated with that building. The development shall be carried out in accordance with the approved lighting scheme.

- Condition 30

Alterations to one part of the condition:

(a) Proposed buildings within Brownfield areas must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. If the existing connected impermeable areas can not be proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used.

UPDATE FOR AGENDA ITEM NO. 4g STUDENT HOUSING AT LAWRENCE STREET  
YORK  
PLANNING REFERENCE 13/03349/FULM

A new unilateral undertaking for money towards open space facilities has been submitted. The amount payable is £43,780 ( within the agenda the sum is set out incorrectly as £41,780). Unfortunately the undertaking has mistakes within it and therefore will need amendments the application therefore remains subject to the submission of a 106 agreement.

The applicant has provided a short statement to give greater understanding of the particular requirements of the developer of the site. It says their accommodation model is slightly different from the Planning Approved scheme, requiring individual deluxe self-contained studios, aimed at a post-graduate market. The sites position, located off Campus and in close proximity to the City Centre, is ideally suited to this model of student development. The Legacy Funding Model is reliant on achieving high levels of sustainability to ensure a substantial saving on energy running costs. At present the scheme's target is to achieve a 50% reduction in annual running costs, through sustainable methods such as energy efficiency and the use of renewable technology.

A new sustainability statement has been received. **The Sustainability Officer** says that this broadly meets the requirements of the IPS. However suggest the 10% renewables onsite target and the BREEAM Very Good requirements are conditioned. Suggest before work commences a BREEAM pre- assessment illustrating how the Very Good is to be met. We also will need to see an renewable energy strategy which illustrates the sites expected total energy demand (kWh/yr) and then how much of that demand will be met by the proposed ASHP ( kWh/yr)

Paragraph 4.20 makes reference to the need to amend the details of the energy centre building. A new plan has been submitted which shows the building being set down in the site by 400 mm and the use of a flat roofed parapet building with solar panels on top. The design means that the building will be lower than the adjacent boundary wall and will also allow the provision of solar panels which will be hidden behind the parapet roof. This amended detail is considered to be acceptable with an additional condition to require submission of the detail of the solar panels.

An amended landscaping scheme has been submitted following the comments of the Landscape Officer being received. The amended detail is acceptable subject to a condition ensuring the detail of the scheme is implemented.

**Comments of Conservation Area Advisory Committee** – The panel thought the change from student flats to individual studios was a retrograde step. The loss of communal space would exacerbate the problems perceived in the previous scheme in terms of pressure on the surrounding space. The scheme was much weaker architecturally in the massing, roof profile and elevations - the deeper plans had resulted in flattened roof pitches, and the elevations and fenestration were poor in detail. The panel restated that this was an enclave of important heritage assets (SAM tower, flax mill, almshouses, and possibly the best Victorian church in York - all grade 11), and they thought the scheme had no merit with respect to the character and appearance of the conservation area and the Lawrence Street frontage. The panel were additionally concerned about the potential for social problems and future flexibility of the development.

**Archaeology** – The City Archaeologist believes that the majority of the archaeological

issues on this site have already been addressed by the excavation work undertaken by York Archaeological Trust. An archaeological watching brief on the ground works for this amended scheme will be an adequate response. Standard condition ARCH2 only is suggested reference to ARCH1 currently on the committee report can therefore be deleted.

**The Environmental Protection Officer** has submitted further comments. The contaminated land report is considered acceptable however the conditions have been updated since the last application was considered and therefore the contaminated land conditions on the agenda have been amended to reflect the wording update. This means the addition of two further conditions. The affect of the condition are the same albeit better worded than the conditions previously used. (conditions 18 and 19 to be replaced) Environmental Protection have concerns about the siting of air source heat pumps (ASHP). Their concern is the amount of noise generated by the units the current information shows that there may be a problem from noise generated by the units. An amended plan has been submitted showing different positions for the ASHP. The environmental protection officer is satisfied with this plan provided an additional condition is added to the permission which requires further insulation to the ASHP to be approved.

Amended condition 35 is also requested as follows:-

All windows to habitable living spaces (bedrooms and living rooms) at ground floor, first floor and second floor level of Block A, facing Lawrence Street, shall be non-opening to protect future residents from poor air quality along Lawrence Street. Mechanical ventilation shall be provided to draw clean air from the rear of the building. Prior to the occupation of any unit within block A with a window facing Lawrence Street the developer shall provide a maintenance schedule for such ventilation systems, and clarify responsibility for running costs and maintenance works.

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

The solicitor has asked me to point out that the management plan referred to in paragraph 4.37 of the report will only be able to deal with anti-social behaviour in terms of the layout of the site (physical features)

Conditions 3, 12, 13 and 20 changed to ensure that the submitted schemes are implemented.

One additional letter has been received the principle of the development is not objected to but raises concerns that the church bell ringing should not be affected and hopes that the building will not block light to the church.

**Recommendation** is subject to the receipt of an acceptable plan to cover the repositioning of the ASHP Environmental Protection unit and appropriate conditions to secure further noise insulation, the completion of the section 106 agreement to provide for off site open space and the expiry of the consultation period with delegated authority to officers provided any objections received raise no new issues.

## **13/03429/REMM Reserved Matters Application for the Redevelopment of the Former Terry's Factory: - Committee Update.**

- Paragraph 4.6 should include the word “not” in respect of the proposed four storey block and the setting of the Conservation Area.
- In terms of the issue of provision of affordable housing at the site the matter was explored extensively at the stage of the Outline Planning Application and is covered separately by a requirement to provide a plan identifying affordable units through the Section 106 Agreement.
- Since the Committee Report was written a “Building for Life” Report has been undertaken in respect of its sustainability and a near maximum score of 9.9 for the development as a whole has been received in respect of the development as a whole.
- In terms of amenity space 46 houses – each with a rear yard/garden (generally 6-8m long)

7no 2 bed units in the housing areas – each with a balcony 1.4m deep

10 flats in Block A (only 2no one bed, otherwise two bed) – each with a balcony 1.2m deep

18 flats in Block B (only 3no one bed, otherwise two bed) – each with a balcony 1.4m deep

4no one bed flats over the garage block – each with a balcony 1.2m deep

So overall – 46 houses with yards/gardens & 39 flats with balconies mostly of generous depth

- Since the Committee Report was written the following plans have been submitted to substitute for those contained within Condition 2 :- R/1459/1C; R1459/4A; R/1459/5A; 2265/PL/001/C; 2265/PL/002/B; 2265/PL/010/G; 2265/PL/011/C; 2265/PL/012/B; 2265/PL/013/A; 2265/PL/020/A; 2265/PL/100/G; 2265/PL/110/H;

2265/PL/111/F; 2265/PL/211/E; 2265/PL/212/E; 2265/PL/213/E;  
2265/PL/214/E; 2265/PL/215; 2265/PL/221/F; 2265/PL/231/F;  
2265/PL/241/F;2265/PL/251/E; 2265/PL/261/E;  
2265/PL/262/D;2265/PL/265/F; 2265/PL/266/D;2265/PL/281/H;  
2265/PL/282/D; 2265/PL/401/C; 2265/PL/402/C; 2265/PL/405/B;  
2265/PL/406/B; 2265/PL/411/D; 2265/PL/412/PL/D;  
2265/PL/413/D; 2265/PL/414/D; 2265/PL/415/D; 2265/PL/416/D;  
2265/PL/421/B; 2265/PL/431/C; 2265/PL/441/B; 2265/PL/451/D;  
2265/PL/461/B;2265/PL/465/B; 2265/PL/481/D;  
2265/PL/501/A;2265/PL/502/A;2265/PL/503/A;2265/PL/601/E;2265  
/PL/602/E;2265/PL/603/E; 2265/PL/610;  
2265/PL/620;2265/PL/621;  
2265/PL/630/A;2265/PL/631/A;2265/PL/632/A;2265/PL/633/A;  
2265/PL/634; 2265/PL/901; 2265/PL/902;  
2265/PL/903;2265/PL/904;2265/PL/905;  
2265/PL/906;2265/PL/907; 2265/PL/910;2265/PL/911;2265/PL/912  
and 2265/PL/913.

**13/02892/FULM Our Lady's RC Primary School, Windsor  
Garth. Committee Update:-**

- Paragraph 4.15 should read 2011 rather than 1999 Town and Country Planning (Environmental Impact Assessment) Regulations.
- The proposal has been made subject to a holding Direction from the National Planning Casework Unit to enable the Secretary of State for Communities and Local Government to assess whether or not to call-in the application for his own determination. A separate notice has been given that the Secretary of State wishes to issue a Screening Direction of his own in respect of the development in relation to the Town and Country Planning (Environmental Impact Assessment) Regulations.
- Since the submission of the amended scheme two letters of objection have been received from neighbouring residents expressing concern that the overall number of units has not been reduced further with the view that the proposal remains a series over development of the application site. Concern is also raised in respect of the number of vehicles to be generated by the proposal and the likely impact of increased on-street parking on adjacent residential side –streets.
- The Kingsway Area Residents Association express continuing concern in respect of over-development of the site, poor quality design and the impact of increased vehicle numbers on the surrounding highway network.
- The Yorkshire Wildlife Trust wish to withdraw their earlier objection but continue to express some concern in relation to the impact of increased numbers of domestic animals on the Nature Reserve.
- A continuing concern has been raised in respect of the possible existence of a restrictive covenant on the site for educational use. The existence of a restrictive covenant is not of itself a material planning consideration and notwithstanding that the conveyance of the property to the Diocese of Middlesbrough in the 1950s makes no reference to such a land use restriction.

- A continuing concern has also been raised in relation to the impact of the proposal upon flood risk and hydrology in the surrounding area. The site lies within Flood Zone 1 with the lowest assessed level of risk. The applicant initially indicated a potential for surface water drainage by soakaway. However, following on from further research and negotiation with the sewerage undertaker Yorkshire Water a solution involving attenuation into the public surface water sewer network is being pursued.
- It is a requirement of Central Government in relation to the financing of the development that the applicant have opportunity to be able to sell on 30 of the properties after a 15 year period. The Authority's Affordable Housing Policy position would however be safeguarded through the Section 106 Agreement which would require the retention of 11 properties in perpetuity, being 20% of the total number of dwellings constructed. The application is therefore acceptable in terms of the envisaged affordable housing provision.



FAO Erik Matthews  
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City of York Council  
Development Management &  
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West Offices  
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YO1 6GA

Mrs Sue Wherrett  
  
Acomb  
York

Sent by email  
Friday 06 December 2013

Dear Mr Matthews

**Re Planning Application 13/02892/FULM :**  
**Former Our Lady's R C School, Windsor Garth, Acomb, York YO24 4QW**

As I have been given to understand that the above-mentioned Planning Application (13/02892/FULM) deferred on 21 November 2013 has been re-scheduled for consideration by the Planning Committee on 19 December 2013, I would be obliged if you could treat the contents of this letter as a formal objection to/and or, comments on the afore-mentioned planning application.

I refer to my previous emails with you (19 and 20 November 2013) regarding this application, informing you that in accordance with Regulation 4 (8) (b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (England) I was intending to write to the Secretary of State asking him to intervene. This has been done.

It is my firm opinion, from the information in my possession, that it would be unsafe and in all probability *ultra vires*, for the Planning Committee to consider the application until the following issues have been dealt with.

- (a) Detailed reasons as required by Regulation 4 (7) (a) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 to why the Council deemed it unnecessary to request that the developers carry out a detailed Environmental Impact Assessment?
- (b) Why the proposed Planning Application for 56 dwellings (or indeed any number of dwellings) is being considered when the title deeds to the land (the former Our Lady's R C School, Windsor Garth, Acomb, York YO24 4QW) appear to contain a Restrictive Covenant prohibiting the use of the land for anything other than education?

**I will firstly deal with the issues raised in (a).**

‘Following the decision of the European Court of Justice of the European Union in *R (Mellor) v Secretary of State for Communities and Local Government (Case C-75/08)*, [2010] *Env LR 2*, there is now a duty upon Local Planning Authorities and the Secretary of State to give reasons for negative, as well as positive, screening decisions. This duty is to be found in Regulation 4 (7) (a) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.’

I set out below details of the appropriate Legislation and Case Law in support of my contention that the Planning Advice given to the Council in respect of this matter is incorrect and has no basis in law.

**I would argue that the proposed development is in fact a Schedule 2 development and is thus caught by the following two sets of legislation.**

**Firstly: Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (in England).**

**Schedule 2: Descriptions of development and applicable thresholds and criteria for the purposes of the definition of “Schedule 2 development.”**

**Column 1. Description of development.**

**Column 2. Applicable thresholds and criteria.**

**Within Schedule 2:-**

**Column 1 at 10 – Infrastructure projects.**

**Column 1 at 10 (b) – Urban development projects.**

**Column 2 at 10 (b) – states that the applicable threshold and criteria is (the area of the development exceeds 0.5 hectare).**

**And**

**Secondly: Directive 85/337/EEC (the Environmental Impact Assessment Directive).**

**Annex 11 Lists Projects subject to Article 4 (2)**

**10 - Infrastructure projects.**

**10 (b) - Urban development projects.**

Furthermore, Article 1 (2) of Directive 85/337/EEC Defines “Project” stating that:-

*“For the purposes of this Directive “Project” means”:-*

- *the execution of construction works or of other installations or schemes.*
- *other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources.”*

Additionally, and with regard to ‘demolition’ in a judgment given on 3<sup>rd</sup> March 2011 the Court of Justice of the European Union in *Commission v Ireland (C-50/09)* held that

*“97 As regards the question whether demolition works come within the scope of Directive 85/337/EEC it is appropriate to note, at the outset, that the definition of the word ‘project’ in Article 1 (2) of that directive cannot lead to the conclusion that demolition works could not satisfy the criteria of that definition. Such works can, indeed, be described as ‘other interventions in the natural surroundings and landscape’.”*

The Commission also noted at *“100 ....that ‘urban development projects’ referred to in point 10 (b) of Annex 11 often involve the demolition of existing structures.”*

Further to the above judgement, a week later the Court of Appeal in *R (SAVE Britain’s Heritage) v Secretary of State for Communities and Local Government and Lancaster City Council {2011} EWCA Civ 334*, LJ Sullivan held at -

*“26 ...The CJEU explained in paragraph 100 of its judgment that the Annexes refer to sectoral categories of projects, and do not describe the precise nature of the works which may comprise such a project. If demolition is capable of being a “scheme” for the purposes of Article 1 (2) it is also capable of being an “urban development project” within paragraph 10 (b) of Annex 11, even though the project comprises only demolition and restoration of the site in accordance with a notice under section 81 (1) of the 1984 Act.”*

*The Court of Appeal therefore declared:*

- (i) *Demolition of buildings is capable of constituting a project falling within Annex 11 of the Directive; and*
- (ii) *Paragraph 2 (1) (a) – (d) of the Town and Country Planning (Demolition – Description of Buildings) Direction 1995 (“the Direction”) is unlawful and should not be given effect.”*

Given the above recent decisions by both the CJEU and the Court of Appeal it is arguable that **both the demolition and the proposed construction of the dwellings** come within the ambit of the Directive (85/337/EEC) and the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

It is also worth bearing in mind (given the sensitive location of the proposed development bounded on three sides by Hob Moor Nature Reserve) that both the SEA Directive (Strategic Environmental Assessment) 2001/42/EC (with the aim of supporting the previously discussed Environmental Impact Assessment Directive 85/337/EEC) and the Habitats Directive 92/43/EEC both cover town and country planning and land use. The former (SEA Directive) covers small areas if the effects of development have the potential for significant environmental effects, and the latter (Habitats Directive) concerns the continuing deterioration of natural habitat and the threats posed to certain species.

It can hardly have escaped the developers (and the Planning Committee's) notice that the ninety acres of Hob Moor Nature Reserve are 'home' to 'a rich diversity of birds, mammals, insects and wild plants.' As a much valued local Nature Reserve 'its open habitat is perfect for meadow pipits and skylarks' (both of which breed on the Reserve).

Perhaps it may be worth mentioning at this point that due to rapidly declining numbers, meadow pipits have now been included on the amber list of conservation concern. (Source RSPB).

As such, I would respectfully argue that **any** housing development on this site poses a significant risk to the Nature Reserve.

**I would further argue that any demolition of the former Our Lady's R C School on its own would lead to significant changes in both the hydrology and soil pH upon which the diverse number of species currently inhabiting the Hob Moor Nature Reserve rely on for their survival.**

It is a well known fact that even a slight change in the pH of a soil or water environment can have catastrophic effects on flora, fauna, insects, birds and mammals.

Furthermore, it is arguable that **any** proposed future demolition would be caught by the recent Court of Appeal decision.

*The Court of Appeal therefore declared:*

- (iii) *Demolition of buildings is capable of constituting a project falling within Annex 11 of the Directive;*

**I shall now expand on the issues highlighted in (b).**

Having heard from several sources that the title deeds to the land in question (the former Our Lady's R C School, Windsor Garth, Acomb, York YO24 4QW) contained a Restrictive Covenant prohibiting land use to anything other than educational purposes, I made further enquiries.

It would appear that The City of York's own Property Services department hold details of the title deeds to the afore-mentioned land and have confirmed that the title deeds to the land do in fact contain a Restrictive Covenant prohibiting the land to be used for anything other than educational purposes.

The Property Services department were able to provide limited details of Conveyances. However, they confirmed that on 23 April 1958 the then owners, Transport & Civil Aviation, conveyed the land to the Diocese of Leeds. Property Services also confirmed that the conveyance contained a Restrictive Covenant stating that the 'land was only to be used for educational purposes.'

Although to date, I have not, as yet, been able to ascertain exactly when during the intervening years the land was conveyed to the Diocese of Middlesbrough (the current Sellers of the land), under S62 of The Law of Property Act 1925 and the well known Rule in *Wheeldon v Burrows (1879) LR 12, Ch D 31*, in law, the 'burden of a Restrictive Covenant runs with the land'.

Given the above, when the Diocese of Leeds conveyed the land to the Diocese of Middlesbrough, it would have been subject to the Restrictive Covenant. At face value therefore, residential property (dwellings) is totally prohibited.

I would argue that any investigation of the original Conveyance of this land will reveal that the Restrictive Covenant was put in place to protect the surrounding land i.e. Hob Moor. As such, I believe that any residential development (dwellings) built in breach of the Restrictive Covenant will decimate the Nature Reserve.

As you are no doubt aware, Hob Moor, as a 'part of Micklegate Stray, is one of the two ancient commons of the City of York, on which freemen have had rights of pasture since ancient times.'

Arguably, to allow residential development on the former Our Lady's R C School site, will not only increase human encroachment onto Hob Moor Nature Reserve, but would substantially increase the risk of flooding not only on Hob Moor itself, but in the surrounding areas. For despite several flood alleviation schemes in the Hob Moor area (As far as I am aware, the last scheme was the installation of a flood control chamber on Holgate Beck), only last year in November 2012 heavy rain resulted in properties in the Hob Moor area having to be pumped out by Fire-fighters.

It is worthy of note, that even the developers own very limited Flood Risk Assessment gave mention to the fact that the **'site ground upper layers are thought to be silty clay and there are unlikely to be opportunities for soakage into the ground.'**

I would add that any geological survey would have revealed that the land in the area of the site area is predominantly clay. Therefore, to reiterate the point made in the Flood Risk Assessment **'there are unlikely to be any opportunities for soakage into the ground'**.

Finally, pursuant to Regulation 4 (9) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 whereby:-

*“The Secretary of State may direct that a particular development of a description mentioned in Column 1 of the table in Schedule 2 is EIA development in spite of the fact that none of the conditions contained in sub-paragraphs (a) and (b) of the definition of “Schedule 2 development” is satisfied in relation to that development”.*

I can confirm that I will today be writing to the Secretary of State to invoke the above legislative procedure.

I trust that you will bring the above-mentioned matters to the attention of the Planning Committee Members.

Yours truly

Sue Wherrett