

## COMMITTEE REPORT

**Date:** 7 March 2023                      **Ward:** Guildhall  
**Team:** East Area                              **Parish:** Guildhall Planning Panel

**Reference:** 23/01647/FULM  
**Application at:** Enterprise Rent-a-car 15 Foss Islands Road York YO31 7UL  
**For:** Erection of 3, 4, and 5 storey student accommodation building with associated car parking and access following demolition of existing buildings  
**By:** Gregory Properties Ltd  
**Application Type:** Major Full Application  
**Target Date:** 15 April 2024  
**Recommendation:** Approve subject to Section 106 Agreement

### 1.0 PROPOSAL

#### APPLICATION SITE

1.1 The application site is on Foss Islands Road, around 90m north of Walmgate Bar. The site accommodates former industrial buildings (now vacant) and hard-standing, the latter associated with a car hire facility. The site is between terraced housing to the south and Waitrose supermarket and car park to the north. The site fronts the inner ring road and the City Walls are opposite. To the east are residential blocks of housing ranging between 3 and 4 storey.

1.2 The site is outside of, but adjacent to, the Central Historic Core Conservation Area. The conservation area boundary terminates at the embankment to the walls over the road and around the terrace of houses to the south.

1.3 The site is within an Area of Archaeological Importance. The majority of the site is within Flood Zone 2 with the southwest corner within Flood Zone 1. The site is in an Air Quality Management Area.

#### THE SCHEME

1.4 Planning permission is sought for a 3-5 storey block of purpose-built student accommodation. The building would be 3-store fronting the inner ring road / Foss Islands Road, stepping up to 5-storey at the rear towards Elvington Terrace. The accommodation would comprise of 133 rooms including 7 fully accessible studio

rooms. There would be communal social spaces on the ground floor and each of the upper floors.

1.5 The application is supported by a design and access statement which explains how the scheme addresses the issues raised by the Planning Committee when considering a previous scheme for the site.

1.6 The layout incorporates a forecourt providing vehicle access. This enables servicing away from the inner ring road and provides 3 disabled car parking spaces (with an EV charging facility). There is cycle parking for visitors and residents, including space for over-sized cycles.

1.7 A previous application for development of the same description was decided at Committee A on 6 July 2023 (22/01795/FULM). The application was recommended for approval by officers, but the Planning Committee determined to refuse the application.

1.8 The two reasons for refusal were loss of employment land and regarding amenity for future occupants, as follows:

- Insufficient information has been submitted to demonstrate that the proposal would comply with the requirements of Policy EC2 (Loss of Employment Land) of the draft Local Plan (2018) and Policy E3b (Existing and Proposed Employment Sites) of the Development Control Local Plan (2005).
- The proposed development fails to promote the health and well-being of future occupants due to the limited room size of the studios and lack of communal spaces throughout all levels of the development. It does not create a safe, inclusive and accessible development due to the limited lift provision to accessible rooms above ground floor level and inadequate accessible car parking provision.

## ENVIRONMENTAL IMPACT ASSESSMENT

1.9 The proposed development does not comprise 'Schedule 1' development. It is of a type listed at 10 (b) in column 1 of Schedule 2 (Urban Development Projects) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The site is not within or adjacent to an environmentally sensitive area (as specified in the regulations). Due to the characteristics of the proposed development, the location of the development, and characteristics of the potential impact, the proposed development would not result in significant environmental effects and therefore an Environmental Impact Assessment is not required.

## RELEVANT PLANNING HISTORY

- 21/01854/FULM - Erection of 4 storey student accommodation building with associated car parking following demolition of existing buildings - Withdrawn
- 22/01795/FULM - Erection of 3, 4, and 5 storey student accommodation building with associated car parking following demolition of existing buildings. – Refused (Committee 06.07.2023)
- Appeal - APP/C2741/W/23/3330873 of application 22/01795/FULM – pending.

## 2.0 POLICY CONTEXT

2.1 The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. A round of further examination is due to take place in 2024 to address the inspector’s questions in respect of Policy H5: Gypsies and Travellers and contain one question which relates to Policy H6: Travelling Showpeople. Policies are given weight in accordance with NPPF paragraph 48. Policies carry moderate weight when not subject to unresolved objections and when consistent with the NPPF.

2.2 Draft Local Plan (2018) policies most relevant to this application are:

|      |   |
|------|---|
| EC2  | Loss of Employment Land                                   |
| H7   | Off Campus Purpose Built Student Housing                  |
| CC2  | Carbon reduction  |
| D1   | Placemaking   |
| D2   | Landscape and Setting                                     |
| D6   | Archaeology   |
| D10  | York City Walls and St. Mary’s Abbey Walls (‘York Walls’) |
| GI2  | Biodiversity and Access to Nature                         |
| GI6  | New Open Space Provision                                  |
| ENV1 | Air Quality   |
| ENV2 | Managing Environmental Quality                            |
| ENV3 | Land Contamination  |
| ENV4 | Flood Risk  |
| ENV5 | Sustainable Drainage                                      |
| WM1  | Sustainable Waste Management                              |
| T1   | Sustainable Access  |

## 3.0 CONSULTATIONS

### INTERNAL

## DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ARCHAEOLOGY)

3.1 No objection. Request condition for post-determination archaeological evaluation and building recording. The latter required to record understanding of the Foss Island branch railway and its associated structures.

3.2 A desk-based assessment for the site was produced as part of the pre-application process (YAT 2021). The report suggests that the site was probably used for agricultural purposes prior to the 19th century. A watching brief was undertaken at a proposed development site in 1988 but did not reveal any deposits of archaeological significance. The site has not been subject to any targeted archaeological investigation relating to this scheme.

3.3 It is assumed that the site comprises of natural deposits overlain by medieval and later horticultural soils – these may contain stray finds from any period. More modern archaeological features may include those associated with the Foss Islands Branch Railway which is shown on the northern edge and possibly impinging into the proposed development site on the 1892 OS plan.

3.4 The site includes three buildings potentially dating to the mid-late 19th century. The Heritage Statement by Voyage suggests that at least two of the extant buildings are related to the Foss Islands Branch Railway. A light photographic record accompanied by background information on the buildings and any other railway related structures is required ahead of their demolition.

## DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (CONSERVATION)

3.5 No comments received. (No objection on heritage grounds on previous application).

## DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ECOLOGY)

3.6 No objection and recommend conditions to secure biodiversity enhancement, in accordance with the submitted bat survey and ecological appraisal and a landscape management plan. A condition is also recommended that no site clearance works take place between 1st March and 31<sup>st</sup> August inclusive, unless a competent ecologist has undertaken a careful and detailed check of suitable habitats for active nests immediately before the works commence.

## DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (LANDSCAPE ARCHITECT)

3.7 No objection, request a condition to approve a detailed landscape scheme.

## AFFORDABLE HOUSING TEAM

3.8 For new student accommodation a financial contribution should be secured towards delivering affordable housing elsewhere in the City. The contribution is £5,352 per bedroom (currently). The contribution would be £711,772.78. The formula is based on the Average York Property price minus Average York Fixed RP Price.

## CARBON REDUCTION

3.9 Requirements of policy CC1 and CC2 are sought via condition.

## EMERGENCY PLANNING OFFICER

3.10 No comments.

## LEAD LOCAL FLOOD AUTHORITY

3.11 No objection. Request condition the development be carried out in accordance with the Drainage Strategy – Re: 20.20341-ACE-00-XX-DR-C-1200 Revision P14 dated 23rd August 2023.

## HIGHWAY NETWORK MANAGEMENT

3.12 Comments as follows -

- No objection to the provision of car parking and the access and servicing arrangements.
- The development does not form part of a residents parking zone; therefore residents (other than blue badge holders) will not be able to park in the nearby existing zones. The development would not be included in any new Res park zones in the future. Parking Management Plan requested to reduce the potential of student vehicles being parked on the highway.
- Request a travel plan and arrangements for managing student arrivals.
- No objection to cycle parking provision.
- Methods of construction required due to the location on the inner ring road.
- Planning obligations requested – travel plan support and for review of parking and loading restrictions on Foss Islands Road.

## LIFELONG LEARNING AND LEISURE

3.13 No response. Advised on previous application that open space contribution could be used at either Hull Road Park and/or St Nicolas Fields Nature Reserve. Acknowledged there was an amount of amenity space site within the courtyards and the contribution requested was adjusted accordingly.

## PUBLIC PROTECTION

3.14 Noise - The submitted noise assessment is suitable in terms of the noise mitigation measures to ensure residents are not adversely affected by noise and the proposed mitigation measures within the report should be adhered to. Ask that details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, shall be submitted to the local planning authority for approval.

3.15 Air quality - The scheme is anticipated to result in a reduction in traffic movements from the site compared to the former use. Long term exposure of future occupants of the accommodation to pollution from Foss Islands Road at ground floor level will be minimised as the ground floor area to the Foss Islands elevation does not contain any habitable rooms (bedrooms etc). Pollution levels to the first floor and above are likely to be lower than those monitored at ground floor level and within health-based standards.

3.16 Construction management request a condition in respect of noise / vibration / dust.

3.17 Land contamination – request conditions for a site investigation and remediation.

## WASTE SERVICES

3.18 No objections

## EXTERNAL CONSULTATIONS

### GUILDHALL PLANNING PANEL

3.19 Object, overdevelopment of the site

- Too high and too close to the rear boundary
- The small size and poor location of the additional common rooms adds nothing to the social ambience.

## FIRE AND RESCUE

3.20 No response

## HISTORIC ENGLAND

3.21 No comments

## POLICE ARCHITECTURAL LIAISON OFFICER 19.09.2023

3.22 No objections

## YORKSHIRE WATER

3.23 No objection to the Flood Risk Assessment' 00.20341RP1 (rev P5).

## THE VICTORIAN SOCIETY

3.24 Object. Due to the demolition's impact on the last physical link to the Foss Island branch line railway in central York. The potential loss of the former station master's house and waiting rooms poses a threat to the relatively intact understanding of the broader influence of the railway on York. Over the last 30 years, York has unfortunately witnessed a disproportionate loss of its 19th and early 20th-century industrial and working-class built heritage. It is crucial to take steps to retain noteworthy pieces of this heritage. Therefore, recommend the retention of the former station master's house and waiting rooms. (Officers note that a recording prior to demolition is proposed in respect of this issue).

## **4.0 REPRESENTATIONS**

### York Civic Trust

4.1 Object.

- Heritage - recommend the retention of the former station master's house and waiting rooms which are regarded to be a non-designated heritage asset.
- Built form - Scale and use of dark materials do not respect the setting. The mid-section of the proposed development is largely flat roof and 'blocky' in nature. It lacks a sense of 'Yorkness' as well as contrasting harshly with its surroundings.

- Amenity - Lack of amenity for future residents due to lack of communal space and size of bedrooms.

8 further representations raise following issues

- Increase in crime.
- Existing issues with anti-social behaviour and noise would increase.
- Loss of Minster Views from houses to the east.
- Lack of need for further student accommodation. Student accommodation should be provided on-site by the universities. Excessive amount of student development in this part of the city.
- Reduction in value of surrounding property.
- Loss of employment site.
- 5-storey building overdevelopment.
- Disturbance due to location of waste collection at rear.

## **5.0 APPRAISAL**

### **KEY ISSUES**

5.1 This is a resubmission following scheme 22/01795/FULM which was refused by members at committee A on 6.7.2023. The previous reasons for refusal were related to the loss of employment land and future occupant's level of amenity, the latter in respect of limited room size of the studios, lack of communal spaces, limited lift provision to accessible rooms above ground floor level and inadequate accessible car parking provision.

5.2 In response to the previous refusal, in this resubmission the internal arrangement has been amended compared to the previous application. The site layout (apart from an extra parking space) and external appearance of the building are unchanged. Further evidence has been supplied in respect of the loss of employment land.

5.3 The key issues relevant to the scheme covered in this report are –

- Principle of the proposed use and loss of employment land
- Amenity for future residents
- Amenity of surrounding occupants
- Flood risk and drainage
- Heritage assets
- The promotion of sustainable travel and impact on the highway network

- Sustainable design and construction
- Archaeology
- Biodiversity
- Public Sector Equality Duty
- Planning obligations

## **Principle of the proposed use and loss of employment land**

### Student need

5.4 Policy H7 (Off Campus Purpose Built Student Accommodation) of the Draft Local Plan (2018) sets out that proposals for new student accommodation should demonstrate a need for student housing that cannot be met on campus. The policy also requires a financial contribution towards delivering affordable housing elsewhere in the city. The policy explains how contributions are to be calculated. This is applicable where the accommodation will not be operated / managed by one of the universities. The contribution would be £711,772.78 and secured through a Section 106 agreement.

5.5 The Council's Strategic Housing Market Assessment (2016) (SHMA) acknowledged that the student rental market remains strong and that demand for PBSA is high, particularly from international students. The York Housing Needs Assessment 2022 covers need for affordable housing and older persons specialist accommodation, but not student housing.

5.6 Provision in York for purpose-built student housing (PBSA) compared to student numbers is as follows -

- For the 2022/23 academic year there were some 11,649 rooms within purpose-built student accommodation (PBSA).
- 2,361 further PBSA rooms have planning permission.
- In 2020/21 academic year there were 25,645 full time students.

5.7 Based on the data for student rooms and provision of PBSA in the city, there is no evidence to demonstrate a lack of demand for PBSA.

### Loss of employment land

5.8 The site contains a car parking area, two storage type warehouse buildings (one with some ancillary space that could be used as offices) and a single building of domestic scale and appearance. Former uses were tyre repair and car rental. It would take investment to re-purpose these buildings for re-use. The neighbouring buildings are residential. It is highly likely an industrial or commercial use at this site

would raise concerns over amenity of neighbours or highway safety, the latter given the location on the inner ring road.

5.9 The previous reason for refusal referred to the section 6 of the NPPF which relates to the economy and advised “planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”.

5.10 Officer’s recommendation in the previous application was that that the loss of employment land / buildings was not grounds to refuse the application. The buildings were vacant and due to their poor condition, were difficult to insure. It was considered a redevelopment for offices would be very unlikely in this location, considering the peripheral location and distance from the train station (the council’s own evidence in relation to introducing a community infrastructure levy on new developments advises “based on current market conditions, the viability for speculative non-residential and non-retail uses is generally weak”).

5.11 Draft Local Plan (2018) requirements in policy EC2 regarding the loss of employment land require -

- i. Demonstrate the land or buildings are not viable in terms of market attractiveness, business operations, condition and/or compatibility with adjacent uses; and
- ii. the proposal would not lead to the loss of an employment site that is necessary to meet employment needs during the plan period.

5.12 The impact on economic growth can be given significant weight (as per the NPPF text in section 6) and must be weighed against other NPPF policies, including the requirement to give substantial weight to re-using brownfield land for homes (section 11).

5.13 The applicant’s case is set out in their statement of compliance with draft policy EC2 and is summarised as follows –

- Existing buildings are in a poor condition and are inefficiently configured. A substantial investment would be required to bring them up to a lettable standard. They would not lend themselves to a single operator and individual lettings for a mix of appropriate uses would be difficult to secure.
- Evidence provided that a speculative redevelopment for office or industrial would not be viable.

5.14 Officer's recommendation continues to be that loss of employment land is not sufficient grounds to refuse the scheme when considered in the round. Due to the site location, off the inner ring road and neighbouring housing, it is not best suited to an industrial type use, nor storage and distribution. The council's own evidence base - Porter Planning Economics CIL Viability Report 2022 (which looked at the viability for different building typologies) advises "based on current market conditions, the viability for speculative non-residential and non-retail uses is generally weak. This is not unusual since most commercial schemes come forward through pre-let arrangements based on the specific business plan of a particular occupier that may want to be located there or may need to implement changes to optimise operations that are not capable of being undertaken in their existing premises". The applicant's economic statement presents that a speculative redevelopment of the site for various commercial uses would not be viable.

5.15 The NPPF carries more weight than draft local policies and places a strong emphasis on re-using brownfield land to meet housing need. It states decisions should "give substantial weight to the value of using suitable brownfield land within settlements for homes". Given the national policy position and lack of potential for significant employment use of the site, considerably more weight should be given to housing delivery benefits the scheme would bring compared to the loss of employment land.

### **Amenity for future residents**

5.16 NPPF Paragraph 135 establishes planning policies and decisions should ensure developments function well (135a), establish a strong sense of place (135d) and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience (135f). The National Design Guide 2021 is a companion to the NPPF and provides guidance on well-designed places. One of the ten characteristics within the guide is homes and buildings – that they are functional, healthy, and sustainable.

5.17 The previous application (22/01795/FULM) was refused by committee on amenity grounds due to the size of rooms, lack of communal spaces and limited lift provision. A response to these refusal grounds is contained in the applicant's design and access statement. In the resubmission the amenity issues raised by members have been addressed as follows -

#### **Size of rooms**

5.18 There are a variety of studio sizes ranging from 20sqm to 41sqm. 7 rooms (5%) are fully accessible (and can accommodate wheelchair users) – these rooms are 30 sqm. The accessible rooms are to Building Regulation standards.

5.19 York has no planning guidance on room sizes. The applicants refer to the Leeds Council supplementary planning guidance, as a reference point, which recommends 20-28 sqm rooms sizes and communal space of at least 1sqm per bedroom (an increase is alluded to if rooms are at the smaller end of the range). The room sizes are consistent with all other purpose built student accommodation across the city. Applications have only been refused previously due to the lack of communal space and in this application since the last application substantially more communal rooms are proposed.

#### Communal space

5.20 The scheme shows communal space on each floor. Overall 380 sqm is proposed (2.8sqm per room). The main space is on the ground floor around the main entrance/reception. There is a first floor communal common room which is akin to the size of 3 studios (approx.. 70sqm). On the upper floors the communal space is akin to one of the rooms (noting that on the two upper floors, the floorplate is reduced). Further to the internal communal space there are two external landscaped courtyards which would provide residents with outside amenity space screened from the inner ring road. There is a significant increase compared to the refused scheme, which only had communal space on the ground floor.

#### Lift provision

5.21 Members raised issue previously that there was only a single lift. A second lift has been added in this scheme. The lifts are side by side opposite stair 2.

5.22 Paragraphs 92 and 130 of the NPPF require developments should create safe places and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. The Designing Out Crime Officer has confirmed they have no objections to the proposed scheme.

#### Open space provision

5.23 Draft Local Plan (2018) policy GI6 states residential development proposals should contribute to the provision of open space for recreation and amenity, based on the requirements set out in the open space and green infrastructure update 2017. The policy advises an off-site contribution towards open space is acceptable where the site itself is unable to provide sufficient open space. An open space contribution towards amenity space is required. This would be secured through a Section 106 agreement. The contribution of £14,647 would be used to improve the amenity open space within the nearby Hull Road Park and/or St Nicolas Fields Nature Reserve.

### **Amenity of surrounding occupants**

5.24 The NPPF seeks a good standard of amenity for all existing and future occupants, and that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are sympathetic to local character and history, including the surrounding built environment

and landscape setting. Policies D1 and ENV2 of the Draft Local Plan (2018) seek to ensure that development proposals do not unduly affect the amenity of nearby residents in terms of noise disturbance, overlooking, overshadowing or from overbearing structures.

5.25 The impact on surrounding occupants is unchanged since the previous scheme. The previous report to committee in this respect remains relevant which advised – “The distance between proposed building and the closest apartments to the south (Curlew House) would be 16 metres. The closest windows facing Curlew House would be 29 metres. Between the proposed building and Dunlin House to the east would be 22 metres. The proposed development is not considered to result in undue overlooking or loss of privacy. By virtue of the distance to the neighbouring and surrounding dwellings to the south and east it is not considered there would be an undue loss of light to these dwellings”.

### **Flood risk and drainage**

5.26 The majority of the site falls within Flood Zone 2 (medium probability of flooding). Policy ENV4 of the Draft Local Plan (2018) is in accordance with Paragraph 173 of the NPPF which requires the Sequential Test is passed and there is a site-specific flood risk assessment which sufficiently demonstrates –

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

According to national planning guidance (NPPG) due to the type of development proposed and as the site is in flood zone 2, the Exception Test is not applicable.

5.27 A flood risk assessment has been provided that sufficiently evidences the scheme will be reasonably safe from flood risk applying NPPF criteria and it will include sustainable means of drainage. Importantly finished floor levels are set at a level which is required by guidance to defend against flood risk and factoring in climate change. There is access and egress; the front entrance is outside of the flood zone. Flood risk elsewhere is unaffected.

5.28 The aim of the Sequential Test is to steer new development to areas at the lowest probability of flooding (Zone 1). National advice in the NPPG states that when applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken: "the area to apply the Sequential Test across will be defined by local

circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases it may be identified from other Local Plan policies, such as the need for affordable housing within a town centre, or a specific area identified for regeneration. For example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives".

5.29 The site is within a commercial/residential area and a sustainable location where the NPPF promotes an effective use of land, in particular to meet housing need. It is in an area with an increasing amount of purpose-built student accommodation due to accessibility to the universities and the amount of previously developed land. The site has historically been developed; the existing buildings cover just under half of the site (it is otherwise hard-standing for car parking). In applying the NPPF this is an area where regeneration is promoted. The proposed development passes the Sequential Test.

## **Heritage Assets**

5.30 The site is just outside of the Central Historic Conservation Area (Character areas 16 Outer Walmgate and 17 Walmgate Bar), it is therefore considered to fall within the setting of the Conservation Area. The site is located approximately 18 metres to the east of the city walls and 82 metres from Walmgate Bar to the south (City Walls are Grade I and both are Scheduled Ancient Monuments).

5.31 In accordance with section 72 of the Planning (Listed Building and Conservation Area) Act 1990 ("the 1990 Act"), the Local Planning Authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area in exercising its planning duties. Section 66 of the 1990 Act requires the Local Planning Authority to have regard to preserving the setting of Listed Buildings or any features of special architectural or historic interest it possesses. Where there is found to be harm to the character or appearance of the Conservation Area, or the setting of a listed building, the statutory duty means that the avoidance of such harm should be afforded considerable importance and weight.

5.32 The NPPF classes listed buildings, conservation areas and scheduled monuments as 'designated heritage assets'. Section 16 of the NPPF advises that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Local planning authorities should take account of the desirability of sustaining and enhancing an asset's significance, the positive contribution it can make to sustainable communities and the positive contribution new development can make to local character and distinctiveness.

5.33 The surrounding area is varied in character. The development immediately inside of the City Walls comprises 1950's to 1970's residential blocks up to 4-storey. On the outside of the City Walls there is large scale retail at Foss Islands, up to 4-storey modern residential blocks. The Conservation Area extends to include the 19<sup>th</sup> century terrace to the south of the site and more historic 17<sup>th</sup> and 18<sup>th</sup> century housing along Lawrence Street. There are also contemporary purpose built student accommodation blocks which sit in this varied context in juxtaposition with listed buildings, specifically next door to St Lawrence Church; to the rear of the Grade II listed former residence of Samuel Tuke opposite the church and considering also the development under construction at James Street, to the south of Elvington Terrace.

5.34 The plan form and massing of the proposed block is a response to this varied context. The 3-storey building is nominally higher in eaves and ridge line compared to the terrace, although it is set further back from the street. The existing building on site is a different typology and right up against the footpath. At the rear the massing is comparable to the blocks of apartments to the east. The buildings perceived scale is moderated by the front gables on the outward facing elevations and the materials and articulation is reflective of other recently built purpose built student accommodation locally.

5.35 The massing, form, materials and articulation of the building is unchanged from the previous application which was to be determined to be acceptable in terms of how it related to its setting and the impact on heritage assets. There is regarded to be no harm to the setting of heritage assets.

### **The promotion of sustainable travel and impact on the highway network**

5.36 Section 9 of the NPPF advises that the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.

5.37 Paragraph 114 states in assessing applications it should be ensured that safe and suitable access is achieved for all users and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 115 states development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.38 The site due to its sustainable location is one where section 9 of the NPPF would promote being developed at a higher density by virtue of its sustainable location.

5.39 The application is unchanged since the previous application (22/01795/FULM) in respect of the vehicle access, parking and cycling arrangements, apart from the addition of a 4<sup>th</sup> car parking space on the forecourt, making 3 spaces for blue badge holders (1 more than the previous application) and 1 space identified for maintenance / servicing. The previous report stated that “the proposals are considered to be acceptable in terms of principle of development and their impact on the surrounding highway network”. The cycle parking is a mix of sheffield type stands (x46) and 2-tier parking. The overall provision is 77% with space identified for future spaces subject to demand. 5% of the parking would accommodate over-sized cycles (as per LTN 1/20 recommendations. Less than 100% provision has consistently been accepted for student accommodation; post occupation monitoring demonstrates the level of provision in this scheme would be sufficient. A student management plan, with check-in process has been issued. This explains how vehicle arrivals would be managed so they could be facilitated on site.

5.40 The scheme would provide 133 student rooms. There is purpose-built student accommodation of a comparable typology, providing in the region of 1,500 rooms within a 500 m radius of the application site. These operational developments have similar provision in terms of cycle parking and being essentially car free. Because of the development type and the sustainable location there is no evidence that as a result there is significant or severe impact on the highway network. Inclusive access into the building is provided. There are 3 parking spaces for disabled persons and a drop-off point away from the highway. Government statistics on Blue Badge holders advise that in 2020, 0.1% of persons aged 20-24 hold a blue badge and 0.7% of 16-19 year olds. If these percentages were equated to the development proposed, then the 3 car parking spaces would be sufficient.

5.41 The previous report included a recommendation that £25,000 be secured towards travel plan support and £6,000 towards a review of parking on Foss Islands Road as planning obligations. For such obligations to be appropriate, they must be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

5.42 A condition to secure a travel plan to promote sustainable modes of travel is sufficient. The travel plan will be required to accord with national planning advice in terms of management, implementation and ongoing review. The parking opposite is either pay and display or for use by residents with permits. This site is outside of the residents parking zone; future occupants would not be eligible for permits and disabled parking provision is on site. These payments recommended by consultees are not necessary to prevent significant or severe impacts on the highway network (i.e. the application would otherwise have to be refused when applying NPPF policy). As such they do not meet the legal tests for securing planning obligations and are therefore not requested.

## **Sustainable design and construction**

5.43 In accordance with emerging local plan policy CC2 the applicants have confirmed the scheme is intended to meet BREEAM Excellent and a 28% reduction in carbon emissions compared to the 2013 Building Regulation requirements (the Carbon Reduction Team consultation response advises the criteria to be applied (in terms of the climate change policy) is for non-residential buildings).

## **Archaeology**

5.44 The site is adjacent to the Area of Archaeological Importance. The standard condition for a written scheme of investigation is proposed. A recording of elements of railway heritage is required, in accordance with NPPF 211 which recommends local planning authorities should require developers to 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.

## **Biodiversity**

5.45 Paragraph 180 of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Draft Local Plan policies reflect this advice in relation to trees, protected species and habitats.

5.46 The proposed soft landscaping demonstrates biodiversity net gain. Further to this the provision of bat roosting and bird nesting features has been recommended the Preliminary Ecological Appraisal and Wold Ecology Ltd Bat Survey. A scheme to secure these measures can be secured by condition.

## **Public Sector Equality Duty**

5.47 Section 149 of the Equality Act 2010 contains the Public Sector Equality Duty (PSED) which requires public authorities, when exercising their functions, to have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

5.48 The PSED does not specify a particular substantive outcome, but ensures that the decision made has been taken with "due regard" to its equality implications.

5.49 The Local Planning Authority has paid due regard to the Equality Act in arriving at its recommendation.

### **Planning obligations**

5.50 Contributions towards off site affordable housing and open space are necessary when applying policies from the Draft Local plan 2018.

5.51 Draft Local Plan (2018) Policy H7 (Off Campus Purpose Built Student Accommodation) requires a financial contribution towards delivering affordable housing elsewhere in the city. The policy explains how contributions are to be calculated. This requirement is applicable where the accommodation will not be operated / managed by one of the universities. The policy is regarded to be NPPF compliant; the affordable housing need is evidence based and viability of the obligation has been tested. However, the policy does not carry full weight because it is subject to objections and the plan has not been adopted. The contribution would be £711,772.78 and would be secured through a Section 106 agreement.

5.52 Draft Local Plan (2018) policy GI6 states residential development proposals should contribute to the provision of open space for recreation and amenity, based on the requirements set out in the open space and green infrastructure update 2017. The policy advises an off-site contribution towards open space is acceptable where the site itself is unable to provide sufficient open space. An open space contribution towards amenity space is required. This would be secured through a Section 106 agreement. The contribution of £14,647 would be used to improve the amenity open space within the nearby Hull Road Park and/or St Nicolas Fields Nature Reserve.

## **6.0 CONCLUSION**

6.1 Officers are satisfied that the previous reasons for refusal have been addressed. The NPPF states that so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. This means granting planning permission unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

6.2 On balance, regarding the weight to be given towards housing provision (which includes student accommodation) in the NPPF the loss of employment land in this case, given the site specifics, is not sufficient grounds to refuse the application. Further information has been provided, which relates to the Council's own evidence base; there is justification for the loss of employment land concerned. The economic objective in the NPPF is to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; this objective is not compromised as a consequence of this scheme.

6.3 The disabled car parking provision is appropriate, and the layout has been revised compared to the previous scheme; there is an additional lift, further communal space across the scheme (on each floor) and a reasonable number of accessible rooms. The social objectives of the NPPF are reasonably met in this respect. Other materials considerations and technical matters have reasonably been addressed.

**7.0 RECOMMENDATION: That delegated authority be given to the Head of Planning and Development Services to APPROVE the application subject to -**

The completion of a Section 106 Agreement to secure the following planning obligations:

- Affordable housing – £711,772.78 towards off-site affordable housing.
- Open space - £14,647 - used to improve the amenity open space within the nearby Hull Road Park and/or St Nicolas Fields Nature Reserve.

The Head of Planning and Development Services be given delegated authority to finalise the terms and details of the Section 106 Agreement and the planning conditions.

**Recommended conditions**

1 Development start within three years

The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

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

FIR420V305-400-1101-2101 P04 site plan  
FIR420V305-403-1101-2101 P 03 forecourt plan

#### Floor plans

FIR420V305-501-1101-2101 P 03 - ground floor  
FIR420V305-501-1102-2101 P 03 – first floor  
FIR420V305-501-1103-2101 P 01 – second floor  
FIR420V305-501-1104-2101 P 01 – third floor  
FIR420V305-501-1105-2101 P 01 – fourth floor  
FIR420V305-501-1106-2101 P 01 – roof

#### Elevations and materials

FIR420V305-501-3100-2101 P 02  
FIR420V305-501-3100-2102 P 02  
FIR420V305-501-3100-2103 P 02  
FIR420V305-501-3101-2201 P 02

Drainage scheme - 20.20341-ACE-00-XX-DR-C-1200-P14  
ESP Management plan

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

### 3 LC2 Land contamination - remediation scheme

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) shall be submitted to and approved in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall 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.

### 4 LC3 Land contamination - remedial works

Prior to first occupation or use, the approved remediation scheme shall 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.

#### 5 LC4 Land contamination - unexpected contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken 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 and other offsite receptors.

#### 6 Hours of construction

The hours of demolition, construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

#### 7 Construction management

Prior to commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan shall include: -

- Measures to keep the highway clean (such as wheel washing facilities for the cleaning of wheels of vehicles leaving the site, including location and type).
- Dust - A site-specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and including a package of mitigation measures commensurate with the risk identified in the assessment.

- Air Quality - The air quality impacts associated with construction vehicles and non-road mobile machinery (NRMM) and the proposed mitigation measures, commensurate with the identified risk.
- Noise - Details on types of machinery to be used, noise mitigation, any monitoring and compliance with relevant standards.
- Vibration - Details on any activities that may result in excessive vibration, e.g. piling, and details of monitoring and mitigation to be implemented.

Reason: To ensure before development commences that construction methods will safeguard the amenities of neighbouring properties in accordance with Policy ENV2 of the City of York Publication Draft Local Plan.

## 8 HWAY40 Dilapidation survey

Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the Local Planning Authority.

Reason: In the interests of the safety and good management of the public highway the details of which must be recorded prior to the access to the site by any construction vehicle.

## 9 Archaeology (non-designated heritage assets)

A programme of archaeological building recording, specifically a written description and photographic recording of any railway building or structure to Historic England Level of Recording 1 is required for this application.

a) No demolition of the station masters house and former waiting rooms (as referenced in figure 6 in the 1 Voyage Ltd Heritage Statement) shall take place until a valid contract for the carrying out and completion of works of redevelopment of the site, for which planning permission has been granted, has been entered into and a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. The WSI should conform to standards set by CYC and the Chartered Institute for Archaeologists.

b) The programme of recording and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under part (a) of this condition and the provision made for analysis, publication and dissemination of results and digital archive deposition with ADS will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

c) A copy of a report shall be deposited with City of York Historic Environment Record and a selection of digital archive images with ADS to allow public dissemination of

results prior to first occupation of the use hereby permitted (or such other period as may be agreed in writing with the Local Planning Authority).

Reason: In accordance with Section 16 of NPPF. The buildings on this site are of archaeological interest and must be recorded prior to demolition.

## 10 Archaeology (below ground)

A programme of post-determination archaeological evaluation is required on this site. The archaeological scheme comprises 3-5 stages of work. Each stage shall be completed and agreed by the Local Planning Authority (LPA) before it can be approved.

a) No archaeological evaluation or development shall take place until a written scheme of investigation (WSI) has been submitted to and agreed with the local planning authority in writing. The WSI should conform to standards set by LPA and the Chartered Institute for Archaeologists.

b) The site investigation and post-investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under part a) of this condition and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

c) A copy of a report on the evaluation and an assessment of the impact of the proposed development on any of the archaeological remains identified in the evaluation shall be deposited with City of York Historic Environment Record to allow public dissemination of results prior to first occupation of the use hereby permitted (or such other period as may be agreed in writing with the Local Planning Authority).

d) Where archaeological features and deposits are identified proposals for the preservation in-situ, or for the investigation, recording and recovery of archaeological remains and the publishing of findings shall be submitted as an amendment to the original WSI (there shall be presumption in favour of preservation in-situ wherever feasible).

e) No development shall take place until:

- details in part d have been approved in writing by the Local Planning Authority and implemented on site;
- provision has been made for analysis, dissemination of results and archive deposition has been secured.

Reason: In accordance with Section 16 of NPPF. The site lies within an Area of Archaeological Importance. An 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.

## 11 Nesting Birds

No demolition works, or vegetation clearance shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of suitable nesting habitat for active birds' nests immediately before such works and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that breeding birds are protected from harm during proposed work. All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended.

## 12 Ecology

The development hereby permitted shall be constructed in adherence with the mitigation and compensation measures and the biodiversity gains and recommendations recommended in the Foss Islands Bat Activity Survey Report 2023 issue 3 by Wold Ecology. The recommended bat and bird boxes shall be provided prior to first occupation / use of the development.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraph 180 d) of the NPPF to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

## 13 Materials

A sample panel 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 the construction of the approved building. This panel 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.

A sample of the slate to be used on the roof shall be approved in writing prior to its installation.

All external gates and railings shall be powder coated dark grey or similar.

Other external materials shall be as specified on the approved elevation drawings.

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

Reason: In the interests of good design, in accordance with section 12 of the NPPF.

#### 14 Large scale details

Large scale details of the following items shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the approved buildings and the works shall be carried out in accordance with the approved details.

a) Full section drawings at 1:20 or 1:10 illustrating typical details of external elevations.

Reason: In the interests of good design, in accordance with section 12 of the NPPF.

#### 15 Landscaping

Within three months of commencement of development a detailed hard and soft landscape scheme, including any boundary treatment, shall be submitted to the Local Planning Authority for approval in writing. This scheme shall include the species, stock size, density (spacing), and position of trees, shrubs, and other plants. It will also evidence tree planting shall be compatible with existing and proposed utilities.

The approved scheme shall be implemented within a period of six months of first occupation of the development. Any trees or plants which 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 the Local Planning Authority agrees alternatives in writing.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species and other landscape details across the site, since the landscape scheme is integral to the amenity of the development and the immediate area.

#### 16 Drainage

The development shall be carried out in accordance with the details detailed in the submitted High Level Drainage Strategy - Re: 20.20341-ACE-00-XX-DR-C-1200 Revision P10 dated 18th November 2022.

Reason: In the interest of satisfactory and sustainable drainage, in accordance with policy ENV5 of the draft local plan 2018.

#### 17 BREEAM

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 within 6 months of first occupation/use 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.

Reason: To fulfil the environmental objectives of the NPPF and support the transition to a low carbon future, and in accordance with policy CC2 of the Draft Local Plan 2018.

## 18 Carbon reduction

The development hereby permitted shall achieve a reduction in carbon emissions of at least 28% compared to the target emission rate as required under Part L of the Building Regulations 2013 and a water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations).

Reason: To fulfil the environmental objectives of the NPPF and support the transition to a low carbon future, and in accordance with policy CC2 of the Draft Local Plan 2018.

## 19 Site management

The site shall be operated in accordance with the ESP Property Management Plan file dated 14.2.2024. Additionally, the following shall apply to the development -

- Single occupancy only for the studio rooms as shown in the approved scheme.
- Blue Badge holders to be given priority for use of the three car parking spaces annotated as UA on the approved forecourt plan.

Reason: In the interests of amenity and highway safety

## 20 Travel Plan

Prior to first occupation of the development hereby permitted a Full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Full 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 Full Travel Plan as approved.

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 annual travel surveys carried out over period of 5 years from the first survey shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To promote sustainable transport and in the interests of good design in accordance with section 9 of the NPPF.

21 The development shall not come into use until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating kerbing and footway; to match adjacent levels.

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

22 Installation of areas for parking and servicing

The buildings hereby approved shall not be occupied until the areas as shown for parking and manoeuvring of vehicles have been constructed and laid out in accordance with these approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

23 Cycle and bin storage

The cycle parking storage and refuse bin storage, including associated hard-standing and gates necessary for access, shall be provided, in accordance with the approved plans prior to first occupation. The facilities shall be retained for such use at all times.

Waste and recycling bins shall be stored in the refuse store at all times, except for collection days.

Reason: To promote sustainable transport and in the interests of good design in accordance with sections 9 and 12 of the NPPF. To ensure there is suitable cycle storage and refuse storage areas of the life of the development and to achieve a visually cohesive appearance.

24 Building services

The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area.

## 25 Restriction of use

The development hereby approved shall be used only as student housing accommodation. No person other than a student registered with, and engaged in, a course of full time further or higher education or a delegate registered with and attending a part time educational course within the City of York administrative boundary shall occupy any part of the development at any time.

The owner, or site operator shall keep an up to date register of the name of each person in occupation of the development together with course(s) attended. The register shall be available for inspection by the local planning authority on demand at all reasonable times.

Reason: For the avoidance of doubt and in order to control the future occupancy of the development, as otherwise the development would involve other requirements in order to be NPPF compliant, such as the inclusion of affordable housing.

## 26 Provision of amenities

The amenities for the occupants of the development (communal living areas, laundry, study rooms etc) shall be provided in accordance with the approved floor plans prior to first occupation of the development and shall be retained for the lifetime of the development.

Reason: In the interests of good design and the living conditions of the occupants of the development.

## **8.0 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 (paragraph 38) 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: the use of planning conditions

#### 2. THE PARTY WALL ETC ACT 1996

The proposed development may involve works that are covered by the Party Wall etc Act 1996. An explanatory booklet about the Act is available at:

<https://www.gov.uk/party-wall-etc-act-1996-guidance>

Furthermore the grant of planning permission does not override the need to comply with any other statutory provisions (for example the Building Regulations) neither does it override other private property rights (for example building on, under or over, or accessing land which is not within your ownership).

### 3. 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:

Streetworks for: Works in the highway - Section 171 and Vehicle Crossings - Section 184 (01904) 551550 - [streetworks@york.gov.uk](mailto:streetworks@york.gov.uk)

### Contact details:

**Case Officer:** Jonathan Kenyon

**Tel No:** 01904 551323