



Notice of a public meeting of

Planning Committee

- To:** Councillors Reid (Chair), Derbyshire (Vice-Chair), Galvin, Ayre, S Barnes, Boyce, Cullwick, Cuthbertson, D'Agorne, Dew, Doughty, Funnell, Richardson, Shepherd and Warters
- Date:** Thursday, 22 October 2015
- 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 relating to this meeting will depart Memorial Gardens at 10am on Tuesday 20th October 2015.

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 3 - 8)

To approve and sign the minutes of the meeting of the Planning Committee held on 17th September 2015.

3. **Public Participation**

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by **5pm on Wednesday 21st October 2015**. 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.

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“Please note this meeting will be filmed and webcast and that includes any registered public speakers, who have given their permission. This broadcast can be viewed at <http://www.york.gov.uk/webcasts>.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council’s protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at: http://www.york.gov.uk/downloads/file/6453/protocol_for_webcasting_filming_and_recording_of_council_meetingspdf

4. **Plans List**

This item invites Members to determine the following planning applications:

a) **Plot 7, Great North Way, Nether Poppleton, York (15/01307/FULM)** (Pages 9 - 26)

A major full application for the erection of a motor vehicle dealership, sales and servicing buildings with outside vehicle parking areas. [Rural West York Ward] [*Site Visit*].

b) Former Terry's Offices, Bishopthorpe Road, York, YO23 1DE (15/01623/FULM) (Pages 27 - 40)

A major full application for the conversion of former Terrys headquarters building to a care home with 82 care bedrooms and 8 care apartments with rooftop extension and car parking [Micklegate Ward] *[Site Visit]*.

c) Former Terry's Offices, Bishopthorpe Road, York, (15/01624/LBC) (Pages 41 - 52)

A listed building consent application for internal and external alterations in connection with the conversion of the former Terry's headquarters building to a care home with rooftop extension. [Micklegate Ward] *[Site Visit]*.

d) Grantchester, Stripe Lane, Skelton, York, YO30 1YJ (15/01659/FUL) (Pages 53 - 66)

A full application for the use of land for a 20 pitch touring caravan and camping site. [Rural West York] *[Site Visit]*.

e) Land to the North of Avon Drive, Huntington, York (15/00798/OUTM) (Pages 67 - 92)

A major outline application for the erection of 109 houses [Huntington and New Earswick Ward] *[Site Visit]*.

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

Democracy Officer:

Name: Laura Bootland

Contact Details:

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

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

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

PLANNING COMMITTEE**SITE VISITS****Tuesday 20th October 2015**

TIME	SITE	ITEM
10:00	Coach leaves Memorial Gardens	
10:20	Land to the North of Avon Drive	4e
10:55	'Grantchester', Stripe Lane, Skelton, York	4d
11:20	Plot 7, Great North Lane, Nether Poppleton	4a
11:55	Terry's Former Office Building, Bishopthorpe Road	4b&4c

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City of York Council

Committee Minutes

Meeting	Planning Committee
Date	17 September 2015
Present	Councillors Reid (Chair), Derbyshire (Vice-Chair), Galvin, Ayre, S Barnes, Boyce, Cullwick, Cuthbertson, D'Agorne, Dew, Doughty, Funnell, Richardson, Shepherd and Warters

30. Site Visits

Site	Reason	In Attendance
Queen Elizabeth Barracks, Strensall	To enable members to familiarise themselves with the site.	Councillors Galvin, Shepherd, Dew, Cuthbertson and Richardson
The Stables, Elvington	To enable members to familiarise themselves with the site.	Councillors Galvin, Shepherd, Dew and Richardson

31. Declarations of Interest

At this point in the meeting, Members were asked to declare any personal, prejudicial or pecuniary interests they may have in the business on the agenda. None were declared.

32. Minutes

Resolved: That the minutes of the last meeting held on 20th August 2015 be approved and signed by the Chair as a correct record.

33. Public Participation

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

34. Plans List

Members then considered the following reports of the Assistant Director (Development Services, Planning and Regeneration) relating to the following planning applications, which outlined the proposals and relevant planning considerations and set out the views of the consultees and officers.

34a Queen Elizabeth Barracks Strensall Road York YO32 5SW (15/01290/FULM)

Consideration was given to a major full application by Mr David Burke for the erection of a workshop with office accommodation, a garage with office accommodation and a single living accommodation block with associated works in connection with the use of the site as an Army Barracks.

Officers provided a brief update to the committee report as follows:

- Strensall Parish Council had raised concerns regarding the safety of the access onto Strensall Road. It was accepted that the access was not ideal and highways officers had been asked to reconsider their response. It was suggested that should the application be approved, an additional condition should be added to ensure any highways matters are resolved by the applicant, if required.
- In relation to concerns raised by Strensall Parish Council on foul water drainage, Officers had received confirmation that a redundant foul water plant had been replaced at the site recently by Yorkshire Water and were now satisfied that foul water would not be an issue.

Mr Chapman spoke as the Chairman of the Strensall and Towthorpe Parish Council Planning Committee. In relation to the drainage, he advised that it was his understanding that the foul water for the site goes across the common to a Severn Trent treatment plant and is not managed by Yorkshire Water and that this issue may need investigating again by Officers. In relation to the site access, the North Pillar is 3 metres from the kerb, which is nearly a metre closer than the other pillar and it is this which causes accidents. If alterations to the access are being

offered by the applicant then the Parish Council would have no objections.

In response to the points raised by the speaker on the drainage, Officers confirmed that they were satisfied that drainage is being managed sufficiently. In response to queries from Members, it was pointed out that there was a condition in the committee report requiring all drainage details to be submitted in writing.

Resolved: That the application be approved subject to referral to the Secretary of State and subject to additional condition requiring details of access onto Strensall Road, if required.

Reason: It is considered that the other considerations put forward by the applicant outlined in the committee report, together with the mitigation of other harm (loss of trees, possible limited impact on ecology), through planning conditions clearly outweigh the potential harm to the Green Belt by reason of inappropriateness and any other harm, and thereby amount to very special circumstances to allow the inappropriate development in the York Green Belt.

**34b The Stables Elvington Lane Elvington York YO41 4EH
(15/01113/FUL)**

Consideration was given to a full application by Mr and Mrs J Peel for the variation of condition 9 of permitted application 10/02082/FUL to replace an existing showman's caravan with a twin unit mobile home.

It was reported that there was no update to the committee report.

Mr Martin Moorhouse spoke in objection to the application as a local resident. He questioned whether the application was appropriate. He accepted that the family's circumstances had changed but felt it was wrong to base a planning decision on a family issue and that the application was another example of creeping development. As a final point he queried whether the Council had done anything towards trying to find the family alternative accommodation.

Mrs Janet Montgomery spoke as the applicant's agent. She advised that she had acted for Mr & Mrs Peel since they obtained the land and she was satisfied that they had carried out all work so far in line with the approved scheme. She reminded Members that in the absence of an adopted Local Plan the application falls under the framework for travelling families. The very special circumstances are the best interests of the children to allow development in the Green Belt and the importance of providing a 3 bed roomed mobile home for the family.

Mr Mulhern spoke in support of the application on behalf of the Showman's Guild. He advised that the family had not caused the Guild any problems. The family had respected planning laws. He referred to the Guild's strict code of conduct which gave assurances showmen will abide by laws.

Mrs Peel spoke as the applicant. She advised that her family had not caused any problems within the community or ever received any planning enforcement notices. The site is between 2 industrial estates. The proposed home would not exceed 60ft but would allow flexibility in that it is a mobile home and can be moved. In reference to a petition against the application, she felt that it did not represent the views of the whole village, just a small proportion of people.

Julia Garnham spoke in support of the application as a local resident and neighbour. She advised that the current home is too small for the family and there is no space for the children to do activities such as homework. The current unit is old and in disrepair and rainwater is causing damp which is affecting the health of the children. Complaints that the site isn't kept tidy are untrue.

In response to questions from Members, Officers confirmed that it is the type of mobile home which has caused the applicant to need to re-apply.

Members were happy to approve the application in view of the special circumstances outlined in the report.

Resolved: That the application be approved subject to the conditions outlined in the committee report.

Reason: Because of the partially open character of the site the larger size of the mobile home relative to the existing would result in some limited harm to the openness of the Green Belt and encroachment into the countryside, but is not considered to conflict with other green belt purposes set out at paragraph 80 of the NPPF. A replacement caravan is essential in order to provide a separate bedroom for the boy and more living space for growing children and for the family as a whole. The considerations put forward by the applicant for the proposed mobile home, together with mitigation through a planning condition of possible limited impact on flood risk and drainage, clearly outweigh the potential harm to the Green Belt by reason of inappropriateness and any other harm, and thereby amount to very special circumstances to allow the inappropriate development in the York Green Belt.

Cllr A Reid, Chair

[The meeting started at 4.30 pm and finished at 5.20 pm].

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COMMITTEE REPORT

Date: 22 October 2015 **Ward:** Rural West York
Team: Major and **Parish:** Nether Poppleton Parish
Commercial Team Council

Reference: 15/01307/FULM
Application at: Plot 7 Great North Way Nether Poppleton York
For: Erection of motor vehicle dealership sales and servicing buildings with outside vehicle parking areas
By: Arnold Clark LTD
Application Type: Major Full Application (13 weeks)
Target Date: 26 October 2015
Recommendation: Approve

1.0 PROPOSAL

1.1 The application site is a 3.2 hectare plot within the York Business Park. The site is bounded to the east by the East Coast rail line, to the south by industrial units; to the north by White Rose Way and the recent office development of Tudor Court and the office/workshop units of Opus Avenue. To the west is the Great North Way, and further to the west and south is a large residential area. The site is designated as employment land in the 2005 draft York Local Plan and the emerging (publication draft) Local Plan. Planning permission (ref: 11/03253/FULM) has previously been granted for development of a retail garden centre at the site. This has not been implemented.

1.2 Planning permission is currently sought for the construction of a car dealership with associated facilities including car servicing, valeting and used car sales within a 3014 sq metre building employing 45 full time staff. The site has been notified as a SINC or Site of Interest for Nature Conservation on the basis of its calcareous vegetation and a colony of Great Crested Newts which have subsequently been trans-located. The application details have been amended subsequent to submission to amend the layout to increase the level of landscaping within the site.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

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

2.2 Policies:

The national and local policy context is explained and assessed at paragraph section 4.0 below. The relevant local planning policies are listed as follows: 2005 Draft York Development Control Local Plan (4th set of changes). Relevant policies include:

- CYGP1 Amenity
- CGP15A Drainage and Flood Risk
- CYNE5A Local Nature Conservation Sites
- CYNE5B Mitigation of Harm to Nature Conservation Sites
- CYNE6 Species Protected by Law

City of York Local Plan – Publication Draft 2014 Relevant Policies include:

- EC3 Loss of Employment Land
- ENV2 Managing Environmental Quality
- G12 Biodiversity and Access to Nature

3.0 CONSULTATIONS

INTERNAL:-

3.1 Public Protection Unit raise no objection in principle to the proposal but express concern in respect of the potential impact of site lighting upon the amenity of nearby residential property, notably the care home directly to the west on Great North Way.

3.2 Strategic Flood Risk Management were consulted with regard to the proposal on 5th August 2015. No response has been forthcoming at the time of writing this report.

3.3 Highway Network Management raise concerns in respect of the lack of a submitted Travel Plan or Travel Statement, potential impact from parking on the adopted highway verge, lack of clarity in terms of the area of staff parking and lack of clarity in terms of access to the site for service vehicles. The applicant has undertaken to address each issue prior to the meeting.

3.4 Planning and Environmental Management raise no objection in principle to the proposal but express concern in respect of the level and variety of landscaping provided within the site and the lack of detail of mitigation for loss of the notified SINC. The applicant has undertaken to address this issue prior to the meeting.

EXTERNAL:-

3.5 Nether Poppleton Parish Council raise no objection in principle to the proposal subject to adequate parking being provided within the site, adequate mitigation being provided for loss of the SINC and on site lighting being designed so as not to harm the amenities of residents of the care home directly to the west.

3.6 The Yorkshire Wildlife Trust raises no objection in principle to the proposal but express some concern with regard to the lack of submitted detail in respect of the mitigation for the loss of the SINC.

3.7 Yorkshire Water Services raise no objection to the proposal.

3.8 The Environment Agency raise no objection to the proposal subject to any permission being conditioned to require the submission and prior approval of a detailed surface water drainage scheme.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- * Impact upon the residential amenity of neighbouring properties;
- * Impact upon safety and convenience of highway users;
- * Loss of habitat of Biodiversity Importance;
- * Economic Development Issues.

POLICY CONTEXT

4.2 Section 38(6) of the 1990 Act requires local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. There is no statutory development plan in York (other than the saved policies of the Regional Spatial Strategy (RSS) relating to the general extent of the Green Belt).

4.3 In the absence of a formally adopted local plan the most up-to date representation of key relevant policy issues is the National Planning Policy Framework (NPPF). It is against this Framework that the application proposal should principally be addressed.

4.4 Although there is no formally adopted local plan, the City of York Draft Local Plan was approved for Development Control purposes in April 2005. Whilst it does not form part of a statutory development plan, its policies remain material considerations in respect of Development Management decisions although only where policies relevant to the application are in accordance with the National Planning Policy Framework. The most relevant Draft (2005) policies are listed and summarised at paragraph 2.2 of this report.

4.5 The planned consultation on the Publication Draft of the City of York Local Plan, which was approved by the Cabinet of the Council on the 25 September 2014, has been halted pending further analysis of housing projections. It carries very little weight in the Council's consideration of this application (in accordance with paragraph 216 of the NPPF). The most relevant of the document's policies are listed at paragraph 2.2 of this report.

4.6 EMPLOYMENT LAND:-Central Government Planning Policy as outlined in paragraphs 21 and 22 of the National Planning Policy Framework are of particular importance in consideration of the proposal. Paragraph 21 indicates that Local Planning Authorities should give particular weight to the support of existing business sectors taking account of whether they are expanding or contracting. Paragraph 22 indicates that where there is no reasonable prospect of a site being used for an allocated employment use then each application should be treated on its merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

4.7 AMENITY:- Central Government Planning Policy as outlined in paragraph 17 of the National Planning Policy Framework" Core Planning Principles" indicates that Local Planning Authorities should give particular weight to securing a good standard of amenity for all new and existing occupants of land and buildings.

4.8 BIODIVERSITY:- Central Government Planning Policy as outlined in paragraph 118 of the National Planning Policy Framework indicates that Local Planning Authorities should seek to safeguard local biodiversity by ensuring that where significant harm arising from a development can not be avoided that it is adequately mitigated and that if that is not possible that planning permission should be refused.

IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES

4.9 The application site comprises a large previously undeveloped site previously placed within a large area of employment land which has been in the process of development since the late 1990s. The majority of surrounding uses are also employment related with a predominance of B1 activity with a long standing concentration of car dealerships around the entrance to the York Business Park. Such activities would not generally be harmed in amenity terms from the activities of the proposal. However, directly to the west lies a substantial three storey elderly

care home recently opened to full capacity. A further residential development dating from the 1990s lies a further 30 metres to the rear at a slightly raised level. The application details have been amended since submission to enhance the level of on-site landscaping to improve the amenity of local residents. Concern has previously been expressed in respect of lighting levels in proximity to the care home and also the issue of deliveries of vehicles to the site. Subject to delivery times being strictly conditioned as part of any permission then that issue can be satisfactorily resolved. Details of the proposed site lighting have now been found to be satisfactory and have been agreed.

IMPACT UPON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS

4.10 The application site is centrally located within a substantial area of employment land in the process of development adjacent to the principal access route between its northern and southern sections. Whilst the surrounding road network does not operate at capacity there are significant problems of on-street parking arising from the activities of nearby predominantly office developments. The submitted application details do indicate a significant degree of on-site parking but it is unclear as to the proportion that would be allocated to staff. At the same time it is unclear as to how the site would be serviced. The site includes a significant degree of open road frontage with good visibility that would allow for servicing by large commercial vehicles. How servicing could be achieved has not however been clearly demonstrated. Negotiation with the applicant in respect of these matters is on-going and will be reported to Members at the meeting. The provision of appropriate on-site parking for staff together with a sustainable Travel Plan could be conditioned as part of any overall planning permission.

LOSS OF HABITAT OF BIODIVERSITY SIGNIFICANCE

4.11 The application site has been notified as a SINC on the basis of being a particularly good example of a calcareous grassland habitat. It has previously supported a medium scale population of Great Crested Newts. They were however trans-located to a site to the east of the adjacent East Coast Railway Line as part of the previous and now abandoned proposal to construct a garden centre on the site. A mitigation strategy to compensate for the loss of the calcareous grassland habitat together with measures within the site to prevent re-colonisation of the site by Great Crested Newts was previously agreed with the prospective Garden Centre developer. The current developer has not however committed to keep the mitigation measures in place as required by paragraph 118 of the National Planning Policy Framework. Negotiations are on-going with the developer and will be reported to Members at the meeting. Any permission can be conditioned to require compliance with such a mitigation strategy.

ECONOMIC DEVELOPMENT ISSUES:-

4.12 The application site forms a large undeveloped section of the York Business Park which was given planning permission in the late 1990s for a mix of B1 (business) and B8 (storage and distribution) uses. The proposed dealership whilst including elements of employment use including servicing and repair of cars and commercial vehicles and storage of vehicles for sale and awaiting repair would represent a change of use outside these use classes to a sui generis use and a loss of land for employment development. However, Officers consider that there are material considerations which justify the proposed dealership.

4.13 The northern section of the Park has a concentration of car dealerships of some historical standing and the application site itself has an extant planning permission for a large scale partially open air retail use with general functional similarities to what is proposed. The site directly to the west on Great North Way, which was also allocated as employment use, has been recently re-developed to provide a care home for the elderly.

4.14 Notwithstanding the policy presumption within the 2005 draft York Local Plan (which is being carried forward to the emerging Local Plan) against loss of such a large employment site, there has been no interest in the site for employment use since its allocation in the 1990s, and given the lack of prospect of 'traditional' employment use, permission has already been granted previously for a retail garden centre.

4.15 It has furthermore been confirmed by the applicant that the proposal would create a significant quantity of new employment with 45 new full time jobs proposed with support for others supplying the dealership in the wider vicinity. The full time job creation figure would be greater than or at least comparable with what could be achieved with the site through a conventional B1/B8 use as previously approved. A proportion of the jobs would be for the service and repair of vehicles (which on its own would be a B2 employment use). It would also be significantly in excess of that previously the proposed garden centre use. It is therefore considered that the proposed development would be justified by significant benefits related to employment and economic development.

5.0 CONCLUSION

5.1 The application site consists of a long term large vacant plot within the York Business Park with a recently developed care home to the west, the East Coast Main Line to the east and a concentration of car dealerships to the north. Planning permission has previously been granted for extensive retail use in the form of a garden centre. Planning permission is now sought for erection of a two storey car dealership with associated facilities including car valeting, servicing and used car sales. Concern has been expressed in terms of the impact of site lighting on the

amenity of residents of the adjacent care home; the level of staff parking and servicing arrangements within the site and the mitigation for the loss of the notified SINC. Negotiations with the applicant in respect of these issues are on-going and subject to a satisfactory resolution (Members will be updated in respect of these matters at Committee) the development is felt to be acceptable and approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Subject to satisfactory resolution of:-
i) Site Lighting
ii) SINC loss mitigation
iii) Staff parking and service arrangements

Approve

1 TIME2 Development start within three years

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

Drawing Refs: - 2737/20/B; 2737/21/; 2737/22/; 2737/23/; 2737/24/; 2737/25/.

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

3 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences above foundation level and shall be provided before the development is occupied.

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

4 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development above foundation level. The development shall be carried out using the approved materials.

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 as to achieve a visually cohesive appearance.

5 No development shall take place above foundation level 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 hard landscaping. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

6 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

7 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting during the 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.

NOTE: For noise details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

For vibration details should be provided on any activities which may results in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that

excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. Ideally all monitoring results should be recorded and include what was found and mitigation measures employed (if any).

For dust details should be provided on measures the developer will use to minimise dust blow off from site, i.e. wheel washes, road sweepers, storage of materials and stock piles, used of barriers, use of water bowsers and spraying, location of stockpiles and position on site. In addition details should be provided of proactive monitoring to be carried out by the developer to monitor levels of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints. Ideally all monitoring results should be measured at least twice a day and result recorded of what was found, weather conditions and mitigation measures employed (if any).

For lighting details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

In addition to the above the CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved.

Reason: To protect the amenity of local residents

8 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible at the boundaries of the nearest residential properties when in use, shall be submitted to the local planning authority for approval. These details shall include maximum sound levels ($LA_{max}(f)$) and average sound levels (LA_{eq}), 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 the background noise level 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. Whilst it is acknowledged that at

background levels of less than 30dB(A) use of BS4142 is inappropriate, EPU consider that in such circumstances the combined rate level of plant inclusive of any character correction should not exceed 30dB(A).

Reason: To protect the amenity of local residents

9 LC4 Land contamination - unexpected contam

10 The hours of operation of this approved use shall be confined to:

Mondays to Fridays 08.00 hours to 20.00 hours

Saturdays 09.00 hours to 18.00 hours

Sundays and Bank Holidays 10.00 hours to 18.00 hours

Reason: To safeguard the amenities of occupants of the nearby dwellings and buildings.

11 Notwithstanding the submitted plans and prior to the commencement of the development above foundation level full details of the method and design (including illumination levels) and siting of any external illumination shall be submitted to and approved in writing by the Local Planning Authority and shall be completed in accordance with the approved details. Any subsequent new or replacement illumination shall also be agreed in writing by the Local Planning Authority prior to its provision.

Reason: In order to protect the character and appearance of the area from excessive illumination.

12 Within six months of occupation of the site, a Green Travel Plan will be submitted and approved in writing by the Local Planning Authority. The Green Travel Plan for employees and guests will set out measures to promote sustainable travel and reduce dependency on private car journeys, in accordance with current advice issued by the Department of Transport.

Reason: To promote sustainable modes of transport and reduce car travel, in accordance with the Authority's transport policies and comply with Policy T13a of the City of York Council Development Control Local Plan.

13 HWAY9 Vehicle areas surfaced

14 HWAY19 Car and cycle parking laid out

15 HWAY21 Internal turning areas to be provided

16 HWAY40 Dilapidation survey

17 The development shall be constructed to a 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 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 should 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 the CYC Interim Planning Statement 'Sustainable Design and Construction'.

18 Prior to the commencement of development a detailed mitigation plan, including method statements and details of the timing of works shall be submitted to and approved in writing by the Local Planning Authority. All works should be carried out in accordance with the approved details.

Reason: To ensure the appropriate compensatory measures for the loss of the SINC site are created and to comply with Policy NE5b. To ensure there is no harm to a species protected by law and to comply with Policy NE6 and the NPPF.

19 Prior to the commencement of the development hereby authorised above foundation level full details of the proposed surface water drainage system to serve the site shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the location of the outfall and shall provide for surface water discharges to be attenuated to 70% of the existing rate of run off. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason: - To ensure that the site is safely and efficiently drained and to secure compliance with Policy GP15a) of the York Development Control Local Plan.

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:

- i) Details of proposed site lighting
- ii) Details of staff parking and servicing arrangements
- iii) Details of Mitigation for the Loss of a SINC.

2. 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

3. NETWORK RAIL INFORMATIVE

By virtue of the proximity of the site to the railway line Network Rail have the following requirements:

Drainage

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soak aways must be located so as to discharge away from the railway infrastructure.

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Engineer.

Armco Safety Barriers

An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the line side fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway.

Fencing

Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Engineer at the below address for approval prior to works commencing on site. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

Two Metre Boundary

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus avoiding provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

Trees/Shrubs/Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the

approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Acceptable:

Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees - Pines (*Pinus*), Hawthorne (*Cretaegus*), Mountain Ash - Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (*Shrubby Salix*), Thuja Plicatata "Zebrina"

Not Acceptable:

Alder (*Alnus Glutinosa*), Aspen - Poplar (*Populus*), Beech (*Fagus Sylvatica*), Wild Cherry (*Prunus Avium*), Hornbeam (*Carpinus Betulus*), Small-leaved Lime (*Tilia Cordata*), Oak (*Quercus*), Willows (*Salix Willow*), Sycamore - Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), London Plane (*Platanus Hispanica*).

A comprehensive list of permitted tree species is available upon request.

Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

Children's Play Areas/Open Spaces/Amenities

Children's play areas, open spaces and amenity areas must be protected by a secure fence along the boundary of one of the following kinds, concrete post and panel, iron railings, steel palisade or such other fence approved by the Local

Planning Authority acting in consultation with the railway undertaker to a minimum height of 2 metres and the fence should not be able to be climbed.

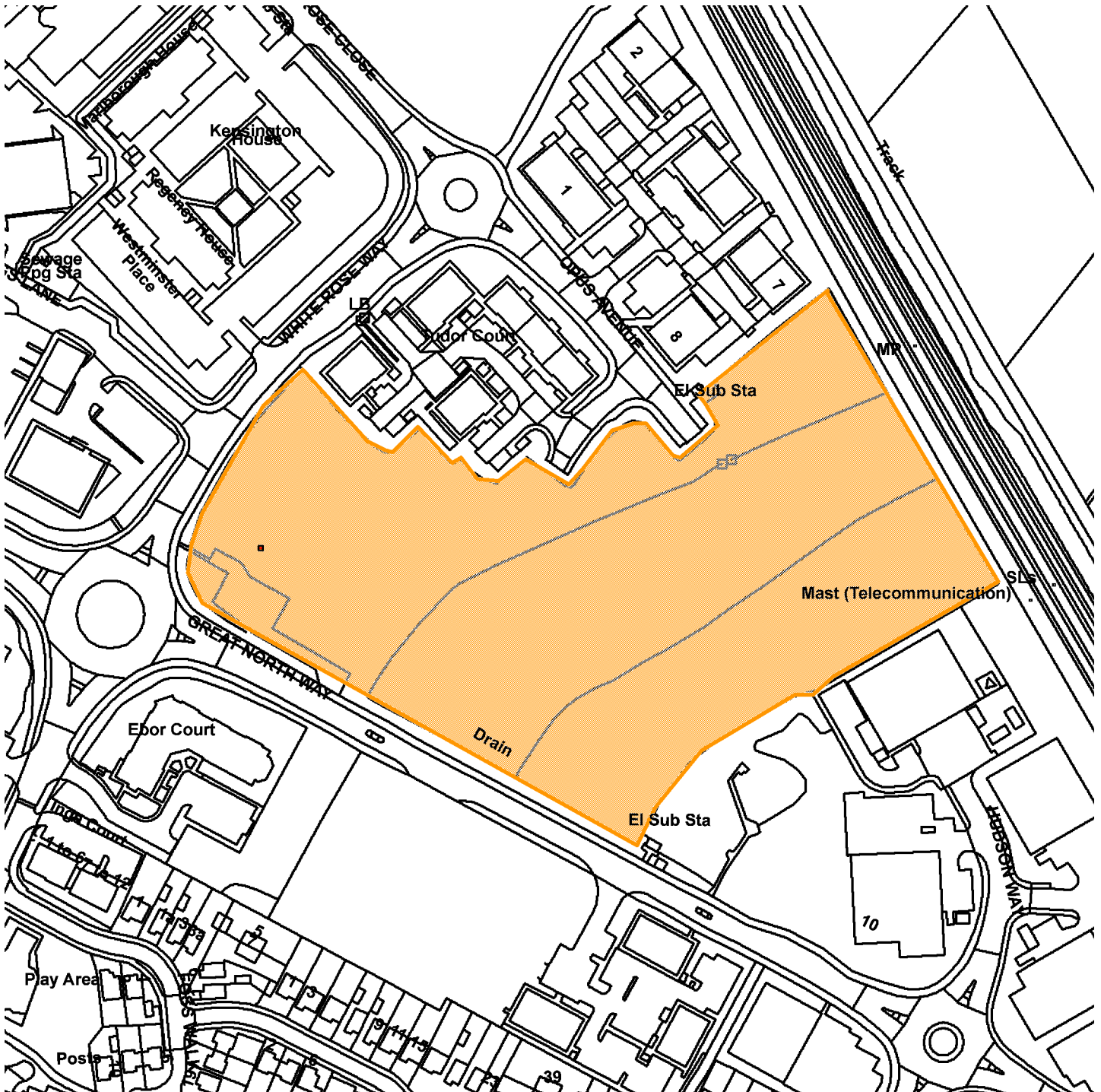
Contact details:

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15/01307/FULM

Plot 7, Great North Way, Nether Poppleton



Scale : 1:2119

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Organisation	City of York Council
Department	CES
Comments	Location Plan
Date	09 October 2015
SLA Number	Not Set

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COMMITTEE REPORT

Date: 22 October 2015 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
Commercial Team Panel

Reference: 15/01623/FULM
Application at: Former Terrys Offices Bishopthorpe Road York YO23 1DE
For: Conversion of former headquarters building to care home with 82no. Care bedrooms and 8no. Care apartments with rooftop extension and car parking
By: Springfield Healthcare Group & Henry Boot Developments Ltd...
Application Type: Major Full Application (13 weeks)
Target Date: 20 October 2015
Recommendation: Approve

1.0 PROPOSAL

1.1 The Terry's Headquarters Building comprises a Grade II Listed brick and stone built former office block to the east of the former entrance to the Terry's chocolate manufacturing complex dating to the early 1920s. The site also lies within the Terrys/Racecourse Conservation Area. The premises have been vacant and deteriorating since 2011 when after chocolate manufacture at the site ceased, the subsequent office tenant vacated the premises. Planning permission is now sought for conversion of the premises into an 82 bed care home with 8 extra care apartments. The proposal includes a single storey roof level mansard extension.

2.0 POLICY CONTEXT

2.1 2005 Draft Development Plan Allocation:

Conservation Area GMS Constraints: Racecourse CONF

Contaminated Land GMS Constraints:

Listed Buildings GMS Constraints: Grade 2; Terry's Of York Head Offices Bishopthorpe Road

2.2 Policies:

Development Control Draft Local Plan (2005) Relevant Policies include:-

- CYHE3 Conservation Areas
- CYHE4 Listed Buildings

Application Reference Number: 15/01623/FULM

Item No: 4b

- CYC1 Community Facilities
- CYHE2 Development in Historic Locations

City of York Local Plan – Publication Draft 2014 Relevant Policies include:-

- D4 Conservation Areas
- D5 Listed Buildings
- EC2 Economic Growth in the Health and Social Care Sectors

POLICY FRAMEWORK

2.3 In the absence of a formally adopted local plan the National Planning Policy Framework (NPPF) is the most up-to date representation of key relevant policy issues (other than the Saved RSS Policies relating to the general extent of the York Green Belt) and it is against this policy Framework that the proposal should principally be assessed.

2.4 STATUS OF THE EMERGING YORK LOCAL PLAN PUBLICATION DRAFT (2014)

2.5 Publication Draft York Local Plan (2014); Following the motion agreed at Full Council in October 2014, the publication draft of the York Local Plan is currently not progressing through its statutory consultation; pending further consideration of the Council's housing requirements and how it should meet those requirements.

2.6 The emerging Local Plan policies can only be afforded weight in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight will be limited. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

STATUS OF THE DRAFT YORK DEVELOPMENT CONTROL LOCAL PLAN (2005 4th Set of Changes).

2.7 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Control purposes in April 2005; its policies remain material considerations in respect of Development Management decisions although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework.

LEGISLATIVE AND POLICY CONTEXT FOR HERITAGE ASSETS
STATUTORY DUTY – PLANNING (LISTED BUILDINGS AND CONSERVATION
AREAS) ACT 1990 (AS AMENDED)

2.8 Section 66 of this Act requires the Local Planning Authority when determining planning applications for development that affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

2.9 Case law has made clear that when deciding whether harm to a listed building or its setting is outweighed by the advantages of a proposed development, the decision-maker must give particular weight to the desirability of avoiding such harm. There is a “strong presumption” against the grant of planning permission in such cases. The exercise is still one of planning judgment but it must be informed by that need to give special weight to the desirability of preserving the building.

2.10 This means that even where harm is less than substantial, such harm must still be afforded considerable importance and weight, i.e. the fact of harm to the listed building is still to be given more weight than if it were simply a factor to be taken account along with all other material considerations.

STATUTORY DUTY - PLANNING (LISTED BUILDINGS AND CONSERVATION
AREAS) ACT 1990 (AS AMENDED)

2.11 Section 72 of this Act requires the Local Planning Authority when determining planning applications for development within a conservation area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Case law has made clear that when deciding whether harm to a Conservation Area is outweighed by the advantages of a proposed development, the decision-maker must give particular weight to desirability of avoiding such harm. There is a “strong presumption” against the grant of planning permission in such cases. The exercise is still one of planning judgment but it must be informed by that need to give special weight to maintaining the Conservation Area.

2.12 This means that even where harm is less than substantial, such harm must still be afforded considerable importance and weight, i.e. the fact of harm to the Conservation Area is still to be given more weight than if it were simply a factor to be taken account along with all other material considerations.

2.13 The legislative requirements of Sections 66 and 72 are in addition to the government policy contained in Section 12 of the NPPF, notably paragraphs 132 to 134. The NPPF classes listed buildings and Conservation Areas as “designated heritage assets”. The NPPF advises on heritage assets as follows:

-Paragraph 132 advises that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be” ... “As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.”

-Paragraph 133 advises that “Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of four specified criteria apply

-Paragraph 134 advises that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum use.”

3.0 CONSULTATIONS

INTERNAL

3.1 Environmental Protection Unit raise no objection to the proposal

3.2 Highway Network Management raise no objection in principle to the proposal but express some concern with regard to the relationship with the detached parking area to the south west of Bishopthorpe Road, the treatment of the entrance forecourt and provision for pedestrians visiting the premises.

3.3 Planning and Environmental Management raise no objection in principle to the proposal subject to the design and location of external plant being clearly identified and any permission being conditioned to adequately secure the pattern of fenestration and external decoration.

3.4 Forward Planning raise no objection to the proposal.

3.5 Adult Social Care support the proposal in principle but raise concerns in respect of the level of external amenity space.

3.6 Strategic Flood Risk Management Team were consulted with regard to the proposal on 6th August 2015. No response has been received at the time of writing.

EXTERNAL

3.7 Historic England raises no objection in principle to the proposal subject to the detail of the proposed internal alterations being suitably conditioned.

3.8 Micklegate Planning Panel objects to the proposal on the grounds that the design of the proposed roof top extension is inappropriate in terms of its height and Modern design.

3.9 One Letter of Support has been received in respect of the proposal.

4.0 APPRAISAL

KEY CONSIDERATIONS

4.1 Key considerations include:-

- Impact upon the character and appearance of the Terry's/Racecourse Conservation Area;
- Impact upon the Listed Building;
- Loss of employment land and premises;
- Impact upon the amenities of prospective residents;
- Impact upon safety and convenience of local highway users.

IMPACT UPON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA

4.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the Council "to have special regard to the desirability of preserving and enhancing the character and appearance of Conservation Areas. As a statutory duty any harm to the conservation area must be afforded considerable weight and importance when considering the planning balance and this is outlined below. Where any harm is identified to a Heritage Asset there will be a strong presumption against the grant of permission. The presumption in favour of sustainable development set out at para 14 of the NPPF does not apply in these circumstances.

4.3 Central Government Planning Policy as outlined in paragraph 131 of the National Planning Policy Framework urges Local Planning Authorities to give significant weight to the desirability of sustaining and enhancing the significance of heritage assets and putting them to uses consistent with their conservation.

4.4 The complex of preserved early 20th Century Industrial buildings together with the adjacent racecourse complex along with its landscape setting is designated as a Conservation Area in view of its significant contribution to the wider townscape and visual character of the City. The seriously deteriorating structural state of the various buildings particularly when seen against the context of the racecourse to the north west has harmed the appearance of the Conservation Area. The proposal seeks to bring the second principal building of the complex back into a beneficial use which

would have the effect of arresting any further decline. A scheme to restore the Peace Garden to the south west of the Multi-Storey Factory and previously consented in association with its conversion is also envisaged to create an informal open space for the wider locality including residents of the proposed care home. The proposed roof level extension as amended would also be visible to a modest extent within views of the wider Conservation Area. It is felt that the proposed works taken together do not cause any harm to the Conservation Area, and would secure its preservation and enhancement in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act.

IMPACT UPON THE LISTED BUILDING

4.5 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the Council to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." As a statutory duty, any harm to the listed building or its setting must be afforded considerable weight and importance when considered in the planning balance and this is outlined below. Where harm is identified to a Heritage Asset there will be a strong presumption against the grant of permission. The presumption in favour of sustainable development set out at para 14 of the NPPF does not apply in these circumstances.

4.6 Central Government Planning Policy as outlined in paragraph 131 of the National Planning Policy Framework urges Local Planning Authorities to give significant weight to ensuring the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and ensuring the desirability of new development making a positive contribution to local character and distinctiveness.

4.7 The Terry's Headquarters Building comprises a two storey brick and stone detailed office building with a central glass atrium and glazed north lit typing pool dating to the early 1920s. It is Listed Grade II as a significant example of early purpose built office design. The building incorporated the principal office and laboratory functions associated with chocolate manufacture at the site and continued in use up until manufacture ceased in 2005. A section of the building was subsequently used as a solicitor's office until 2011. The building has however been subject to significant deterioration since office use ceased and the marketing exercise undertaken by joint developer Henry Boot failed to result in any substantive enquiries from potential office users.

4.8 The proposal envisages the conversion of the offices and laboratories into a mix of single and twin bed care rooms with a series of extra care suites within the roof level extension. The roof level extension would also give access to a south facing roof level terrace providing amenity space for residents and an area to undertake craft therapy activities outdoors. The central north lit typing pool area would be

converted to provide an all weather amenity area with an artificial garden including a cafe, entertainment area and memory space where residents would be able to entertain visitors and community activities may take place. With the exception of the roof level extension the level of external intervention proposed is modest and felt to be broadly acceptable giving rise to less than substantial harm. Some less than substantial harm is felt to be caused by the window design for the proposed roof level extension notably the pattern of glazing, the use of fibre glass surrounds and metal fittings. It is felt that the less than substantial harm is effectively outweighed by the public benefit of arresting the physical decline of the building and ensuring its continued viable use, even when considerable importance and weight is given to that harm. Additionally, the harm caused by the window design for the proposed roof level extension may be effectively mitigated by condition to any approval requiring a revised window design.

4.9 Harm has been identified in respect of the internal works which are the subject of the parallel Listed Building Consent application and the impact of the internal works is considered in that Report elsewhere on the Agenda. However, the concerns raised are being addressed by the applicant and it is felt that the public benefits of the scheme in terms of protecting the building and securing its significance for the long term benefit of the community and the wider area outweighs the less than substantial harm caused by the scheme as amended even when considerable importance and weight is given to that harm.

LOSS OF EMPLOYMENT LAND AND PREMISES

4.10 The application site was purpose built as an office development and the previous hybrid (Outline/Full) planning permission for redevelopment of the site envisaged its retention in an office use which would be the most favourable alternative in terms of compliance with Government policy relating to Conservation contained in the National Planning Policy Framework. A subsequent partial use of the premises as offices for a firm of solicitors has not however proved successful. The joint developer in respect of the current application, Henry Boot Ltd has undertaken an exhaustive exercise to market the premises since purchasing the premises in 2012. No substantive proposals to reuse the premises for offices have been brought forward with the character and internal layout not readily lending itself to the requirements of Modern office use. In these circumstances where there is not a reasonable prospect of a site being retained in employment use paragraph 22 of the National Planning Policy Framework makes clear that planning applications should be determined on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

IMPACT UPON THE AMENITIES OF PROSPECTIVE RESIDENTS OF THE PREMISES

4.11 Paragraph 17 of the National Planning Policy Framework "Core Planning Principles" indicates that Local Planning Authorities should give significant weight to the provision of a good standard of amenity to all new and existing occupiers of land and buildings. Concern has been expressed in respect of the access afforded residents of the proposed premises to secure external amenity space. The proposal does however incorporate an external roof terrace at the level of the roof extension specifically geared to the undertaking of craft activities, supervised access would be readily available to the restored Peace Garden to the south west of the Multi-Storey Factory and a substantial internal amenity area geared to a variety of therapeutic and entertainment uses would be provided within the area of the former typing pool. It is therefore felt that the provision of amenity space for prospective residents is acceptable and that the requirements of paragraph 17 of the NPPF can be achieved.

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

4.12 The proposal identifies a disabled parking and drop off area within the existing forecourt together with the provision of a further 22 dedicated spaces within the former surface level car park associated with the factory to the south of Bishopthorpe Road. Subject to the submission and approval of a detailed plan safeguarding the identified spaces the proposal is felt to be acceptable.

5.0 CONCLUSION

5.1 The Grade II Listed Terry's Headquarters Building has been vacant and deteriorating since 2011 when after chocolate manufacture at the site ceased, the subsequent office tenant vacated the premises. Planning permission is now sought for conversion of the premises into an 82 bed care home with 8 extra care apartments. It is felt that whilst the proposal would give rise to less than substantial harm to the special character of the Listed Building that such harm is more than outweighed by the clear public benefit of arresting the building's physical decline whilst ensuring its future in a long term viable use, even when considerable weight and importance is attached to that harm. It has been clearly demonstrated that a long term office use is unlikely and that adequate amenity space can be provided within or adjacent to the site to serve the needs of residents and visitors. The development is therefore felt to be acceptable in planning terms and approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing Refs:- A10 00 15; A10 00 02; A20 00 01; A20 00 02; A20 00 03; A20 00 99; A20 01 01; A20 01 02; A20 01 03; A20 01 04; A20 01 99; A20 02 01; A20 02 02 ; A20 02 03; A20 02 99; A20 03 01; A30 00 01; A30 00 02; A30 00 03; A30 00 04.

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

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to internal works first commencing. The development shall be carried out using the approved materials.

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 as to achieve a visually cohesive appearance.

4 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 individual apartments and the works shall be carried out in accordance with the approved details.

Full external details windows to the roof top extension including profiles and materials

Any additional guarding required to parapet

External lighting and signage proposals should also be submitted

Landscape proposals should also include a co-ordinated set of street furniture. Details should be submitted

The outer wall of the curved drum over the lantern (terne coated steel to be used and elevations revised to accord with plan)

Location and design of any vents in the external wall (to be avoided if possible)
Details of privacy measures in windows to bathrooms on outer wall

Details of automatic doors and associated push-plates as they affect the exterior of the building

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

5 Before the commencement of development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle access to the site. It shall include details of measures to be employed to prevent the egress of mud, water and other detritus onto the public highway. It shall include for the provision of a dilapidation survey of the highways adjoining the site. Once approved, the Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

REASON: To safeguard the amenity of residential occupants on the site and in the

6 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

7 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible at the boundaries of the nearest residential properties 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 the background noise level 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. Whilst it is acknowledged that at background levels of less than 30dB(A) use of BS4142 is inappropriate, EPU consider that in such circumstances the combined rate level of plant inclusive of any character correction should not exceed 30dB(A).

Reason: To protect the amenity of local residents

8 HWAY18 Cycle parking details to be agreed

9 HWAY19 Car and cycle parking laid out

10 Provision for 22 car parking spaces will be made available upon first use of the care home hereby authorised and maintained as such thereafter for the dedicated use of the care home within the existing car park, as shown on plan A10 00 15.

Reason: - To secure the safety and convenience of local highway users.

11 LAND 1 Landscaping details to be approved

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:

- i) Details of Proposed Off Site Car Parking;
- ii) Details of Intermediate Office Use of the Site

2. 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:

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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 manufacturer's 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

Contact details:

Author: Erik Matthews Development Management Officer

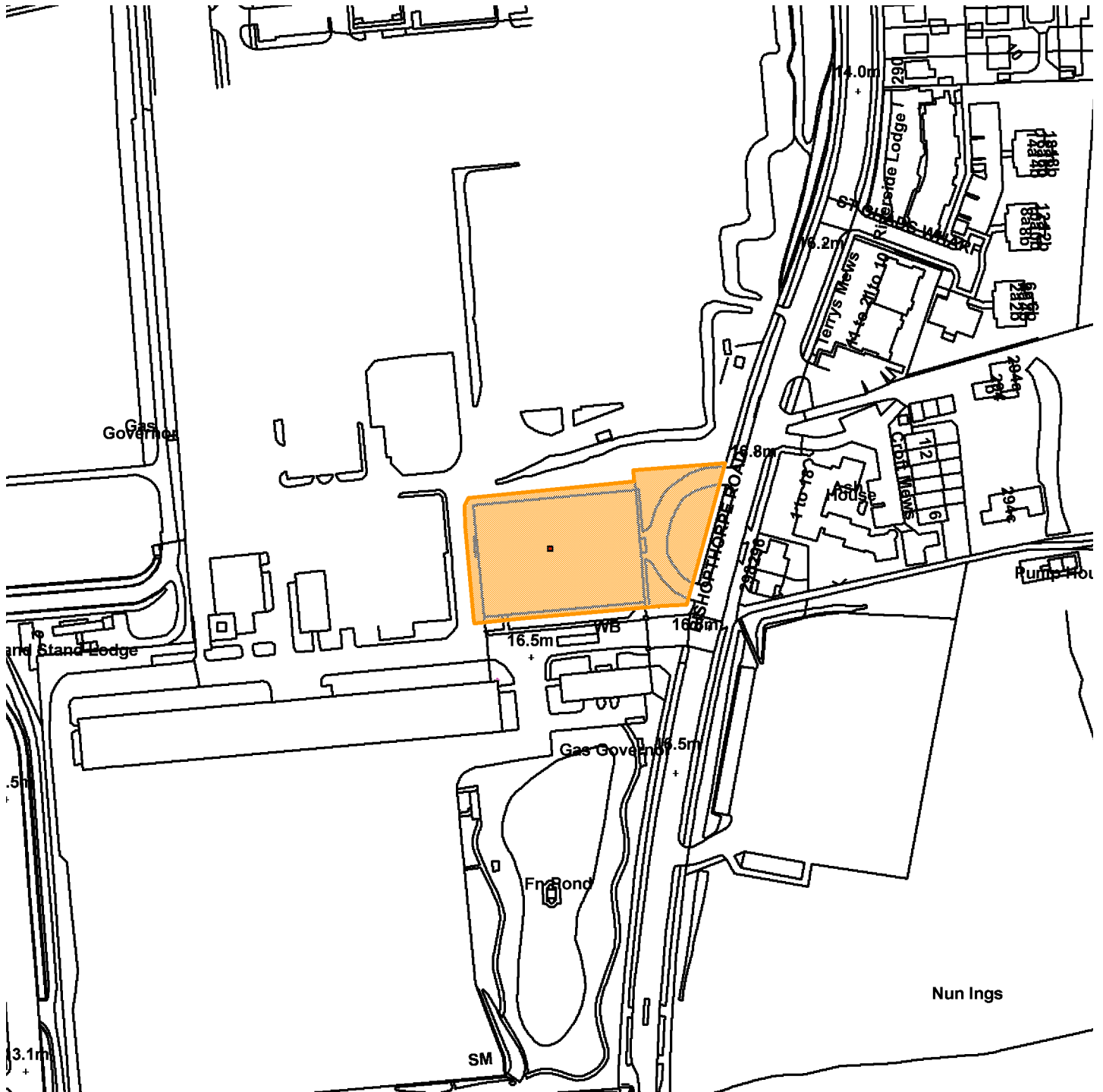
Tel No: 01904 551416

15/01623/FULM

Former Terrys Offices, Bishopthorpe Road, YO23 1DE



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Organisation	City of York Council
Department	CES
Comments	Location plan
Date	09 October 2015
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COMMITTEE REPORT

Date: 22 October 2015 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
Commercial Team Panel

Reference: 15/01624/LBC
Application at: Former Terrys Offices Bishopthorpe Road York YO23 1DE
For: Internal and external alterations in connection with conversion of former headquarters building to care home with rooftop extension
By: Springfield Healthcare Group & Henry Boot Developments Ltd...
Application Type: Listed Building Consent
Target Date: 30 October 2015
Recommendation: Approve

1.0 PROPOSAL

1.1 The Terry's Headquarters Building comprises a Grade II Listed brick and stone built former office block to the east of the former entrance to the Terry's chocolate manufacturing complex dating to the early 1920s. The site also lies within the Terrys/Racecourse Conservation Area. The premises have been vacant and deteriorating since 2011 when after chocolate manufacture at the site ceased, the subsequent office tenant vacated the premises. Listed Building Consent is now sought for internal and external works to facilitate conversion of the premises into an 82 bed care home with 8 extra care apartments. The proposal includes a single storey roof level mansard extension.

2.0 POLICY CONTEXT

2.1 Draft 2005 Development Plan Allocation:

Conservation Area GMS Constraints: Racecourse CONF

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

Listed Buildings GMS Constraints: Grade 2; Terry's Of York Head Offices Bishopthorpe Road

2.2 Policies:

2005 Draft York Local Plan (4th set of changes)

CYHE4 Listed Buildings

City of York Local Plan – publication Draft 2014

D5 Listed Buildings

3.0 CONSULTATIONS

INTERNAL:-

3.1 Planning and Environmental Management raise no objection in principle stating an exceptionally high degree of detailed information has been provided which removes much of the uncertainty from a conversion of this type. The new use inevitably places increased pressure on the building and its environment and the information demonstrates how the impact has been mitigated to a level compatible with the conservation of the building. A number of conditions requiring sample materials, large scale details of elements of the development and a repair scheme are recommended.

EXTERNAL:-

3.2 Micklegate Planning Panel raises no objection to the proposal.

3.3 Historic England raises no objection to the proposal subject to the architecturally important internal finishes being safeguarded.

3.4 The Twentieth Century Society whilst supporting the proposed internal works, object to the design of the proposed roof level extension which it is felt would seriously erode the character and design intent of the office building and would equate to substantial harm to its significance as defined by paragraphs 132 and 133 of the National Planning Policy Framework. It is felt that the public benefit of arresting the physical decline of the building and returning it to a viable use would not outweigh the degree of harm and that the previously permitted roof level extensions to the former Time Office and Multi-Storey Factory do not constitute a precedent because of their fundamentally different purpose and design intent. The applicant has subsequently responded to these concerns in some detail.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 Key considerations include:-

- Impact upon the historic character and integrity of the Listed Building.
- Whether the proposed works to the listed building would preserve or enhance the character or appearance of the Terrys/Racecourse Conservation Area.

STATUS OF THE YORK DEVELOPMENT CONTROL LOCAL PLAN (2005 4th Set of Changes).

4.2 The York Development Control Local Plan was approved for Development Control purposes in April 2005; its policies remain material considerations in respect of 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

IMPACT UPON THE HISTORIC CHARACTER AND INTEGRITY OF THE LISTED BUILDING

4.3:- Sections 16 and 66 of the Planning(Listed Buildings and Conservation Areas) Act 1990 indicate that in considering whether to grant listed building consent for works the Local Planning Authority must have special regard to the desirability of preserving the Listed Building or its setting or any special historic or architectural features it possesses. Section 72 of the Act requires that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged). As these sections impose a statutory duty, it must be given considerable importance and weight when carrying out the balancing exercise. Where harm is identified to a Heritage Asset there will be a strong presumption against the grant of permission.

4.4 In addition to the statutory duty, Central Government Planning Policy as outlined in section 12 of the National Planning Policy Framework is also to be applied. The legislative requirements of Sections 66 and 72 are in addition to the government policy contained in Section 12 of the NPPF, notably paragraphs 132 to 134. The NPPF classes listed buildings and Conservation Areas as “designated heritage assets”. The NPPF advises on heritage assets as follows:

-Paragraph 132 advises that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be” ... “As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.”

-Paragraph 133 advises that “Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of four specified criteria apply

-Paragraph 134 advises that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum use.”

IMPACT UPON THE HISTORIC CHARACTER AND INTEGRITY OF THE LISTED BUILDING

4.5 BUILDING SIGNIFICANCE:- The Terry's Headquarters Building is one of a group of five architecturally co-ordinated purpose-built factory buildings constructed between 1924 & 1930 to the designs of architects J G Davies and L E Wade. The buildings were listed individually at Grade II following closure of the complex in 2006. The architecture of the Headquarters Building is of an early C20th classical revival style with art deco influence, using red brick with stone detailing particularly prominent around the entrance area. The building was designed with a hierarchy of offices and board rooms at the site frontage on Bishopthorpe Road with distinctive and highly decorative wooden panelled interiors and a grand centrally placed staircase with a glazed atrium above. In the centre of the building lay an innovatively designed full height north lit typing pool with laboratories arranged around the remaining three sides of the building. Overall with the exception of a doorway formerly giving access to a second floor 1970s bridge extension to the rear the building gives an appearance of a symmetrically planned early 20th Century Neo-Georgian structure cleverly concealing its industrial purpose to the rear.

4.5 THE PROPOSAL:- It is proposed to convert the building into a mix of 82 single and twin care bed rooms with 8 extra care apartments predominantly within a single storey roof level mansard extension. The principal communal rooms and administrative functions associated with the proposed use would be located towards the site frontage and accessed from the main Bishopthorpe Road entrance. The central typing pool would be converted into a large in door amenity space with artificial plants with a series of spaces designed for residents to entertain visitors and to engage in therapeutic and craft activities around its fringe. Some of the ornate panelled rooms at the site frontage would be subdivided in order to form the care suites. A series of lifts would be provided through the building to enable staff and resident access through the various levels. The roof level extension would give access to a roof terrace on the Bishopthorpe Road frontage of the site, that would form an amenity area enabling residents to take part in communal and therapeutic activities securely out of doors.

4.6 ASSESSMENT OF IMPACT:-The building's proposed conversion to a care home use would sustain the historic, aesthetic and communal significance of the building. The evidential significance illustrated by the hierarchy of panelled office and board rooms along the Bishopthorpe Road frontage would to an extent be lost through the proposed works of sub-division to allow for the formation of the care suites and new communal and administrative functions.

4.7 Alterations to the character of a listed building require clear and convincing justification. In this instance justification for the extent of alterations required for the care home use has been provided by the outcome of the marketing exercise which has concluded that there is no current developer interest in the building for the office use for which it was designed or other uses potentially less damaging to the interior such as a hotel with associated restaurant. The unusual and very process and period-specific internal layout and its current condition have also been seen as significant negative factors in attracting development at this time. Although the alterations proposed would be regarded as causing less than substantial harm to the interior of the building, they do not lead to unacceptable loss of significance overall. The public benefit of having the heritage asset in active use as care home accommodation is regarded as outweighing the less than substantial harm. The current proposals are therefore welcomed to sustain the long term future of such a significant building and its relationship with the wider community.

4.8 Notwithstanding the broad support for the proposal several detailed design concerns remain which the applicant has agreed to address. Concern and consultee objection has also been highlighted in respect of the proposed roof level extension and the appropriateness of its design. The proposed roof level extension is seen as necessary to secure the effective operational management of the care home and also to secure its viability. The design of the roof top extension has been the subject of significant negotiation and amendment to secure the most appropriate format to fit the design of the building, the adopted architectural metaphor and also the requirements of the end user. The relationship of the frontage of the extension to the roofscape of the building and the principal views from Bishopthorpe Road has been a subject of especial concern in terms of the design development. As such the adopted format has been recessed away from the site frontage in order to minimise visual impact whilst at the same time creating adequate space for an external amenity area. The proposal envisages the use of a mansard roof which is characteristic of buildings using a Neo Classical architectural metaphor. As such it is felt to safeguard the wider significance of the building. It will however give rise to some material harm to the significance of the central typing pool section of the building. This harm is however felt to be less than substantial and more than outweighed by the public benefit of arresting the physical decline of the building and safeguarding its future in a viable economic use. The proposed window design incorporating metal frames and fibreglass cheeks is however a subject of some concern. This may however be effectively addressed by a revised scheme secured

by condition as part of any approval and the design and the principle of the roof level extension remains acceptable.

4.9 Some concern has also been highlighted in respect of the proposed internal works notably the need for and location of plant and services within the building and any potential harm resulting to its significance. The applicant has agreed to address this and the recommended solution will be reported to the Meeting. The proposed treatment of the glazed rotunda above the central stairway is also a subject of concern; a stainless steel treatment is specified although a treated finish to resemble lead would be more appropriate. This could be secured by condition attached to any permission along with the detail of any replacement door furniture which should match the brass finish of the existing. In terms of fenestration for the existing building internal screens should be provided rather than frosted glass for the external windows of bathrooms and secondary double glazing in place of double glazed sashes in vulnerable areas. The applicant has agreed to explore these issues further and an update will be reported at the Committee meeting.

IMPACT UPON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA:-

4.10 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the Council "to have special regard to the desirability of preserving and enhancing the character and appearance of Conservation Areas. As a statutory duty any harm to the conservation area must be afforded considerable weight and importance when considering the planning balance and this is outlined below. Where any harm is identified to a Heritage Asset there will be a strong presumption against the grant of permission.

4.11 Central Government Planning Policy as outlined in paragraph 131 of the National Planning Policy Framework urges Local Planning Authorities to give significant weight to the desirability of sustaining and enhancing the significance of heritage assets and putting them to uses consistent with their conservation.

4.12 The complex of preserved early 20th Century Industrial buildings together with the adjacent racecourse complex along with its landscape setting is designated as a Conservation Area in view of its significant contribution to the wider townscape and visual character of the City. The seriously deteriorating structural state of the various buildings particularly when seen against the context of the racecourse to the north west has harmed the appearance of the Conservation Area. The proposal seeks to bring the second principal building of the complex back into a beneficial use which would have the effect of arresting any further decline. The proposed roof level extension as amended would also be visible to a modest extent within views of the wider Conservation Area. It is felt that the proposed works taken together do not cause any harm to the Conservation Area, and would secure its preservation and

enhancement in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act.

5.0 CONCLUSION

5.1 The Headquarters Building the subject of this application has been partially vacant for 10 years and vacant in its entirety since 2011 and its condition has deteriorated substantially giving rise to serious concern. In this context it is important to secure the optimum viable use compatible with the building's conservation to ensure its survival for future generations. The proposed conversion for care home use would sustain the historic, aesthetic and communal significance of the building.

5.2 The evidential significance illustrated by the design and layout of the principal offices and boardrooms, its environment and finishes, would to an extent be lost and this could be regarded as less than substantial harm within the terms of paragraph 134 of the National Planning Policy Framework. Although the internal alterations proposed would be regarded as giving rise to less than substantial harm they do not lead to unacceptable loss of significance of the building overall. Providing the remaining issues of detail are addressed as indicated by the applicant the formation of the proposed care home would out-weigh the identified less than substantial harm, even when attaching considerable importance and weight to that harm.

5.3 Notwithstanding the less than substantial harm identified it is felt that the public benefit arising from the proposal would ensure that the terms of Section 16, 66 and 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act would be complied with, in respect of securing the character of the Conservation Area and the Listed Building and approval is therefore recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIMEL2 Development start within three years (LBC)

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

Drawing Refs:- A03 10 01; A03 10 02; A03 10 03; A03 10 04; A03 10 05; A03 10 06; A03 10 07; A03 10 08 ; A03 10 09; A03 10 10; A03 10 11; A03 10 12; A03 10 13 ; A03 10 14; A03 10 15; A03 10 16; A03 10 17; A03 10 18; A03 10 19; A03 10 20; A03 10 21; A03 10 22; A03 10 23; A03 10 24; A03 10 25; A03 10 26; A03 10 27; A03 10 28; A10 00 01; A10 00 02; A20 00 01; A20 00 02; A20 00 03; A20 00 99; A20 01 01; A20 01 02; A20 01 03; A20 01 04; A20 01 99; A20 02 01; A20 02 02; A20 02 03; A20 02 99; A20 03 01; A30 00 01; A30 00 02; A30 00 03; A30 00 04;

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A30 00 05; A30 00 06; A31 00 01; A31 00 02; A31 00 03; A31 00 04; A31 02 02;
A32 00 00; A32 00 02; A32 00 03; A32 00 04; A32 00 05; A33 00 01; A33 00 02;
A90 00 01; A90 00 02; A92 00 01; A92 00 01; A92 00 02; A92 00 03; A92 00 04;
A92 00 05; A92 00 06; A92 00 07; A92 00 08; A92 00 09; A92 00 10; A92 00 11;
A92 00 12; A92 00 13; A92 00 14; A92 00 15; A92 00 15 16; A92 00 20; A92 01 01.

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

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of internal conversion works. The development shall be carried out using the approved materials.

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 as to achieve a visually cohesive appearance.

4 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.

At 1:20 & 1:5 as appropriate of the following elements:

- i) Dormer windows in the mansard (revised to show a capping, and using terne coated stainless steel or slates on the cheeks). Windows should be of the sliding sash type (not top-openers).
- ii) The outer wall of the curved drum over the lantern (terne coated stainless steel to be used and elevations revised to accord with plan).
- iii) Location and design of any vents in the external wall (to be avoided if possible).
- iv) Details of roof top access, gangways, safety measures, lift over-run and roof lights above the general roof line.
- v) Details of privacy measures in windows to bathrooms on outer wall.
- vi) Details of automatic doors and associated push-plates as they affect the

exterior of the building.

vii) External lighting of building and terraces.

viii) Details of new and replacement internal door and window furniture.

ix) Details of the landscape shall be provided including planters and borders of hard and soft landscape, balustrades and walls, seating and other furniture and any lighting integrated with the schemes.

x) Details of safety lamination to glass soffit over atrium and to glass walls around corridors and in former "over-seer's office" if required.

xi) Notwithstanding submitted details, revised details of kitchen and bathroom pods showing the introduction of a recessed separating strip scribed to existing details at abutments.

xii) Oak floors to be retained and made good in the suites.

xiii) Ceramic tiled floor in the hall must be retained and repaired as shown. Details of any overlays or other measures to increase slip resistance should be provided.

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

5 Prior to the commencement of internal conversion works full details of all externally mounted plant including locations, design and any guarding shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved prior to the approved care home being first occupied.

Reason: To safeguard the historic character and integrity of the Listed Building.

6 Prior to the commencement of internal conversion works full details of the proposed internal services including locations, ducting and associated suspended ceilings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved prior to the approved care home being first brought into use.

Reason: To safeguard the historic character and integrity of the Listed Building.

7 Prior to the commencement of internal conversion works full details of the proposed external paint colours shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the approved details prior to the approved care home being first brought into use.

Reason: To safeguard the historic character and integrity of the Listed Building.

8. Prior to the commencement of internal conversion works a full schedule of internal and external repairs to the building shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved before the care home is first brought into use.

Reason: To safeguard the historic character and integrity of the Listed Building.

9. Details of any further adaptations of existing features or fabric in the entrance hall required to address safety or fire issues shall be submitted to and approved in writing by the Local Planning Authority prior to implementation and shall thereafter be implemented in accordance with the approved details.

Reason: To safeguard the historic character and integrity of the Listed Building.

10. Notwithstanding the door schedule submitted, there shall be a review of ironmongery on the varnished doors to retain special handles and matching plates. The final schedule shall be submitted and agreed in writing by the Local Planning Authority and thereafter adhered to.

Reason: To safeguard the historic character and integrity of the Listed Building.

7.0 INFORMATIVES:

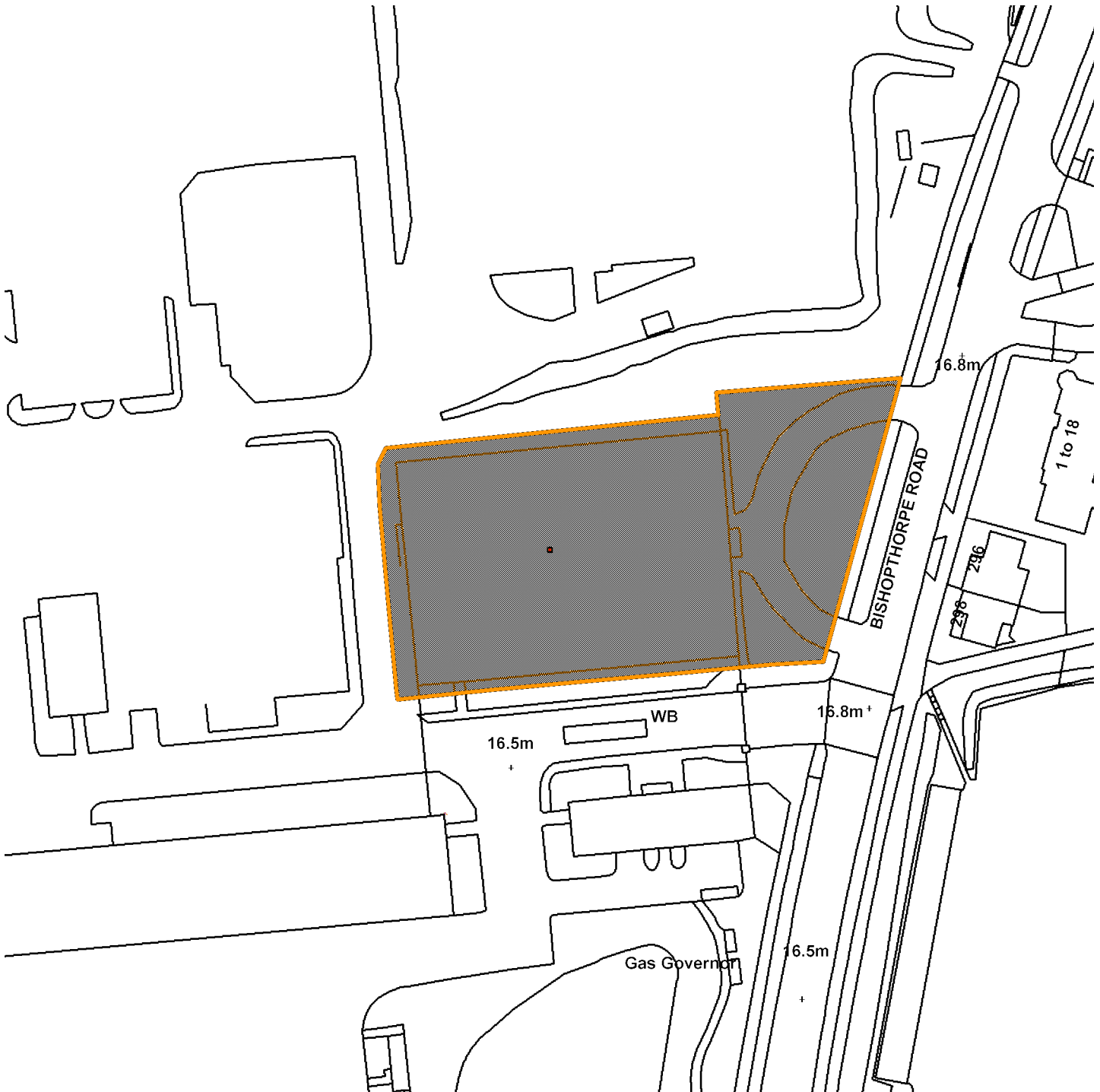
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15/01624/LBC

Former Terrys Offices, Bishopthorpe Road, YO23 1DE



Scale : 1:1059

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Organisation	City of York Council
Department	CES
Comments	Location Plan
Date	09 October 2015
SLA Number	Not Set

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COMMITTEE REPORT

Date: 22 October 2015 **Ward:** Rural West York
Team: Major and **Parish:** Skelton Parish Council
Commercial Team

Reference: 15/01659/FUL
Application at: Grantchester Stripe Lane Skelton York YO30 1YJ
For: Use of land for a 20 pitch touring caravan and camping site
By: Mr G Crosby
Application Type: Full Application
Target Date: 26 October 2015
Recommendation: Approve

1.0 PROPOSAL

1.1 This is a full application for the use of land to the rear of Grantchester, Stripe Lane, Skelton as a caravan and camping site.

1.2 Grantchester is located at the junction of the A19 and Stripe Lane within the parish of Skelton. A replacement dwelling is in the process of being constructed to the A19 frontage of the site. The land to which the application relates is located behind the dwelling and is accessed via a separate access from Stripe Lane. The site has recently been granted a 5 caravan and 10 tent certification by the caravan and camping club and is being operated within the parameters of this licence. A small building has been constructed on the south side of the plot which provides toilet facilities and water and emptying points are located towards the northern boundary. The site area is approximately 0.37 ha.

1.3 The proposal is to increase the use of the site to accommodate up to 20 caravans or tents. The application is supported by a site layout plan which shows the position of the pitches. The pitches are grass (there are no proposals to provide hard surfaced pitches - this has been clarified by an amended plan). Electric hook ups are already provided for the pitches.

1.4 To the north of the site is Stripe Lane which provides access to Overton and to a well used pedestrian and cycle access track into the city. To the south the land borders Skelton Garden Centre and associated domestic property and to the west is an existing residential property. East of the site is the location of the replacement dwelling beyond which is the A19.

PLANNING HISTORY

1.5 Planning permission was granted for the replacement dwelling on land adjacent to the site in July 2012 (planning reference 12/01577/FUL).

1.6 Amendments to the approved dwelling were refused and subsequently allowed on appeal in November 2014 (planning ref: 14/01498/FUL).

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

See section 4 paragraphs 4.2 to 4.11

3.0 CONSULTATIONS

INTERNAL

PLANNING AND ENVIRONMENTAL MANAGEMENT

3.1 ARCHAEOLOGY - No objections

3.2 ECOLOGY - There are no statutory or non-statutory nature conservation sites within or in proximity to the site. Immediately south of the site, in the grounds of Skelton Garden Centre, is a pond. There are a number of other ponds within the wider area. The pond within the Skelton Park Trading Estate and one further south west was surveyed for great crested newts in 2014 and none were recorded. The short mown and frequently used grassland is sub-optimal terrestrial habitat for amphibians. It is not indicated that any of the trees or hedgerows will be removed as part of the proposals, however some of the new pitches are shown closer to the trees and it may be beneficial to remove the pitch under the tree within the hedgerow on Stripe Lane to avoid damage to its root zone. Additional lighting for the site is not specified however if required it should be designed in a sensitive manner to minimise light spill.

EXTERNAL

3.3 SKELTON PARISH COUNCIL - The site is in the Green Belt and the application does not demonstrate the exceptional circumstances that are required to allow a development of this size in Green Belt. The highway infrastructure is unsuitable for the proposed use. Stripe Lane is narrow, only one caravan would be able to pass along it at a time and there is no slip road on the A19 junction; with the size of site proposed there would be a danger of caravans queuing on the A19 to turn in.

3.4 ENVIRONMENT AGENCY - No comments

3.5 Three letters of objection have been received covering the following points:-

- The road is only 10 ft wide with 5 ft verges with gulleys beyond on either side - difficult if not impossible for two cars to pass at the present time - access at the junction with the A10 is difficult.
- There is no street lighting.
- The junction of Stripe Lane with the A19 already has significant access and egress difficulties
- The main water stop tap for Glen Cottage is at the road junction
- The lane is a popular walking /cycling route - extra traffic would cause significant danger
- The site is within the Green Belt; the use of land as a caravan site is inappropriate development within the Green Belt. By definition, inappropriate development is harmful to the Green Belt. This harm must attract substantial weight.
- The site contributes to the purposes of including land in the Green Belt.
- The development would result in a material reduction in openness
- Skelton village trust consider that no very special circumstances exist to justify a grant of planning permission.
- If permission is granted conditions should be attached to ensure that the site is occupied for holiday accommodation only and that the sit shall not be used for permanent residence.
- Overton Parish meeting consider that this development affects Overton greatly.
- The road is not of sufficient width to take caravan manoeuvres. The certified site has already caused problems with caravans attempting to enter the site or getting lost on Stripe Lane.

4.0 APPRAISAL

4.1 Key Issues

- Planning policy
- Green Belt
- Sustainability
- Residential amenity
- Access and parking arrangements
- Ecology and landscape

PLANNING POLICY

4.2 The site is located within the general extent of the Green belt on the north side of York.

National Policy

4.3 Paragraph 14 of the National Planning Policy Framework (NPPF) says that at the heart of the NPPF is a presumption in favour of sustainable development for decision taking this means that where the development plan is absent, silent or relevant policies are out-of-date granting planning permission unless specific policies in the framework indicate development should be restricted. (Foot note 9 indicates restrictions include Green Belt locations).

4.4 One of the twelve core planning principles set out in the National Planning Policy Framework (NPPF) is to protect the Green Belt around urban areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities (Paragraph 17).

4.5 Section 3 of the NPPF says that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

4.6 Section 9 of the NPPF says that the essential characteristics of Green Belts are their openness and their permanence (para.79). One of the five purposes of including land within the Green Belt is to assist in safeguarding the countryside from encroachment (Paragraph 80). Once defined Local Planning Authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land (para.81). The re-use of buildings is not inappropriate provided the buildings are of permanent and substantial construction, the openness of the Green belt is preserved and proposals do not conflict with the purposes of including land in the Green belt (paragraph 90).

4.7 The NPPF says at Annex 1, paragraph 216, that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. Weight may also be given to relevant policies in emerging plans according to the stage of preparation

Development Plan

4.8 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt . These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and

environmental character of York, including its historic setting, views of the Minster and important open areas.

Local Plan

4.9 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are however considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

4.10 The relevant policies applicable to this application include: GP1: 'Design' which requires that development among other things respects or enhances the local environment; policy V1 'visitor related development' encourages appropriate visitor related development and V5 'caravan and camping sites'.

4.11 Policy V5 says that planning permission for new caravan/camping sites outside settlement limits will only be granted provided:

- a) The number of pitches does not exceed 20; and
- b) There will be no pitches for static caravans; and
- c) The proposal does not involve the erection of permanently-sited ancillary buildings other than toilets/washrooms and a site office; and
- d) The site is associated with an existing settlement and of a compatible scale to the settlement; and
- e) The site is readily accessible by public transport; and
- f) There is no adverse effect on the openness of the Green Belt; and
- g) It provides a direct benefit to the local residential workforce; and
- h) The approach roads are suitable for caravans; and
- i) There is no adverse effect on the provision of local services; and
- j) The proposal is complimentary to recreational opportunities in the vicinity; and
- k) It provides a direct benefit to the local residential rural community.

Emerging Local Plan

4.12 The planned consultation on the Publication Draft of the City of York Local Plan, which was approved by the Cabinet of the Council on the 25 September 2014, has been halted pending further analysis of housing projections. The emerging Local Plan policies can only be afforded weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight is limited. The most relevant of the document's policies is policy EC6 which says that York's rural economy will be sustained and diversified through, among other things, permitting camping and caravan sites for holiday and recreational use where proposals can be satisfactorily integrated into the landscape without detriment to its character, are in a location accessible to local

facilities and would not generate significant volumes of traffic. Seasonal occupancy should be conditioned on visitor accommodation.

4.13 In the absence of a formally adopted local plan the most up-to date representation of key relevant policy issues is the National Planning Policy Framework (NPPF). It is against this Framework that the application proposal should principally be addressed.

ASSESSMENT OF HARM TO THE GREEN BELT

4.14 The site is located within the general extent of the Green Belt as described in the RSS; is shown as being within Green Belt on the proposals map in the DCLP and retained within the Green Belt in the emerging Local Plan.

4.15 Although paragraph 14 of the NPPF sets out a presumption in favour of sustainable development, in accordance with the footnote referenced within paragraph 14 the presumption in favour of sustainable development does not apply in Green Belt locations.

4.16 The existing use of the site permitted development as it is certified by The Camping and Caravanning Club, which allows land owners to set up small campsites accommodating up to 5 caravans or motor homes and 10 tents at any one time. As such, the existing use of the land as a caravan site falls within Class A of Part 5, Schedule 2 of the General Permitted Development Order. Thus, the existing use of the application site is lawful and does not require planning permission. The application is to seek full planning permission to use the site as a caravan and camping site so that the use is not restricted to members only and to increase the number of pitches to a total of 20, 5 more than the current certification allows.

4.17 Paragraph 89 and 90 of the NPPF set out those developments that may be considered exceptions to inappropriate development in the Green Belt. All other development is inappropriate and by definition, harmful to the Green Belt and should not be approved except in very special circumstances

4.18 The proposal does not fall within any of the exceptions to inappropriate development in paragraphs 89 and 90. It therefore constitutes inappropriate development within Green Belt policy terms. Paragraph 87 says that inappropriate development is by definition harmful to the green belt and should not be approved except in very special circumstances. Paragraph 88 says that substantial weight should be given to harm and that '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. Whether there are such other considerations which amount to very special circumstances is assessed below at paragraph 4.26.

Openness

4.19 NPPF Paragraph 79 establishes that openness is an essential characteristic of Green Belt. The proposal would increase the use by 5 pitches. The access gates would need to be set back 11 metres into the site and there would be a level of change to traffic and site usage resulting from the additional pitches. The site has established landscaped boundaries to bordering development and has an established hedge row to Stripe Lane. Beyond the site is an open flat landscape.

4.20 Because of the increase in the number of units, the change to the access arrangements needed to accommodate the development and the associated additional traffic movements, it is considered that overall the development will occupy the site in a more intense way which will reduce openness. The harm arising from the loss of openness given the existing use will be small.

Purposes of Green Belt

4.21 The Green Belt purposes are to check unrestricted sprawl of built up areas; prevent neighbouring towns merging into one another; assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns and to assist in urban regeneration. In this case the site area of the existing certified caravan and camping use and the site area of the proposed intensified use are the same, so that the impacts are contained within the same boundary and will not in officers' view undermine the purposes of Green Belt.

SUSTAINABILITY

4.22 It is an accepted principle that visitors to caravan and camping sites are more likely to arrive by car. The site is however located adjacent to the A19 which has a good bus service into York; provides opportunities to cycle into the city via a well used and recognised cycle track and is close and accessible to amenities within Skelton. The site is considered, for its rural location, to be well located to access facilities without the use of a car.

ACCESS

4.23 The certified caravan site utilises what was an existing field gate on the Stripe Lane frontage. The entrance is located some 100 metres from the junction with the A19. Stripe Lane is about 3.5 metres wide with good width grass verges to each side. The lane provides access to Overton and access to a cycle and pedestrian right of way into the City. The cycle way forms part of a national cycle route. Highway Network Management do not object to the application but require a number of conditions to ensure that the caravans arriving at the site can be accommodated without blocking the lane and to ensure the entrance gate area is properly surfaced. A number of the local objections have raised concerns about the width of the road, the potential for vehicles to miss the entrance with limited potential to turn round beyond the site and concerns about the site causing conflict between other highway

users and the proposed traffic movements. Officers consider that the traffic associated with a further five touring pitches is unlikely to significantly alter the traffic levels to the site and with the addition of the highway conditions which will require off- road vehicle parking for cars and caravans arriving at the site would improve the accessibility of the site. No objections are raised to the development from a highway perspective.

RESIDENTIAL AMENITY

4.24 To the west of the application site is a detached dwelling with a number of outbuildings. The outbuildings are located on the joint boundary with the application site. The rear area of the property is screened from the site by a substantial, mainly conifer hedge. To the south is a dwelling associated with Skelton Garden Centre. The southern boundary is well screened and landscaped. The site is well contained from its neighbours. The existing certificated site has plots located adjacent to the side boundaries and this will continue with the additional usage. With appropriate conditions which seek to enhance landscaping adjacent to the outbuildings associated with the property to the west of the site and seeking details of night time lighting the relationship between the site and its neighbours is considered to be acceptable.

ECOLOGY/LANDSCAPE

4.25 The Council's Countryside Officer is generally satisfied that ecology will not be affected by the development. Concerns about the siting of a pitch close to an existing tree are raised. This pitch has been relocated. A restriction on the provision of additional lighting is to be conditioned although the applicant informs me that no additional lighting is proposed. The only light currently used for the certified site is a light attached to the toilet block building.

4.26 In summary, the proposal would be inappropriate development. According to the NPPF, paragraph 87, inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. The proposal would also cause a small loss of openness. No harm is associated with the sustainability, highway and residential amenity implications of the development.

OTHE CONSIDERATIONS - Very Special Circumstances

4.27 The applicant has set out in a supplementary statement the other considerations considered to be very special circumstances in this case and which Members are asked to consider when applying the NPPF policy in respect of an application in the Green Belt.

4.28 These are:-

- The existence of the 15 pitch certified site
- The development will not impact on openness
- Applicant is turning away customers. There is a need for more accommodation in the north of York
- Access is along a straight length of road from the junction with the A19, visibility is good at the junction. The gated entrance provides a passing place for all traffic along Stripe Lane. The lane is used by farm vehicles and concerns about caravans causing a problem are unfounded.
- There is a regular bus service into the city
- Local businesses benefit from the site use.
- The vast majority of visitors bring cycles and use the cycle track
- Existing refuges on the A19 allow easy access to Skelton

4.29 In addition the applicant has provided a list of those that have enquired about availability of pitches but that it has not been possible to accommodate within the site. This details 31 enquiries between June and September.

4.30 Paragraph 81 of the NPPF says that once Green Belts have been defined, local planning authorities should plan positively to enhance its beneficial use by, among other things, looking to provide opportunities for outdoor sport and outdoor recreation. The NPPF is also supportive of development that is beneficial to the rural economy.

4.31 The site is already used as a caravan and camping site. The additional 5 pitches will add in a small way to the benefits suggested by the developer and the applicant has shown that there is clear demand for the use of the site. In addition the development offers the opportunity to apply conditions which seek additional landscaping and better arrangements at the site access particularly for towing vehicles. Even when attaching substantial weight to the harm to the Green Belt these benefits are considered to amount to very special circumstances in this case sufficient to outweigh the potential harm to the Green Belt and any other harm.

5.0 CONCLUSION

5.1 The application site is within the general extent of the Green Belt. The proposal constitutes inappropriate development for the purposes of paragraph 88 of the NPPF, and by definition causes harm to the Green Belt. The proposed intensification of the use would result in some limited harm to the openness of the Green Belt but the use is not considered to conflict with the purposes of Green Belt set out at paragraph 80 to the NPPF.

5.2 It is considered that the other considerations put forward by the applicant together with the mitigation of other harm through the imposition of planning conditions clearly outweigh the potential harm to the Green Belt by reason of

inappropriateness and any other harm, and thereby amount to very special circumstances to justify the inappropriate development in the York Green Belt even when substantial weight is given to any harm to the Green Belt.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 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:-

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 The development shall not be begun until details of the junction between the internal access road and the highway have been [submitted to and] approved in writing by the Local Planning Authority, and the development shall not come into use until that junction has been constructed in accordance with the approved plans.

Reason: In the interests of road safety. The approval of details is required at this stage in order to ensure that the additional caravans arriving at the site can be accommodated within the site without compromising the free flow of traffic along Stripe Lane.

4 Prior to the development being brought into use details of a cycle parking area, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking area and means of enclosure shall be provided within the site in accordance with such approved details before the additional pitches are brought into use, and this area shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads.

5 The use shall not be implemented until the areas shown on the approved plans for parking and manoeuvring of vehicles and cycles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall

be retained solely for such purposes.

Reason: In the interests of highway safety.

6 No barrier or gate to any vehicular access shall be erected within 11 metres of the rear of the verge abutting the site, without the prior written approval of the Local Planning Authority, and shall at no time open towards the public highway.

Reason: To prevent obstruction to other highway users.

7 Notwithstanding the provisions of Schedule 2 Part 5 'Caravan Sites' Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order), no buildings shall be erected on site without the prior written consent of the Local Planning Authority through the submission of a planning application.

Reason: In the interests of the protection of the openness of the Green Belt.

8 The accommodation hereby approved shall not be used for residential purposes other than holiday letting. For the purpose of this condition "holiday letting" means letting to the same person, group of persons or family for period(s) not exceeding a total of 28 nights in any one calendar year. The site operator shall maintain an up-to-date register of the names and main home addresses of all occupiers of the accommodation on site, including dates and durations of each stay by each occupier, and shall make this register available for inspection at all reasonable times when requested by the Local Planning Authority. No individual caravan, motor home or tent (whether occupied or otherwise) shall be located on the site hereby permitted for a total of more than 28 nights in any one calendar year.

Reason: In order to prevent the full time residential occupation of the site. The site is not considered appropriate for full time residential use due to its position in the Green Belt.

9 This permission allows the siting only of touring caravans, motor homes and tents. No more than twenty touring caravans and/or motor homes and/or tents shall be accommodated on the site hereby permitted at any one time. At no time shall static caravans be permitted on site.

Reason: In the interests of the protection of the openness of the Green Belt as static caravans and a larger number of touring vans/ tents would have a materially greater impact on the openness of the green belt and would be likely to require increased amenity facilities.

10 Before the use is implemented 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 to be placed on the western boundary of the site adjacent to the neighbours outbuildings. This scheme shall be implemented within a period of six months of the additional pitches being brought into use. 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.

11 No additional external lighting shall be provided at the site without the prior written approval of the Local Planning Authority through the submission of a specific planning application.

Reason To protect the openness of the Green Belt

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:

- Further information requested about the demand for the use and the very special circumstances considered to exist to justify the development.
- Amended plan to look at positioning of pitches, highway requirements and to confirm use by both touring caravans and tents.

Contact details:

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15/01659/FUL

Grantchester, Stripe Lane, Skelton



Scale : 1:2119

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Organisation	City of York Council
Department	CES
Comments	Location Plan
Date	09 October 2015
SLA Number	Not Set

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COMMITTEE REPORT

Date: 22 October 2015 **Ward:** Huntington/New Earswick
Team: Major and Commercial Team **Parish:** Huntington Parish Council

Reference: 15/00798/OUTM
Application at: Land to the North Of Avon Drive Huntington York
For: Erection of 109no. dwellings
By: Pilcher Homes Ltd
Application Type: Major Outline Application (13 weeks)
Target Date: 14 August 2015
Recommendation: Refuse

1.0 PROPOSAL

1.1 Outline application for the erection of up to 109 dwellings. All matters are reserved except access. The application is accompanied by a masterplan, which is illustrative only. The application includes 1, 2, 3 and 4-bedroom houses. 30% of all house types would be affordable. The development would be bounded to the north by a landscaped buffer between the housing and the ring road. Two access points would be created via two vacant plots on the north side of Avon Drive. A new internal loop road within the development would link the two accesses. The gross density would be 22.6dph. The net density (after excluding open space, the landscaped buffer and 0.2ha for surface water attenuation) would be 32.7dph.

1.2 The application does not constitute Schedule 1 development as set out in The Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Nor, in the council's view, is it Schedule 2 development. No environment impact assessment has been requested by the council, nor has it been offered by the applicant.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

2.2 Policies:

National and local planning policy context is explained and assessed at paragraph section 4.0 below. The relevant local planning policies are listed as follows:

2005 Draft York Local Plan (4th set of changes):-

SP2 – The York Green Belt
SP3 – Safeguarding the Historic Character and Setting of York
GB1 - Development in the Green Belt
GB6 – Housing Development Outside Settlement Limits
CYGP1 - Design
CYGP4A – Sustainability
CYGP9 – Landscaping
CGP15A – Development and Flood Risk
HE10 – Archaeology
NE7 – Habitat Protection and Corridors
H2a – Affordable Housing
H3c – Mix of Dwellings on Housing Sites
L1c – New Open Space in Development
C6 – Developer Contributions Towards Community Facilities

City of York Local Plan – Publication Draft 2014:-

DP1: York Sub Area
DP2: Sustainable Development
DP3: Sustainable Communities
SS1: Delivering Sustainable Growth for York
SS2: The Role of York's Green Belt
SS3: The Creation of an Enduring Green Belt
H1: Housing Allocations
H2: Density of residential Development
H3: Balancing the Housing Market
H4: Housing Mix
H9: Affordable Housing
D7: Archaeology
GI2: Biodiversity and Access to Nature
GI4: Trees and Hedges
GI6: New Open Space Provision
GB1: Development in the Green Belt
T4: Strategic Highway Network Capacity Improvements
T5: Strategic Cycle and Pedestrian Network Links and Improvements
T10: Safeguarding Routes and Sites
DM1: Infrastructure and Developer Contributions

3.0 CONSULTATIONS

INTERNAL

PLANNING AND ENVIRONMENTAL MANAGEMENT (FORWARD PLANNING)

3.1 Objection. For the purposes of determining this application the site should be treated as falling within the Green Belt in accordance with the Regional Spatial Strategy (RSS), the 2005 City of York Council Draft Local Plan and the emerging local plan. Only certain types of development are allowed in the Green Belt, all other forms of development (including residential proposals) are considered to be inappropriate development. As such, it is necessary for the applicant to demonstrate very special circumstances to justify why the presumption against development should not apply.

3.2 The site serves the purposes of the Green Belt and is required to remain as Green Belt to maintain the openness of the site and to prevent coalescence. In the absence of the applicant putting forward an argument for very special circumstance the site is not considered appropriate for housing in this Green Belt location.

HOUSING STRATEGY AND DEVELOPMENT

3.3 Supports the application. It complies with the council's interim affordable housing approach for greenfield sites by providing 30% affordable housing, which has been agreed with the applicant. It would provide much-needed quality affordable homes in a mixed and sustainable community. A range of family house types would be provided, with a particular concentration of three bed houses, which are identified as the city's priority need in 2011 Strategic Housing Market Assessment (SHMA).

HIGHWAY NETWORK MANAGEMENT

3.4 The proposed scheme is over engineered and should be based on Manual for Streets principles to create more of a sense of place with a clear hierarchy. Two access points into a development of this scale are unnecessary. The eastern access should provide the main vehicular access into the development with the western access being used for pedestrian/cycle access only. The internal layout should be designed, constructed and offered for adoption.

3.5 Financial contributions or measures should be provided by the developer to maximise the sustainability of the development. For example, improvements to adjacent bus stops; choice of either a 12 month bus pass or equivalent value towards a free cycle/cycle accessories for first occupiers; a minimum 3.5m wide

pedestrian /cycle path running along the site's northern boundary to be adopted as public highway.

3.6 The council as highway authority would need a strip of land along the northern boundary to facilitate improvements to the Outer Ring Road. This should be offered to the council for adoption as public highway.

ENVIRONMENTAL PROTECTION UNIT

3.7 No concerns about occupiers of the new houses being protected from noise emanating from the ring road provided that the proposed double glazing is provided. A 2m-high acoustic barrier is proposed for the full length of the northern boundary of the site adjacent to the outer ring road. Such a barrier is likely to provide up to 10dB reduction in the noise level but this is still likely to result in noise levels in gardens near the ring road exceeding the council's desirable standard by up to 3dB. This is not ideal but is not sufficient to justify refusal of the application. The site appears to have been used as farmland since 1883 with no known sources of contamination. Whilst concentration changes within the immediate vicinity of the site are not expected to result in increased local exposure to air pollutants above the national air quality objectives the development will still have an overall emission impact that will contribute towards the cumulative impact of development on background air quality. In line with the Council's Low Emission Strategy and the NPPF, developers are required to demonstrate that they are making all reasonable efforts to minimise total emissions from development sites during both construction and operational phases. This would include, among other things, energy choices for heating and powering the buildings and use of low emission vehicles.

3.8 If planning permission is granted add conditions to cover the following matters: (1) submission of noise mitigation measures (2) submission of a construction environmental management plan (3) hours of construction (4) unexpected contamination and (5) electric vehicle recharging on site.

FLOOD RISK MANAGEMENT

3.9 The development is in low risk Flood Zone. No objections subject to conditions regarding (1) separate systems of foul and surface water drainage (2) Submission of drainage details including details of any balancing works and off-site works (3) no piped discharge of surface water prior to the completion of the approved drainage works.

ENVIRONMENTAL MANAGEMENT_(Archaeology)

3.10 The proposed development is likely to have a direct impact upon unknown buried archaeological features (undesigned heritage assets) within the site. It is therefore essential that a geophysical survey and an intrusive archaeological evaluation are carried out before the application is determined. If this information is not provided the application should be refused.

ENVIRONMENTAL MANAGEMENT_ (Ecology)

3.11 There are no statutory or non-statutory nature conservation sites within or immediately adjacent to the site. The main habitat on the site is semi-improved grassland with hedgerows, scattered trees and areas of plantation woodland. There is also a pond. Although these habitats are not significant in their own right they contribute to the green networks of the area. There was no evidence of great crested newts when the site was surveyed in 2012 and it is unlikely that great crested newts have colonised the pond since then. More mobile species of common wildlife that may be found on the site, such as roe deer, pheasants and foxes, would not be significantly affected by the development because they would easily be able to use surrounding habitats.

3.12 If this application were approved add conditions requiring (1) submission of an ecological design strategy addressing mitigation and enhancement (2) updated ecology surveys if development does not commence within 2 years (3) submission of a sensitive lighting scheme including consideration of impacts on biodiversity.

ENVIRONMENTAL MANAGEMENT_(Landscape)

3.13 The proposed development would have a detrimental impact on the open character of the greenbelt, and would increase the effect of coalescence between Huntington and Earswick.

LEISURE

3.14 For a development of this size all the necessary amenity and play space should be on site. If planning permission were to be granted a financial contribution should be made towards outdoor sports provision off-site. The open space shown on the illustrative masterplan does not match the open space needs of the residents of the development. The strip of open space along the northern boundary does not offer good quality amenity space. It appears to be little more than an acoustic buffer. If the open space were to be managed by the council a commuted sum for this would be required. Access from Avon Drive offers real opportunities for integrating the development with the existing community and giving walking/cycling routes to local amenities, schools etc.

EDUCATION

3.15 This site lies within the catchment of Huntington Primary school and Huntington Secondary school. If the development were to proceed there would be a need for additional provision at Huntington Primary requiring a financial contribution of £200,685.00. The need for additional provision may have changed by the time a full planning application is received. The financial contribution quoted here is therefore indicative and should be used as a guide only.

EXTERNAL

ELVINGTON PARISH COUNCIL

3.16 Objection. A precedent has been set on two previous occasions by refusal on the grounds of a future need for dualling the A1237. The land is designated as Draft Green Belt in the Draft Local Plan. The development would exacerbate road safety on an already difficult section of road. Impact on residential amenity and the character of the neighbourhood. The development would exacerbate existing drainage problems resulting in sewage polluting residential gardens and driveways. The increase in development would cause pollution to increase in frequency and volume.

JULIAN STURDY MP (ON BEHALF OF LOCAL RESIDENTS)

3.17 The land is in the Green Belt. Previous proposals have been turned down; this should be a key consideration. Approval would hinder the council's ability to achieve its goal of dualling the A1237. The development would contribute to existing traffic and congestion problems on the A1237 and more local roads. The community is concerned over the impact of the development on school places, health facilities, etc. Development would exacerbate the existing drainage of the site and gardens along Avon Drive.

COUNCILLORS ORRELL, CULLWICK AND RUNCIMAN

3.18 The site is in the Green Belt. Building on the land would mean that the communities of Huntington and Earswick would be joined. The site is needed for the future dualling of the ring road. More houses would add to the traffic problems of Huntington and the ring road. The infrastructure of the area is already under considerable strain.

ENVIRONMENT AGENCY

3.19 The development is outside the scope of issues that the EA would wish to be consulted on.

YORKSHIRE WATER

3.20 We are satisfied that the development would not encroach along the 15m corridor (i.e. 7.5m each side) of the large diameter water main that crosses the site.

FOSS INTERNAL DRAINAGE BOARD (FIDB)

3.21 The site is in an area where drainage problems exist. Development should not be allowed until the local planning authority is satisfied that surface water drainage has been satisfactorily provided for.

HIGHWAYS ENGLAND

3.22 No objection.

POLICE (DESIGNING OUT CRIME)

3.23 The site lies in an area that has relatively low levels of crime and anti-social behaviour. Any new development has the potential to increase these levels if the designing out of crime is not considered and implemented. In general the overall design of the development is to be commended as it includes many designing out crime principles and reduces the opportunity for crime and disorder. If planning permission were to be granted a condition should be attached requiring any reserved matters application to include details of crime prevention measures to be incorporated into the development.

PUBLIC CONSULTATION

3.24 The consultation period expired on 1 June 2015. 70 objections have been received raising the following planning issues:

- Contrary to green belt policy and purposes;
- Development should be on brownfield sites
- Would increase sprawl
- Would worsen existing traffic;
- Traffic is already set to increase due to other approved major developments
- Would reduce highway safety
- Site is needed for dualling of A1237
- No further development until ring road is dualled

- The main access should be from the west end of Avon Drive not east
- The site has already been rejected for housing
- There are no spare places in local schools
- Would put pressure on infrastructure/services
- Inadequate foul and surface water drainage
- Traffic pollution, noise and loss of amenity in Avon Drive
- There are already enough housing developments in Huntington
- Why should affordable housing be built here
- The housing would attract crime
- The public park would encourage anti-social behaviour
- Loss of habitats
- Loss of rural character
- Application is premature
- Loss of site for dog walking would increase risk of dog fouling on the highway.

3.25 A petition has been received containing 295 signatures. The signatories object to the proposal to develop the Green Belt land to the north of Avon Drive.

4.0 APPRAISAL

4.1 KEY ISSUES

- Policy Context
- Housing Need and Housing Supply
- Harm to the Green Belt
- Landscape Character
- Highway Matters
- Leisure and Open Space
- Affordable housing
- Biodiversity
- Neighbour and Occupier Amenity
- Archaeology
- Local Services
- Flood Risk and Drainage
- The Planning Balance

POLICY CONTEXT

4.2 Section 38(6) of the 1990 Act requires local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. There is no development plan in York other than the saved policies of the Regional Spatial Strategy (RSS) relating to the general extent of the Green Belt. The site lies 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. Policies YH9 and Y1(C1 &C2) and the key diagram on page 214 of the RSS form the statutory Development Plan for the City of York administrative area. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

4.3 In the absence of a formally adopted local plan the most up-to date representation of key relevant policy issues is the National Planning Policy Framework (NPPF). It is against this Framework that the application proposal should principally be addressed. Paragraph 7 of the National Planning Policy Framework says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Paragraph 14 states that there is a presumption in favour of development, which should be seen as a golden thread running through plan-making and decision-taking. Footnote 9 of paragraph 14 contains restrictions where this presumption in favour of sustainable development does not apply, including land designated as Green Belt. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking. They include seeking high quality design and protecting the Green Belt.

4.4 Although there is no formally adopted local plan the City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of s.38(6) its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are consistent with those in the NPPF. The most relevant Draft (2005) policies are listed and summarised at paragraph 2.2 of this report.

4.5 Paragraph 216 of the NPPF states that decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

4.6 The planned consultation on the Publication Draft of the City of York Local Plan, which was approved by the Cabinet of the Council on the 25 September 2014, has been halted pending further analysis of housing projections. It carries very little weight in the Council's consideration of this application (in accordance with paragraph 216 of the NPPF). The most relevant of the emerging policies are listed at paragraph 2.2 above.

THE APPLICATION SITE

4.7 The site comprises 4.83ha of fringe agricultural land between suburban residential dwellings to the west and south (Strensall Road and Avon Drive respectively) and the Outer Ring Road (A1237) to the north and east. The boundaries to the north and east are edged by mature trees and hedges. The ring road in this location is a single carriageway, for which the council has aspirations to upgrade to a dual carriageway. The site is between the defined settlement limits at Huntington and Earswick and is within the general extent of the York Green Belt.

HOUSING NEED AND HOUSING SUPPLY

4.8 Paragraph 14 of the NPPF says that Local Planning Authorities should positively seek to meet the development needs of their area. Paragraph 47 says that to boost housing supply local authorities should use their evidence base to ensure that the Local Plan meets the full, objectively assessed needs for market and affordable housing, including identifying sites which are critical to the delivery of the housing strategy over the plan period. Plans should be deliverable as set out in paragraph 173. Although the emerging Local Plan policies can only be afforded very limited weight in accordance with paragraph 216 of the NPPF, the evidence base that underpins the emerging policies is a material consideration in the determination of this planning application.

4.9 A report was taken to the Council's Local Plan Working Group on 29 September 2015 to update Members on a revised Objective Assessment of Housing Need (OAHN) undertaken for the Council by consultants Arup. The report to Members outlined the requirements placed on the Council through national planning guidance in relation to OAHN and presented to Members the updated work including an assessment of the revised national household projections published by Department of Communities and Local Government (CLG) in February 2015 which is the starting point in the assessment of housing need. Members of the working group were invited to note and comment on this evidence to be used as the starting point for determining the amount of housing land required to be identified in the emerging York Local Plan.

4.10 The report also included an indicative five year housing supply position but the report makes it clear that work on the five year land supply is ongoing and cannot be concluded until a series of decisions have been made on both factors affecting

housing demand and the future portfolio of sites. These include the use of the CLG household projections, the approach to dealing with previous undersupply and the potential application of windfalls.

4.11 The above comments relate to the indicative 5 year supply position in the context of the emerging Local Plan evidence base. Whilst it is possible to give a housing supply position as at 1st April 2015, which is 4,904 dwellings, it cannot currently be concluded that the council can demonstrate a five year supply position based on the requirements set out in NPPF given that the work on the emerging plan housing requirement and the supply to meet that requirement is ongoing and will be the subject of further reports to Members in the coming months.

4.12 Independently of the housing need assessment, the council's evidence base includes an objective examination of individual sites to assess their suitability for housing. Where a site is found suitable it will be included in the pool of sites for allocation in the emerging local plan. The application site (known as site 191, Land at Avon Drive) was submitted to the council as a potential housing site at the preferred options stage of the plan. The site was assessed and found to be unsuitable. The reasons were that the northern part of the site would be required for the proposed future dualling of the ring road and that the remaining part of the site would be needed to: provide a landscaped setting to the road after widening; maintain the openness of the site; and to prevent the coalescence of Huntington and Earswick.

4.13 The council's findings were recorded in the Site Selection Paper (June 2013). In order to create the best opportunities for sustainable sites, individual sites were, where possible, amalgamated into larger sites where they were adjacent to each other or overlapping. As part of the site selection process the site was therefore amalgamated with adjacent land to form a larger site (known as site 329, Amalgamated Sites North of Monks Cross). Whilst most of this larger site was proposed for allocation for housing (as site ST8) site 109 was not considered appropriate for the reasons above.

4.14 The applicant submitted additional evidence in support of site 191's inclusion as an allocation site through the preferred options consultation. The site was reconsidered and was again rejected. During the next stage in the assessment of potential sites (the further sites consultation) site 191 was considered yet again following the submission of additional information. It was again found unsuitable as a housing allocation and rejected (ref. Further Sites Consultation Technical Appendix 2, June 2014). It was again reconsidered and rejected (ref. Site Selection Addendum, September 2014). In summary, at the applicant's request and submission of further information, the site was considered many times during the council's assessment of potential housing sites. The council's response each time was that the site was unsuitable as a housing allocation.

ASSESSMENT OF HARM TO THE GREEN BELT

4.15 The site lies within the general extent of the Green Belt as shown on the Key Diagram of the RSS and as Green Belt on the proposals map of the 2005 City of York Draft Local Plan. The NPPF makes clear at section 9 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open (paragraph 79). Furthermore that the essential characteristics of Green Belts are their openness and their permanence. Paragraphs 89 and 90 of the NPPF specify the types of development that are 'not inappropriate' in the Green Belt. All other development is inappropriate and by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering planning applications 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 harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

4.16 The application proposal does not fall within any of the categories of appropriate development in paragraph 89. It therefore constitutes inappropriate development for the purposes of paragraph 88 of the NPPF and by definition causes harm to the Green Belt. In order to justify inappropriate development it is for the applicant to demonstrate that very special circumstances exist that clearly outweigh these harms. The NPPF states that the harm to the green belt carries substantial weight against the proposal in the determination of an application for inappropriate development. The harms must be clearly outweighed by other considerations in order for very special circumstances to exist.

4.17 The applicant accepts that the site lies within the non-statutory York Green Belt. He does not make the case for very special circumstances but argues, in the submitted planning statement, that in the context of (i) no adopted development plan that sets the inner boundary of the York Green Belt and (ii) the very limited Green Belt role that the site performs, the site is suitable for development and therefore, the presumption in favour of sustainable development should apply.

4.18 In response, the site lies within the general extent of the Green Belt as shown on the Key Diagram of the RSS and, for development control purposes, has been treated as Green Belt by the local planning authority and the Planning Inspectorate for many years. Although the RSS does not specify the precise inner boundary of the Green Belt its appropriateness for inclusion can be judged by assessing the site against the five purposes of the Green Belt as set out in Paragraph 80 of the NPPF. These are:

- 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.

4.19 Tested against these purposes:

- The site is sizeable and projects significantly from the city's urban area into the open countryside.
- The site is clearly open, in that it has no appreciable structures and it mainly comprises open agricultural land.
- The site is located between Huntington and Earswick, which is the narrowest gap between the main urban area of York and any of its satellite settlements.
- Extending development up to the ring road would (even with boundary landscaping) increase the urban character of the ring road, which has a generally rural character and contributes to the setting of York.
- Restricting development on the greenfield margins of York would encourage recycling of derelict and urban land.

4.20 In summary, the site serves all five purposes of the Green Belt as set out in the NPPF. In the view of officers, and in the absence of a defined inner boundary of the Green Belt, the application site should be treated as being within the Green Belt.

4.21 The planning statement accompanying the application states that officers have agreed that the application does not serve the purposes of the Green Belt (paragraph 6.2) and does not perform a Green belt function (paragraphs 7.27 and 9.1). For the avoidance of doubt this is not the view of officers and no evidence has been produced by the applicant to show that officers have ever claimed this to be the case. On the contrary, the published site selection documents for the emerging local plan make clear that, after the proposed widening of the ring road, the remaining part of the site would be needed to provide a landscaped setting, maintain the openness of the site and prevent the coalescence of Huntington and Earswick.

4.22 The applicant argues that the site is suitable for development because the site is not protected open space or subject to any environmental asset designation. In response, a site does not require such designation in order to have openness or to serve the purposes of the Green Belt.

4.23 In summary, the proposal represents inappropriate development in the Green Belt, would cause a considerable loss of openness and would conflict with the five purposes of including land within the green belt. The application should be refused unless other considerations are shown to exist to clearly outweigh the potential harm to the Green Belt by reason of inappropriateness and any other harm caused and substantial weight should be given to the potential harm to the Green Belt. There is no presumption in favour of development as argued by the applicant in the

submitted planning statement. Whether there are such other considerations, amounting to very special circumstances, is assessed below at section 5.0.

LANDSCAPE CHARACTER

4.24 The site consists of one large field within which there is evidence of ridge and furrow. A remnant hedgerow marks the old field pattern before the introduction of the ring road. A key characteristic of York is the setting of the city within a largely open rural surround. Outlying villages lie beyond the rural surround. Key views from the ring road reinforce this image by way of a foreground of fields and a separation between the city and the neighbouring settlements, i.e. the ring road passes through this landscape form. The ring road itself is not a boundary marker. Some sections of the ring road have been built up, to the detriment of the setting of the city, e.g. at Clifton Moor. Repetition of such urban treatment alongside the ring road, as would occur if the current proposal were approved, would further detract from York's character and setting.

4.25 The site is largely experienced from the ring road by passing traffic. The site is mostly screened from the west and south due to existing housing on Strensall Road and Avon Drive respectively. The site is relatively well-screened in the summer months due to the young mature hedge and other vegetation that runs along the boundary with the ring road, along with the flat terrain. However, the hedge is not a solid screen. There is an awareness of openness beyond the hedge before the building line of Avon Drive. If a large number of houses were built on the site (as is proposed) their presence would be obvious in the winter months and there would be an awareness of their proximity in the summer months. Street lighting and internal lighting would render the scheme more visible in the landscape during hours of darkness.

4.26 In summary, the proposed development would be a significant encroachment into open countryside, have a detrimental impact on its open character, increase the effect of coalescence between Huntington and Earswick and be detrimental to the character and setting of York.

AFFORDABLE HOUSING

4.27 The application is in outline only and does not include details of the mix and layout of affordable housing. However the applicant has agreed to provide 30% affordable housing, i.e. 33 units. The illustrative masterplan state that these would be 12x1-bedroom, 11 x 2-bedroom and 10 x 3-bedroom. This mix was unacceptable to Housing officers, particularly as the masterplan shows all the market houses as having 3 and 4 bedrooms. Since then, following negotiation with Housing officers, the applicant has agreed to provide the affordable houses in the same ratio as the market houses. The illustrative mix of dwelling types now complies with the council's interim affordable housing standards. If planning permission were to be

granted, affordable housing would be secured by a s.106 agreement.

HIGHWAY MATTERS

4.28 One of the main objections to the application is that it would increase congestion on neighbouring roads, particularly Strensall Road and the ring road. Highways officers have assessed the transport statement submitted with the application and are satisfied that the assessment used is robust. The development will generate in the region of 65 two-way vehicle movements during the AM/PM peak periods. The level of traffic expected equates to a little over 1 additional vehicle per minute during the peak periods. Assessment of the impact of this small increase in traffic on the adjacent junctions, using nationally recognised software has demonstrated that the development would not have a material impact on the operation of the adjacent road network. Avon Drive/Strensall Road junction currently operates well within capacity and is expected to continue to do so post-development.

4.29 A strip of land along the northern boundary is expected to be needed for the future widening of the ring road. If planning permission were to be granted this strip should be offered to the council for adoption as public highway. The illustrative masterplan shows this area as landscaping and public open space. Highways officers are content that the proposed houses would not prejudice road widening. However, the road widening would reduce the amount and design of the proposed public open space and no design work appears to have been done to show how much land would be needed for a buffer between the widened road and the proposed housing.

4.30 The internal road layout shown on the illustrative masterplan appears to be over engineered. The council's Highways officers consider that it should be based on Manual for Streets principles to create more of a sense of place with a clear hierarchy. For example the internal layout should include shared surfaces which encourage the use of the highway areas for purposes other than the movement of vehicles; highway width should vary to provide areas of on-street visitor/casual caller parking areas; vehicle speeds should be a maximum of 20 mph and self-enforcing through design measures such as the use of street trees/benches/street furniture; high quality materials should be used for highway areas; garages should be large enough to accommodate cycles as well as cars.

4.31 Two access points into a development of this scale are unnecessary. The eastern access should provide the main vehicular access into the development with the western access being used for pedestrian/cycle use only. This pedestrian/cycle access would provide a direct traffic-free route to adjacent bus stops and facilities. It would also provide a route to the public open space without adjacent residents having to walk along Strensall Road. The internal layout should be designed, constructed and offered for adoption. In the event that outline planning permission

were to be granted details of the two accesses into the site from the public highway (Avon Drive) should be made a condition of approval. The layout and design of the internal road layout would be form part of a reserved matters application.

4.32 Financial contributions or measures would be required from the developer to maximise the sustainability of the development. For example, improvements to adjacent bus stops; choice of either a 12 month bus pass or equivalent value towards a free cycle/cycle accessories for first occupiers; a minimum 3.5m wide pedestrian/cycle path running along the site's northern boundary to be adopted as public highway. The applicant has agreed to make a financial contribution to these sustainable transport measures recommended by the council's Highways officers.

4.33 If the planning application were to be approved the applicant should submit, at the very least, a plan (or revised illustrative masterplan) showing the areas required for the widening of the ring road, the two accesses from Avon Drive (with the western access narrowed for pedestrian/cycle use only) and the general alignment of a minimum 3.5m-wide pedestrian/cycle route along the northern boundary. Members will be updated at the meeting.

LEISURE AND OPEN SPACE

4.34 For a development of this size all the necessary amenity and play space should be on site. Based on the house mix proposed the council's Leisure officers would expect a total of 10,500sqm of open space. This is less than the 13,000sqm shown on the illustrative masterplan. However the masterplan shows the public open space at the eastern end of the site and along the northern boundary, which is far from ideal. The proposals include a public park at the most-northerly part of the site, close to the ring road/Strensall Road junction. Whilst the absence of houses in these areas would provide a landscaped buffer between the main roads and the development the quality of the open space (close to noisy, busy roads) would be poor. Furthermore, a significant strip of this land would be needed permanently for the widened ring road and a further strip would be needed to construct it. A much better arrangement would be for the open space to be separate from the landscaped buffer and be located closer to the south and west of the site. If planning permission were to be granted this should be part of a reserved matters application.

4.35 Taking access from Avon Drive offers the opportunity to integrate the development with the existing community and giving walking/cycling routes to local amenities, schools and other facilities. Furthermore, restricting the western access to only pedestrians and cycles would provide a direct, traffic free route to adjacent bus stops and facilities and would provide a route to the public open space without adjacent residents having to walk along Strensall Road.

4.36 If planning permission were to be granted a financial contribution should be made towards outdoor sports provision off-site. If the open space were to be

managed by the council a commuted sum for this would also be required.

4.37 The applicant has agreed to the provision of amenity space on site and a financial contribution towards off-site sports pitch provision in accordance with policy requirements. This should be incorporated into a s.106 agreement. The total sum would depend on agreed final number of new dwellings.

BIO-DIVERSITY

4.38 There are no statutory or non-statutory nature conservation sites within or immediately adjacent to the site. Approximately 100m to the south, immediately east of Witham Drive, is North Lane Meadow candidate Site of Importance for Nature Conservation, which is noted for its neutral grassland habitat. Also to the south, approximately 40m from the site is Huntington Tree Plantation Site of Local Interest (SLI) which is an area of new native woodland. The main habitat on the site is semi-improved grassland with hedgerows, scattered trees and areas of plantation woodland. There is also a pond. Although these habitats are not significant in their own right they do contribute to the green networks of the area.

4.39 The amphibian surveys undertaken in 2012 found no evidence of great crested newts. The pond on the site is of poor suitability for great crested newts due to a lack of aquatic or marginal vegetation and heavy shading. It is therefore unlikely that great crested newts have colonised the pond since the surveys in 2012.

4.40 More mobile species of common wildlife that may be found on the site, such as roe deer, pheasants and foxes, would not be significantly affected by the proposed development because they would easily be able to use the surrounding habitats east and south of the site.

4.41 Whilst the applicant intends (if planning permission were to be granted) to design the open space with guidance from an ecologist, this area is not big enough to maintain a coherent ecological link from the River Foss, a regional green Infrastructure corridor to the west, into the candidate SINC, SLI and open fields to the east/south. This area would also be impacted by a proposed upgrade to the A1237/Strensall Road roundabout and vulnerable to future requirements to upgrade the A1237 ring road. Consideration would need to be given to potential conflict between use of the area (e.g. for dog walking) and biodiversity, which could reduce the site's ecological value. If planning permission were to be granted a landscape and ecological management plan should be produced for the site.

4.42 The proposed development should use a sensitive lighting scheme to avoid excess light spill onto surrounding habitats incorporate features for birds and roosting bats.

4.43 If this application were approved, conditions requiring (i) submission of an ecological design strategy addressing mitigation and enhancement (ii) updated ecology surveys if development does not commence within 2 years (iii) submission of a sensitive lighting scheme including consideration of impacts on biodiversity would be required.

NEIGHBOUR AND OCCUPIER AMENITY

4.44 Layout is a reserved matter, so the submitted masterplan is illustrative only and may change significantly. Nevertheless, despite the presence of residential dwellings along the south and west boundaries, there is nothing about the size, character or location of the site that would prevent, in principle, the proposed number and type of a dwellings causing a significant impact on local residents.

4.45 Occupiers of the new houses could be protected from noise emanating from the ring road subject to the houses being suitably double glazing and a 2m-high acoustic barrier along the northern boundary of the site adjacent to the outer ring road. Such a barrier is likely to provide up to 10dB reduction in the noise level but this is still likely to result in noise levels in gardens near the ring road exceeding the council's desirable standard by up to 3dB. This is not ideal but is not sufficient to justify refusal of the application.

ARCHAEOLOGY

4.46 Although the lies outside the city's Areas of Archaeological Interest it is in an area that has been in agricultural use probably since the medieval period. This means that it has been relatively undisturbed. Archaeological investigations in the wider study area have produced evidence of deposits dating from the Romano-British period including military training camps to the south at Monks Cross and south-west on Bootham Stray. The applicant has submitted a desk-based assessment to support the application. This has so far identified evidence of Ridge and Furrow across the site. The report recommends a program of archaeological investigation comprising geophysical survey and evaluation trenching.

4.47 Bearing in mind the history of the site the proposed development is likely to have a direct impact upon unknown buried archaeological features (undesigned heritage assets) within the site. The National Planning Policy Framework (NPPF) requires (at paragraph 128) that where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Paragraph 129 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal, taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid

or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

4.48 At present, in the absence of a geophysical survey and evaluation, it is impossible to say whether there are archaeological assets preserved on this site whose significance will be affected by this development. If there are undesignated archaeological assets of national importance present on the site, these would have a significant impact on the proposed development. The presence of significant but not nationally important undesignated heritage assets would also have an impact on the development.

4.49 To date, as far as officers are aware, no geophysical survey and trial trenching has been carried out. The failure to carry out this work and to submit the results to the local planning authority for evaluation should be included among the reasons for refusal.

LOCAL SERVICES

4.50 Some local residents are concerned that the proposal would put unacceptable pressure on local services, particularly local schools. The site lies within the catchment of Huntington Primary school and Huntington Secondary school. Whilst there are currently sufficient places available at Huntington Secondary school to accommodate potential demand from this development (and no need for a preschool contribution), there would be a need for additional provision at Huntington Primary if the development were to proceed. This would require a financial contribution of £200,685.00. The contribution quoted is based on current levels of surplus space within local schools and providers. The number/type of housing and/or the number of surplus places at the schools may have changed by the time a full planning application is received. S106 amounts quoted here are therefore indicative and should be used as a guide only.

4.51 Any section 106 funds received would be put towards a two-to-three classroom expansion at the school, the need for which would be generated by this and other extant developments in the area. To date two other s.106 agreements to contribute to this infrastructure project have been entered into since 2010 so the council has not reached the five-agreement pooling limit required under current legislation. The applicant has agreed to the principle of a financial contribution calculated in accordance with the council's standard formula and for the contribution to be incorporated into a section 106 agreement.

4.52 As for health services, these are outside the control of the local planning authority. Any shortfall in provision would be a matter for the appropriate health authority.

FLOOD RISK AND DRAINAGE

4.53 The site is in low risk flood zone 1 and is unlikely to suffer from river flooding. The development of the site for housing would increase the surface water run-off from what is currently agricultural land. The public sewer network does not have capacity to accept an unrestricted discharge of surface water so the run-off would need to be attenuated. The Building Regulations require that consideration should be given in the first instance to sustainable drainage methods (SuDS), in particular discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network should only be a last resort. If planning permission were to be granted the developer would have to provide evidence to demonstrate that the site is unsuitable for the use of soakaways and other means of sustainable drainage. The need for attenuation has been accepted by the applicant, who proposes – if sustainable methods are unsuitable - a maximum discharge rate of 18 litres per second (l/s). This is too high. In the event that the site is unsuitable for sustainable drainage the council's flood risk officers and the internal drainage board would require the discharge rate to be no greater than 6.7l/s (which equates to a greenfield run-off rate of 1.4l/s/ha).

4.54 If planning permission were to be granted conditions should be attached regarding (i) separate systems of foul and surface water drainage (ii) submission of drainage details including details of any attenuation and off-site works (iii) no piped discharge of surface water prior to the completion of the approved drainage works.

4.55 The applicant proposes that foul water would be discharged to the existing foul water network in Avon Drive. This would be an acceptable arrangement. Any current problems with the efficacy of the foul water network in the vicinity of the site would be a matter for Yorkshire Water.

COMMUNITY INVOLVEMENT

4.56 Prior to submission of the application the applicant consulted occupiers in Huntington by means of a leaflet drop of approximately 500 properties. It included a summary of the proposals and a copy of the illustrative masterplan. A larger version was made available for viewing on the planning agent's website. The applicant's statement of community involvement says that the response rate was approximately 5%. Of those respondents opposed to the development, the main concerns were about: the highway implications of the development (particularly regarding existing problems on Strensall Road and future improvements to the ring road); the capacity of schools and GP surgeries; and the Green Belt location.

THE PLANNING BALANCE

4.57 Planning policy dictates that substantial weight should be given to any harm to the Green Belt and that inappropriate development should not be permitted unless very special circumstances exist. 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.

4.58 The applicant has advanced the following other considerations, which they argue outweigh any harm that would be caused:

- The site is in a sustainable location and is deliverable in the short term;
- The development would provide much-needed housing including affordable housing;
- The development would create employment and support the local economy;
- Residential development would not prejudice the widening of the ring road.

4.59 Whilst acknowledging that the scheme has benefits, officers do not consider that they individually or cumulatively constitute very special circumstances to justify inappropriate development in the Green Belt. The most significant benefit is the provision of much-needed housing, including affordable housing. But the NPPG states that unmet housing need is in itself unlikely to outweigh the harm to the Green Belt and other harm to constitute very special circumstances justifying inappropriate development on a site within the Green Belt.

4.60 The council's highways officers are satisfied that the road could be widened and environmental protection officers are satisfied that noise mitigation measures could be provided. But whilst improvements to a trunk road could constitute very special circumstances the current housing proposal does not. Notional provision in the scheme for the widening of the ring road does not outweigh harm to the Green Belt.

4.61 The development would create some employment and provide some support the local economy but these benefits would be limited (and the construction jobs would be short-lived). They would not justify the permanent loss of openness when judged against the Green Belt's essential characteristics, which are openness and permanence.

4.62 The applicant is not opposed to the principle of undertaking further archaeological survey work but it has not yet been carried out. To approve the principle of development for housing would be premature without first being satisfied

any (as yet unidentified) archaeological features on the site could be properly protected.

4.63 In the planning balance, when giving substantial weight to the potential harm to the Green belt, the applicant has not demonstrated that harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

5.0 CONCLUSION

5.1 Policy YH9 and Y1 of the Yorkshire and Humber Plan - Regional Spatial Strategy to 2026 defines the general extent of the Green Belt around York with an outer boundary about 6 miles from the city centre. The application site is located in the Green Belt as identified in the 2005 City of York Draft Local Plan. It is considered that the proposed development of up to 109 houses and associated infrastructure constitutes inappropriate development in the Green Belt as set out in section 9 of the National Planning Policy Framework. Inappropriate development is by definition harmful to the Green Belt. No 'very special circumstances' have been put forward by the applicant that would outweigh harm by reason of inappropriateness and any other harm, including the impact on the openness of the Green Belt and conflict with the purposes of including land within Green Belt. The proposal is therefore considered contrary to advice within the National Planning Policy Framework, in particular section 9 'Protecting Green Belt Land' and policy GB1 'Development in the Green Belt' of the 2005 City of York Draft Local Plan.

5.2 The proposed development is likely to have a direct impact upon unknown buried archaeological features (undesigned heritage assets) within the site. No geophysical survey nor intrusive archaeological evaluation has been carried out to demonstrate that undesigned archaeological assets present on the site would be properly protected. The application is therefore considered contrary to advice within the National Planning Policy Framework, in particular section 12 'Conserving and Enhancing the Historic Environment' and policy HE10 'Archaeology' of the 2005 City of York Draft Local Plan.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 Policy YH9 and Y1 of the Yorkshire and Humber Plan - Regional Spatial Strategy to 2026 defines the general extent of the Green Belt around York with an outer boundary about 6 miles from the city centre. The application site is located in the Green Belt as identified in the 2005 City of York Draft Local Plan. It is considered that the proposed development of up to 109 houses and associated infrastructure constitutes inappropriate development in the Green Belt as set out in section 9 of the National Planning Policy Framework. Inappropriate development is

by definition harmful to the Green Belt. No 'very special circumstances' have been put forward by the applicant that would outweigh harm by reason of inappropriateness and any other harm, including the impact on the openness of the Green Belt and conflict with the purposes of including land within Green Belt. The proposal is therefore considered contrary to advice within the National Planning Policy Framework, in particular section 9 'Protecting Green Belt Land' and policy GB1 'Development in the Green Belt' of the 2005 City of York Draft Local Plan.

2 The proposed development is likely to have a direct impact upon unknown buried archaeological features (undesigned heritage assets) within the site. No geophysical survey nor intrusive archaeological evaluation has been carried out to demonstrate that undesigned archaeological assets present on the site would be properly protected. The application is therefore considered contrary to advice within the National Planning Policy Framework, in particular section 12 'Conserving and Enhancing the Historic Environment' and policy HE10 'Archaeology' of the 2005 City of York Draft Local Plan.

7.0 INFORMATIVES:

Contact details:

Author: Kevin O'Connell Development Management Officer

Tel No: 01904 552830

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15/00798/OUTM

Land to North of Avon Drive, Huntington



Scale : 1:2373

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Organisation	City of York Council
Department	CES
Comments	Location plan
Date	09 October 2015
SLA Number	Not Set

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15/01307/FULM Plot 7 Great North Way Nether Poppleton Committee Update:-

In order for the required works to mitigate for the loss of the SINC, partially covering the site, to be established and programmed, the applicant has requested that the proposal be deferred from the current agenda to be considered at November Committee the recommendation is therefore amended to read **DEFER** to allow further work to be undertaken.

Highway Response:-

Since the Committee Report was prepared a detailed consultation response has been received from Highway Network Management raising no objection to the proposal subject to the imposition of the further conditions outlined below:-

Highway management :-

A detailed method of works statement identifying the programming and management of site clearance/excavation/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The a statement shall include at least the following information;

- a) Measures to prevent the egress of mud and other detritus onto the adjacent public highway
- b) A dilapidation survey jointly undertaken with the local highway authority
- c) The routing for construction traffic that will be promoted including a scheme for signing the promoted construction traffic routing.
- d) Where contractors will park
- e) How large vehicles will enter/exit site

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.

Travel plan:-

Prior to first occupation, a Full Travel Plan should be submitted to and approved in writing by the LPA. The travel plan should be developed and implemented in line with local and national guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

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

Reason: To ensure the development complies with advice contained in local and national planning and transportation policy, 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.

This replaces the previous recommended condition 12.

Gates/Barriers:-

No barrier or gate to any vehicular access shall be erected within 15 metres of the rear of the footway abutting the site, without the prior written approval of the Local Planning Authority, and shall at no time open towards the public highway.

Reason: To prevent obstruction to other highway users.

Servicing:-

Prior to the commencement of the use hereby approved, provision shall be made within the site for accommodation of delivery/service vehicles in accordance with the approved plans ref:- 109240/01010B and 109240/1011B. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

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

HWAY 14 Access to be approved details reqd

HWAY 18 Cycle parking details to be agreed

HWAY 19 Car and Cycle parking to be laid out

HWAY 37 Control of Glare from lighting etc

INFORMATIVE:

Consent for 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(s) named:

Works in the highway - Section 171 - Mr S Partington (01904) 551361

Since the Committee Report was prepared the following additional plans have been submitted relating to highway and landscape matters. It is therefore recommended that proposed condition 2 be amended to incorporate them:-

D/01, LS01, 2737/20/C, 2737/25/A, 109240/1010B, 109240/1011A.

Drainage Response:-Since the Committee Report was submitted a detailed consultation response has been submitted by Strategic Flood Risk Management which raises no objection to the proposal subject to the following conditions being attached to any permission and which supersede recommended condition 19:-

The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

Design considerations.

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuD's). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided to discount the use of SuD's.

If SuD's methods can be proven to be unsuitable then in accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak surface water run-off from Greenfield developments must be attenuated to that of the existing rate (based on a Greenfield run off rate of 1.40 l/sec/ha).

Please note that the proposed surface water discharge rate quoted within the submitted details of 80 l/sec is NOT agreed.

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 and sustainable drainage of the site.

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

Reason: So that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal.

Paragraph 4.13 should be amended to read that the previous planning permission at the site for a garden centre for Dobbies has now expired.

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15/01623/FULM and 15/01624/LBC Conversion of Former Terry's Headquarters Building to form a Care Home.

Committee Update:-

Since the Committee report was prepared the proposal has been considered further and the following additional conditions are recommended in respect of the planning application:-

Use Classes Order/Age Limit:-

The premises shall be used only as a Care Home within Use Class C2 for persons who have attained the age of 55 years or over and shall not be used for any other purpose , including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: The nature of the development as a Care Home requires that other institutional uses may give rise to a greater level of harm to the character and appearance of the Listed Building and the lack of provision for on-site affordable housing and the level of contributions towards off-site open space and affordable housing provision does not comply with policies H2a, H3c, L1c and GP13 of the York Development Control Local Plan(2005 4th Set of Changes) and paragraphs 50 and 203 of the National Planning Policy Framework.

Landscaping:-

No internal conversion work 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 hard landscaping. 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.

The following condition is requested in respect of both the Listed Building Consent and planning applications:-

Prior to the commencement of the internal conversion works full details of all new and replacement windows within the existing building and the proposed roof level extension including surrounds, materials, framing and glazing pattern shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved prior to the Care Home being first brought in to use.

Reason: - To safeguard the character and appearance of the Listed Building and to secure compliance with paragraphs 133 and 134 of the National Planning Policy Framework.

Since the report was compiled the following drawings have been amended and recommended condition 2 will need to be amended accordingly:-

A03 10 05A A 10 00 15and A03 10 06A.

Highway Response:-

Since the Committee Report was prepared the following further consultation response has been received from Highway Network Management:-

“Officers have been negotiating with the applicants regarding the provision of a pedestrian crossing facility on Bishopthorpe Road. The applicant’s position is that such measures are not reasonable or justified and are unwilling to negotiate further.

Such a crossing facility is considered justified and necessary for the following reasons;

- The development provides negligible car parking to the site frontage with nearly all car parking being provided on the opposite site of Bishopthorpe Road

- Given the proposed use it is reasonable to assume that a large proportion of pedestrians crossing the road could be elderly either as family or residents and as such need a greater period of time to cross
- Speed surveys have indicated that 85th percentile wet weather speeds along this stretch of Bishopthorpe Road are in excess of the 30 mph limit (circa 38mph)
- The site is opposite the entrance to the Sustrans route 65 which could be used by both staff and visitors to the proposed development

Whilst it is accepted that historically the car park will have been used more intensively as will the HQ building, in planning terms the fall back position can only be considered as that having reasonable prospect of being brought back into use without the need for further planning consents.

By the applicants own admission following marketing of the property there is no interest in office uses on the site.

The applicants have made reference to the fact that a crossing should have been secured through the outline consent. A pedestrian crossing between the site entrance and the car park opposite was secured through the outline consent. The trigger for the provision of the facility was within 6 months of first occupation of one of 5 buildings which included the HQ building. The reason this trigger has not been met is due to the Terry's site being brought forward in a piecemeal fashion and as such the demand is being generated but the outline S106 triggers not being met.

Officers therefore consider that the provision of a pedestrian crossing is still necessary and reasonable and could be secured through either a Grampian condition or funding within a S106 Agreement.”

In response to the comments paragraph 32 of the National Planning Policy Framework sets a test of severe impact for any refusal of planning permission on transport grounds. Furthermore in order to justify the need for a Section 106 contribution towards a pedestrian crossing in terms of the statutory tests (CIL tests) it must be concluded that the proposed development would generate a directly related need for new

infrastructure. If this can be demonstrated then the suggested works must be shown to 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.

Having considered the issue in detail it is your officer's view that each of the required tests would not be capable of being satisfied in respect of the requested crossing.

Drainage Response:-

Since the Committee Report was prepared a detailed consultation response has been received from Strategic Flood Risk Management which raises no objection in principle to the proposal subject to the imposition of the following conditions:-

The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

Design considerations

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuDs). Consideration should be given to discharge to soak away, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided to discount the use of SuDs.

If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

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

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

Reason: So that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal.

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UPDATE FOR PLANNING COMMITTEE ITEM NO. 4d use of land for a 20 pitch touring caravan and camping site at Grantchester, Stripe Lane, Skelton. Planning Reference 15/01659/FUL

One additional letter has been received raising concerns that

- The road in its current state is unsuitable for cars of caravans to drive along as the road is single file.
- The increase in traffic makes use by walkers more precarious
- Proposal is not just increase in 5 caravans but potentially 15 caravans
- When farm traffic uses the road it is very dangerous or walkers and cyclists

The drawing number for condition 2 is 100 revision P 00

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Presentation City of York Council Planning Committee

Thursday 22 October 2015

Reference Pilcher Application 15/00798/OUTM

My name is Mr Brown and I'm a Resident of Avon Drive Huntington; I'm here as an individual but with the blessing of many Avon Drive and Strensall Road residents and the consent of Huntington Parish Council.

I am here today to raise a verbal objection to the application to build 109 dwellings on land to the north of Avon Drive, the application in its present state has many flaws and these need to be addressed before any planning application is granted.

I am briefly going to raise the issue of the land in question being Green Belt as an objection to this application, many times I have heard and read that the land cannot be accurately defined as Greenbelt until York finally agrees it's Local Plan, can I please ask that when the Local Plan is agreed that those responsible **adhere** to the comments made in the CYC policies document from the Planning & Environmental Management team that defines the land **as** being Greenbelt and leave this and other precious green space there is left in Huntington alone and look to brownfield sites for the city's housing needs, sites such as the old Vickers Instruments site on Haxby Road which has been empty and dormant for some time.....

How Signet planning who are acting for the applicant could say that the land to the north of Avon Drive does not deserve to be Greenbelt is beyond me, every precious green space deserves to be saved for the conservation of our ever diminishing wildlife and for future generations to enjoy.

I am going to concentrate my objections on Sewerage Removal and Surface water drainage as these are other main areas of concern.

First – Sewage removal

Avon Drive is an area where foul water problems exist and any development on the proposed site should not be allowed to take place until amendments to the plans are made or improvements are made to existing foul water sewers in Avon Drive, sewers which I believe are smaller in diameter to those stated on the plans.

Current Avon Drive foul water sewers are at near full capacity now, the preference would be that any new development should be serviced by its own dedicated foul water system and this installed within the proposed site boundary and well away from the existing services in Avon Drive, thus ensuring satisfactory removal of foul water sewage for all parties.

Second - Surface Water

The western end of the site and gardens to properties in the west end of Avon Drive and those on Strensall Road that back onto the site suffer from flooding following heavy downpours.

The natural fall on the site is from east to west towards the River Foss, the attenuation pond shown on the plans is at the eastern end of the site, any laying surface water in these gardens following heavy downpours that cannot drain away will have to be pumped from west to east to fill the pond.

The surface water from the proposed development would also result in an increased rate of discharge into existing surface water sewers and will lead to unacceptable flow conditions in the receiving watercourse, The River Foss, thereby increasing the risk of flooding downstream.

Any approved development should not adversely affect the surface water drainage of the area and amenity of adjacent properties, therefore satisfactory drainage must be provided before any development takes place.

There is also a large raw water main that crosses the site which runs parallel with the A1237; there was no mention of this on original site plans, it was first raised in residents objection letters and in a response from Yorkshire Water where they indicated that they will need a protected 15metre width corridor to gain access to this main should it be needed. Yorkshire Water met the applicant on site and stated in a response letter that they were happy to acknowledge that the proposed plans were reviewed and that they are now satisfied that no development will encroach along the 15metre wide corridor.

Should the applicant have published revised plans showing the 15 metre wide corridor and how it would affect the overall layout of the site the "Trim Trail" and noise buffer zones?

A word on other Infrastructure and traffic issues within the Huntington Area

There are no places available for any additional primary school age children at Huntington Primary School, children from the Barrat New Lane development will I understand have to be bused to other schools out of the Huntington area, not an ideal situation ----- nor are there enough doctor's appointments, local surgeries are having to expand to keep up with current patient levels, the extra populous will only exasperate the situation at the school and doctors surgeries.

Traffic

Highway Network Management suggest that only one vehicle access point should be required, and that this should be the eastern access point and not the obvious western access point. If this suggestion were to be adopted it could mean a further 150 to 200 extra vehicles per day doing 2 or more journeys along Avon Drive, a road which is 4.9mtrs wide at its narrowest point and can hardly cope with traffic levels as they are now.

I recommend to you that you reject the single eastern access point proposal and that both the east and west access points or better still a separate access road from the A1237 roundabout be used if the application is granted.

Traffic in general has increased alarmingly through Huntington village and along the A1237 ring road since the opening of the Vangarde Shopping centre and will increase further when the York Community Stadium finally opens for business. This has factored in an increase in the carbon footprint for Huntington and this will further increase with the traffic from the proposed development.

Improvements are needed **NOW** to the road network in and around Huntington before this or any further developments are given the go-ahead.

Planning permission has previously been refused twice on this site, siting that the land or part of will be required for the dualling of the A1237 and the provision of noise buffer zones.

I suggest to the CYC and other parties involved that the land required for the upgrading or duelling of the A1237 York outer ring road be acquired now, land that is without planning permission will be a much better deal for the tax payer.

In closing, If this development is allowed to go ahead it will take away the last remaining natural Green Belt barrier between Huntington and Earswick thus creating urban sprawl, it will also set a precedent for other developments in the close proximity and along both sides of the A1237,----- therefore I recommend to you that you do not approve this application for the reasons given in this presentation and those given in the many letters of objection sent in by Huntington residents and by the CYC's Planning & Environment Management teams own admission in the policies document that the land in question be treated as Green Belt.

Thank You

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