



Notice of a public meeting of

Planning Committee B

- To:** Councillors Hollyer (Chair), Melly (Vice-Chair), Craghill, Crawshaw, Daubeney, Fisher, Galvin, Orrell and Perrett
- Date:** Wednesday, 19 October 2022
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

1. Declarations of Interest

At this point in the meeting, Members are asked to declare any disclosable pecuniary interest or other registerable interest they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests.

2. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

Please note that our registration deadlines are set as 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is 5:00pm on Monday, 17 October 2022.

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill in an online registration form. If you have any questions about the registration form or the meeting, please contact Democratic Services. Contact details can be found at the foot of this agenda.

Webcasting of Public Meetings

Please note that, subject to available resources, this meeting will be webcast including any registered public speakers who have given their permission. The meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

During coronavirus, we made some changes to how we ran council meetings, including facilitating remote participation by public speakers. See our updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

3. Plans List

This item invites Members to determine the following planning applications:

a) Former Piggeries, Rear of Willow Court, Main Street, Holtby, York [22/00586/FUL] (Pages 1 - 24)

Variation of condition 2 of permitted application 17/02982/FUL to amend the internal layout, external appearance and orientation of plot 4. [Osballdwick and Derwent]

b) Union Terrace Car Park, Clarence Street, York [21/02295/GRG3] (Pages 25 - 50)

Installation of 'Ultra Rapid Charging Hub' for electric vehicles to comprise of 8no. charging units with solar photovoltaic canopy and 4no. 7kw charging pillars to existing parking bays. Erection of battery storage unit and substation with temporary construction compound. [Guildhall Ward]

c) Union Terrace Car Park, Clarence Street, York [22/00426/ADV] (Pages 51 - 58)

Display of 1no. internally illuminated totem sign. [Guildhall Ward]

5. Urgent Business

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

Democracy Officer:

Jane Meller

Contact details:

- Telephone: (01904) 555209
- Email: jane.meller@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

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COMMITTEE REPORT

Date: 19 October 2022 **Ward:** Osbaldwick And Derwent
Team: East Area **Parish:** Holtby Parish Council

Reference: 22/00586/FUL
Application at: Former Piggeries Rear of Willow Court Main Street Holtby York
For: Variation of condition 2 of permitted application 17/02982/FUL to amend the internal layout, external appearance and orientation of plot 4
By: Mr Wayne Gradwell
Application Type: Full Application
Target Date: 18 October 2022
Recommendation: Approve subject to a deed of variation to the existing Section 106 Agreement to ensure that the permission is subject to the obligations of the Section 106 Agreement for 17/02982/FUL

1.0 PROPOSAL

1.1 This application seeks to vary condition 2 (approved plans) of application 17/02982/FUL, which was approved on 14th June 2019, to allow for revised plans showing an amended internal layout and changes to the external appearance and orientation of the dwelling approved at plot 4. The original approval granted consent for 4no. dwellings to be erected on the former piggery site to the rear of Willow Court, off Main Street on the outskirts of the village of Holtby.

1.2 This application has been called in by Cllr. Warters for consideration by the planning committee, on the grounds of harm to visual and neighbour amenity.

1.3 Property History

- App. ref 11/00585/FUL – Permission granted at Committee for the erection of 4no. dwellings with associated garages and access following demolition of existing farm buildings on 30th September 2014.
- App. ref 17/02982/FUL – Permission granted for the erection of 4no. dwellings with associated garages and access following demolition of existing

farm buildings (revised scheme) on 14th Jun 2019. This permission was subject to a Section 106 Agreement. Applications under Section 73 have been approved for changes to plots 1, 2 and 3 (refs. 19/01792/FUL and 20/01494/FUL).

2.0 POLICY CONTEXT

City of York Publication Draft Local Plan 2018

D1 – Placemaking

GB1 – Development in the Green Belt

2.1 The Publication Draft Local Plan 2018 for the City of York ('2018 Draft Plan') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. Phases 2, 3 and 4 took place between May and September 2022. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight 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 conformity of the relevant policies in the emerging plan with policies in the previous NPPF (published March 2012).

The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications. This evidence base includes the 2003 Approach to Green Belt Appraisal, Historic Character and Setting Technical Paper (Jan 2011) and update (June 2013) and the Green Belt Topic Paper TP1 Addendum (March 2019), which confirm that the site is within the general extent of York's Green Belt.

Draft Development Control Local Plan 2005

GP1 – Design

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GB1 – Development within the Green Belt

2.2 The Development Control Local Plan (DCLP) was approved for development control purposes in April 2005. For decision making, its policies are material considerations when they are in accordance with the NPPF although it is considered that their weight is very limited.

NPPF

2.3 The revised National Planning Policy Framework was published on 21 July 2021 (NPPF) and its planning policies are material to the determination of planning applications. It is against the NPPF (as revised) that this proposal should principally be assessed.

3.0 CONSULTATIONS

Councillor Warters

- 3.1 The application was called in by Cllr. Warters on the following grounds:
- Visual amenity – the proposed dwelling is not sensitive or in keeping with the site, as was originally proposed/approved.
 - Neighbour amenity – the increased footprint and altered configuration would result in neighbour amenity concerns.

Holtby Parish Council

- 3.2 Objected on the following grounds:
- Materials – the proposed materials are not in keeping with the Holtby Village Design Statement. The design would differ from the approved plans and would be less attractive and non-traditional.
 - Design – the proposed dwelling lacks connectivity with the existing new buildings.
 - The scale of the proposed dwelling would cause harm to the openness of the Green Belt.
 - The proposed dwelling would be more imposing than the approved house at Plot 4, by virtue of its position closer to the 3no. neighbouring dwellings.

4.0 REPRESENTATIONS

Publicity and Neighbour Notification

4.1 One comment was received from a nearby neighbour, querying the scope of the changes in the context of nearby decisions, in relation to the Village Design Statement, and given that the application is made under Section 73 to vary an existing permission. Issues regarding an increase in the scale of the proposed dwelling in a Green Belt location were also raised.

5.0 APPRAISAL

KEY ISSUES

5.1 Impact on the openness of the Green Belt; impact on visual amenity; impact on neighbour amenity.

LEGISLATIVE BACKGROUND

5.2 Section 73 of the Town and Country Planning Act 1990 (as amended) allows for development of land that has planning permission without compliance with conditions attached to the previous approval. The provision can be used to make minor-material amendments to approved planning applications where appropriate.

POLICY CONTEXT

National Planning Policy Framework

5.3 The National Planning Policy Framework (NPPF) sets out the Government's overarching planning policies, and a presumption in favour of sustainable development is established in paragraph 11. A footnote to paragraph 11 lists those areas and assets of particular importance where this presumption in favour of sustainable development does not apply, which include land in the Green Belt. Paragraph 130 (NPPF Chapter 12, 'Achieving Well-Designed Places') states that planning policies and decisions should ensure that developments will achieve a number of aims, including that they are sympathetic to local character, surrounding built environment and their landscape setting. The NPPF also places great importance on good design. Paragraph 134 says that development that is not well

designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

2018 Draft Local Plan

5.4 Policy D1 (Placemaking) seeks development proposals to improve poor existing urban and natural environments, enhance York's special qualities, better reveal the historic environment and protect the amenity of neighbouring residents. Development proposals that fail to make a positive contribution to the city or cause damage to the character and quality of an area, or the amenity of neighbours will be refused.

5.5 Policy GB1 (Development in the Green Belt) states that permission will be granted where the scale, location and design of development would not detract from the openness of the Green Belt, it would not conflict with the purposes of including land within the Green Belt and it would not prejudice or harm the character or setting.

2005 Development Control Local Plan

5.6 Policy GP1 states that, with respect to design, development proposals will be expected to (i) respect or enhance the local environment; (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks, the rural character and setting of villages and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

5.7 Policy GB1 addresses development in the Green Belt, stating that planning permission will only be granted where the scale, location and design do not detract from the open character of the Green Belt AND it is for one of the following

purposes, including the limited extension, alteration or replacement of existing dwellings.

Holtby Village Design Statement (“VDS”)

5.8 The statement was accepted as supplementary planning guidance in 2005 and focuses on the primary characteristics of the village, advising on new development within it. New buildings are expected to constitute limited infilling only and respect the open character of the village’s setting and the entrances to it. The rural appearance of the village should be maintained by the retention of grass verges along roads and the inclusion of generous gardens, hedges and brick walls for front boundary treatments and the adoption of local design features and materials in new buildings, including reddish bricks (reclaimed clamp bricks where possible) and orange clay pantiles or blue/grey slates wherever appropriate. The site falls outside the village envelope as defined in the VDS.

ASSESSMENT

5.9 The principle of residential development at the site has already been established through the previous planning approval and the proposals, as revised, would have no additional impact on highway safety, biodiversity or contamination, subject to the imposition of previous mitigation measures required through conditions and a Section 106 agreement.

Visual amenity and Green Belt Openness

5.10 At two storey level, the building would be minimally larger than the plot 4 dwelling approved under 17/02982/FUL, being of a similar height, depth and width, albeit with a single elongated gabled roof rather than the two stepped sections of roofslope that were previously approved. At ground floor level, the proposed dwelling would increase the approved footprint of the building by approximately 50m², through an enlarged single storey garage offshoot and the introduction of a single storey offshoot incorporating an open plan living and dining space. The structure would continue to be a large, detached dwelling located in a similar location within its curtilage as the dwellings approved under application 17/02982/FUL and 11/00585/FUL, and would not be considered to cause further harm to the openness of the Green Belt.

5.11 The proposed dwelling would incorporate reddish bricks, in keeping with the other plots and the prevailing character of Holtby, as set out in the VDS. The roofs of the dwelling would use grey slates which, although different to the red pantiles used elsewhere in the approved development, would remain consistent with the mixed rural vernacular style and traditional residential aesthetic of the previously approved schemes and sympathetic to the terms of the VDS. The material impact of the changes in the design of the dwelling would not be significant from public vantage points due to the distance from publicly adopted highways and the presence of other buildings (including plots 1-3 within the residential scheme) and screening vegetation in between. It would not be considered to result in additional harm to the character and appearance of the site and surrounding area as a whole.

5.12 The siting of the proposed dwelling would not be considered to significantly change the impact of the built form of the development, in the context of the village and its rural surroundings. The originally approved development (11/00585/FUL) was designed to appear as a farm house with a clustered group of converted agricultural buildings, with this original design approach lost as part of the later scheme approved under 17/02982/FUL, which read as a new development of four large houses of comparable size and importance, evenly spaced across the site. The siting of the newly proposed dwelling at Plot 4 would retain the spacing which was characteristic of the previously approved scheme and, taking into account the set-back from the public highway, the presence of existing dwellings along Holtby Lane, in front of the proposed development, and the similar scale of the proposed house to that which was previously approved, would be considered to have a similar visual impact.

Neighbour amenity

5.13 Sufficient separation distances would be retained between plot 4 and other existing properties bordering the site, including the new dwellings at plots 2 and 3 within the development, given the similar position of the proposed dwelling to that which was approved under 17/02982/FUL. The single opening at first floor level within the side (south-facing) elevation of the proposed dwelling would be the only window which would directly face plots 2 and 3, and would be approximately 17 metres from the nearest part of the side boundary, and at least 35 metres from the nearest neighbouring dwelling at plot 3. The closest parts of the proposed dwelling to the boundary would be single storey, with the nearest part of the kitchen/dining offshoot located at least 12 metres from the side boundary and approximately 32

metres from the nearest dwelling at plot 3. The re-positioned proposal would not therefore be considered to have any more significant impact on neighbour amenity to that which was previously approved, and would not be considered to cause harm in terms of outlook, levels of light or privacy at any of the surrounding properties.

Drainage

5.14 Drainage rates were agreed in principle as part of the previous application. Suitable conditions should be applied in order to ensure continuity with previous approvals at the site and to protect the local aquatic environment, the local watercourse and to maintain access to the watercourse for maintenance and improvements. The change in layout/position of the proposed dwelling would result in an increase in the extent of the internal driveway and potential hard-surfacing on site, with implications for increased surface water run-off. To counter this, it is recommended that a condition requiring the driveway to be permeable should be imposed on any approval.

6.0 CONCLUSION

6.1 The proposal would not result in further harm to the openness of the Green Belt, character and appearance of the development and surrounding area, or residential amenity for existing and future occupants, and would be considered to comply with National Planning Policy Framework (2021), policies DB1 and GB1 of the City of York Publication Draft Local Plan 2018, policies GP1 and GB1 of the 2005 City of York Draft Local Plan, and the contents of the Holtby Village Design Statement. The proposal would have no impact on the consideration of highway safety, biodiversity, or contamination, which can be mitigated by the imposition of conditions or through a Section 106 Agreement, and the proposed amendments to the previous approval are not considered to be fundamental or substantial. Approval is therefore recommended, subject to the imposition of those conditions from the previous approval 17/02982/FUL that this Section 73 application does not seek to vary, updated to take account of the details approved under AOD/19/00340 and to include a condition to cover surfacing materials for the proposed driveway. As the previous application was subject to a Section 106 Agreement, securing Affordable Housing and Sports contributions, a deed of variation is required to take account of this Section 73 application.

7.0 RECOMMENDATION: Approve subject to a deed of variation to the existing Section 106 Agreement to ensure that the permission is subject to the obligations of the Section 106 Agreement for 17/02982/FUL

1 TIME2 Development start within three years

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

Drawing No. 1249.05 (Dated 10th February 2022) - Plot 4 - Proposed Site Layout
Drawing No. 1249.10 (Dated 16th March 2022) - Plot 4 - Proposed Plans & Elevations

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

3 Site and vegetation clearance or activity likely to cause harm to great crested newts shall not in any circumstances commence unless the local planning authority has been provided with either:

a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead; or

b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To ensure that a European Protected Species is not harmed through development activities. It is necessary to require this information prior to commencement of any site works as such works may result in irreversible harm.

4 All ecological measures and/or works shall be carried out in accordance with the details contained in the Nature Reserve Construction, Management and Maintenance Plan by RDF Ecology and dated February 2018 and Holtby Ecology Enhancements (Bats) by Wold Ecology Ltd dated June 2017 as already submitted with the planning application 17/02982/FUL and agreed in principle with the local planning authority prior to determination. Any revision to these details must be agreed in writing with the Local Planning Authority.

Reason: To ensure the protection and maintenance of favourable conservation status of great crested newts.

5 If the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 2 years from the date of the planning consent and is outside of the time limit of European Protected Species

Licence 2017-28930-EPS-MIT-1, the approved ecological measures secured through condition 2 shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of great crested newts and ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development.

Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: To take account of changes in the distribution or abundance of mobile protected species on site.

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

Reason: In the interests of satisfactory and sustainable drainage.

7 The development shall be carried out in full accordance with the drainage details submitted by CoDa Structures and approved under AOD/19/00340 dated 20.8.2020. These details include:

- Drainage Layout drawing 7693/001 Rev.G
- Email from Jon Lawrence dated 17/8/2020 11:16.

The dwelling shall not be occupied until the approved drainage works have been provided on site.

NOTE: For the avoidance of any doubt, the discharge rate for all 4 plots shall not exceed 2.4 litres per second.

Reason: To ensure proper and sustainable drainage of the site.

8 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.

9 The development shall be carried out in full accordance with the site investigation and remediation details submitted by CoDa Structures and approved under AOD/19/00340 dated 20.8.2020. These details include:

- Phase 2 Engineering and Environmental Assessment Rev.E dated 3.4.2020;
- Drawing no. 7693/001 Rev.C 'Remediation Layout' dated 12.3.2020;
- Remediation Statement Rev.A dated 18.8.19.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10 Prior to the occupation of the dwellings, the approved remediation scheme as agreed under condition 9 must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

11 In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

12 Prior to occupation, the garage space related to Plot 1 shall incorporate a suitably rated electrical socket to allow 'Mode 2' charging of an electric vehicle using

a standard 13A 3 pin socket and a 3m length cable.

Reason: To provide facilities for charging electric vehicles in line with the NPPF and CYC's Low Emission Strategy.

Notes:

- Optionally, a suitable 'IEC 62196' electrical socket (minimum rated output of 3.7kw /16A) can be provided in addition to the standard 13A 3 pin socket to allow 'Mode 3' charging of an electric vehicle. Mode 3 charging, using a suitable cable and charging point, allows faster charging of electric vehicles. Further advice can be provided by City of York Council's Public Protection team on request.

- All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015).

13 Except in case of emergency no demolition and construction works or ancillary operations, including deliveries to and dispatch from the site which are audible beyond the boundary of the site shall take place on site other than between the hours of 08:00-18:00 Monday to Friday and between 09:00-13:00 on Saturdays. The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason: To protect the amenity of local residents.

14 Prior to the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the egress of water and loose material onto the public highway.

15 The development shall be carried out in full accordance with the details of the highway junctions between the internal access road and the highway shown on drawing no. ENG-423-001 SK2D 'Verge Crossing Plans' dated 11.5.20, approved under AOD/19/00340 dated 20.8.2020. The dwellings shall not be occupied until the junctions have been constructed in accordance with the approved details.

Reason: In the interests of road safety.

16 The dwelling shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) 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.

17 No part of the site shall come into use until the turning areas have been provided in accordance with the approved plans. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To enable vehicles to enter and leave the site in a forward gear thereby ensuring the safe and free passage of traffic on the public highway.

18 The development shall not be occupied until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

19 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 construction 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: In the interests of visual amenity.

20 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.

- windows and doors, including method of opening and extent of recess (typical details

where fenestration is the same);

- eaves details and guttering (which shall be on rise and fall brackets);

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

21 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 construction of the development commences above foundation level and shall be provided in accordance with the approved details before the development is occupied.

Reason: In the interests of the visual amenities of the area and the amenities of neighbouring properties.

22 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), development of the type described in Classes A (Extensions), B (Roof additions) and E (Outbuildings) of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of preserving the openness of the York Green Belt and the purposes of including land within it, the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 2015.

23 The internal private driveway for Plot 4 shall be constructed using permeable materials, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the driveway being constructed. The driveway shall be provided using the approved materials prior to occupation of the dwelling.

Reason: In the interests of managing flood risk by ensuring that surface water discharge from the original application site covering the 4 plots is restricted to the agreed rate of 2.4 litres per second.

8.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, The Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38)

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and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

2. INFORMATIVE:

i) The public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort, the developer is required to eliminate other means of surface water disposal.

ii) No buildings or structures (including gates, walls, fences and trees) should be constructed within the strip of land 3 metres wide adjacent to the top of the bank of the adjacent watercourse on site. This 3m wide strip of land should be kept clear at all times. Any proposals to culvert, bridge, fill in or make a new connection/discharge to the watercourse will also require the Foss (2008) Internal Drainage Board's prior consent.

3. INFORMATIVE:

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

4. INFORMATIVE:

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

Works in the highway - Section 171 - Vehicle Crossing - Section 184 - (01904) 551550
- streetworks@york.gov.uk

5. INFORMATIVE:

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

6. LEGAL AGREEMENT

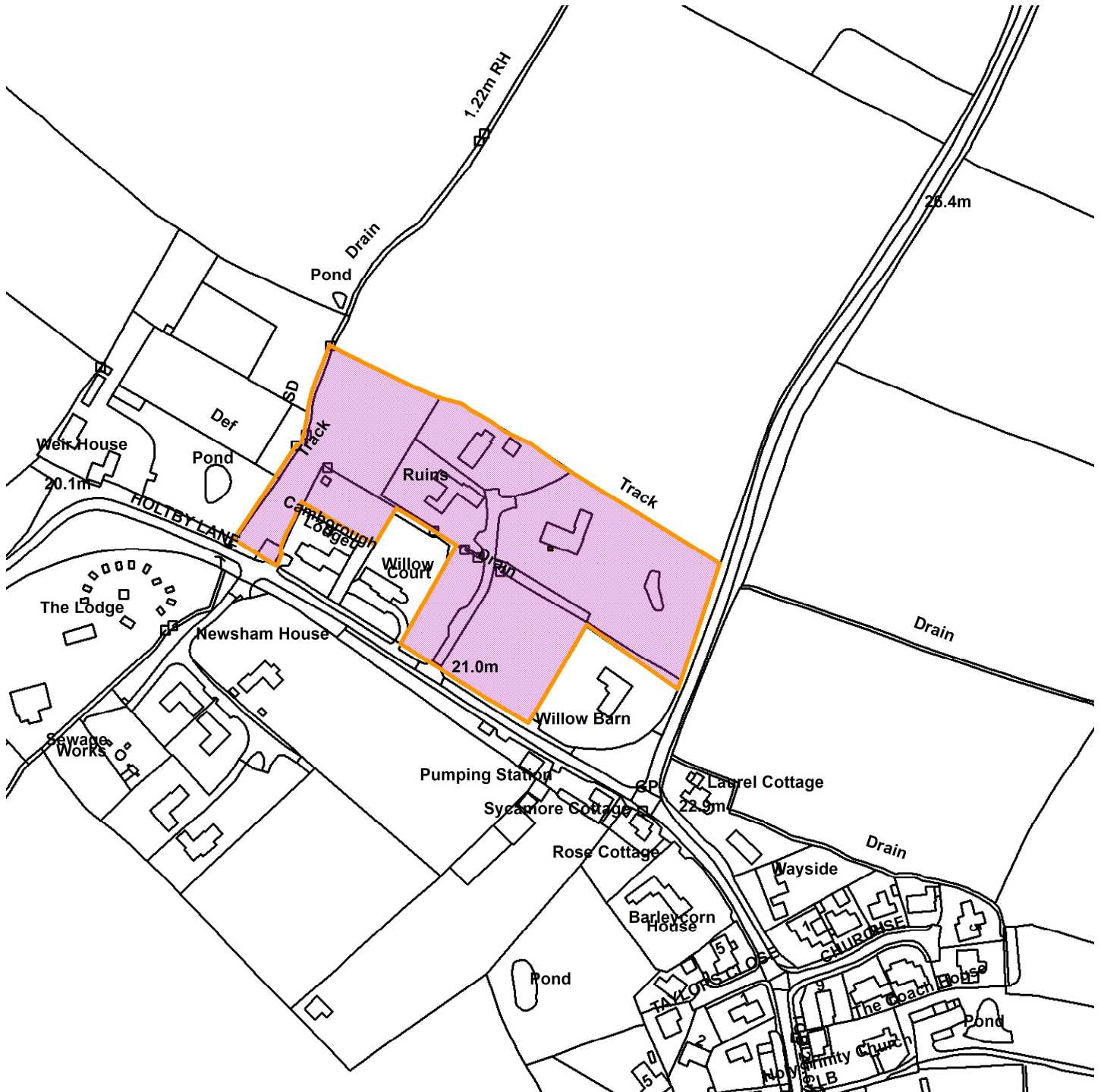
Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development

Contact details:

Case Officer: Sam Baker
Tel No: 01904 551718

22/00586/FUL

Former Piggeries Rear Of Willow Court, Main Street, Holtby



Scale : 1:2856

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	11 October 2022
SLA Number	Not Set

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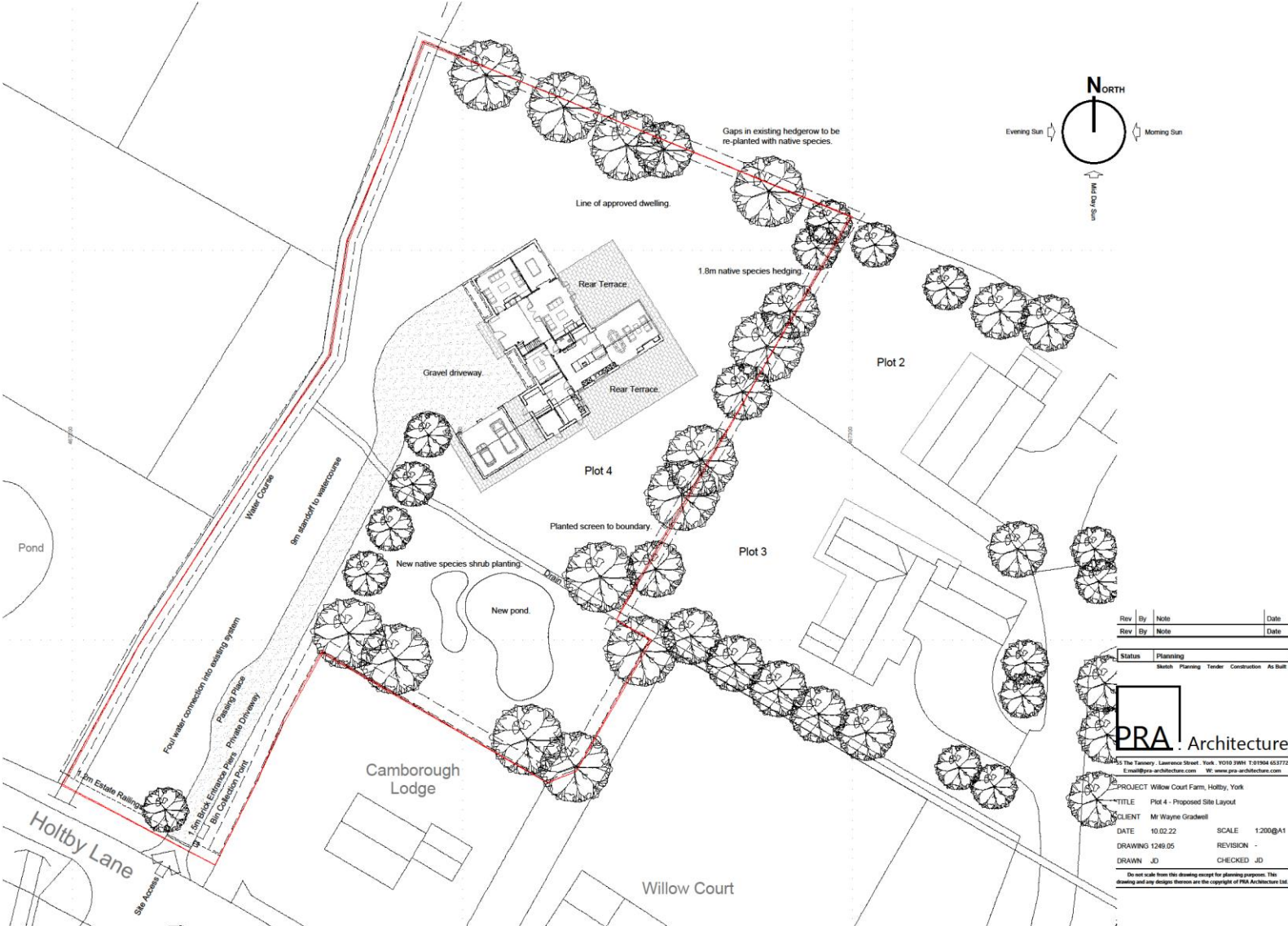


Planning Committee B

22/00586/FUL

Former Piggeries Rear Of Willow Court Main Street Holtby

Proposed layout
Plot 4



Willow Court Farm, Holtby, York

Proposed plans and elevations
Plot 4



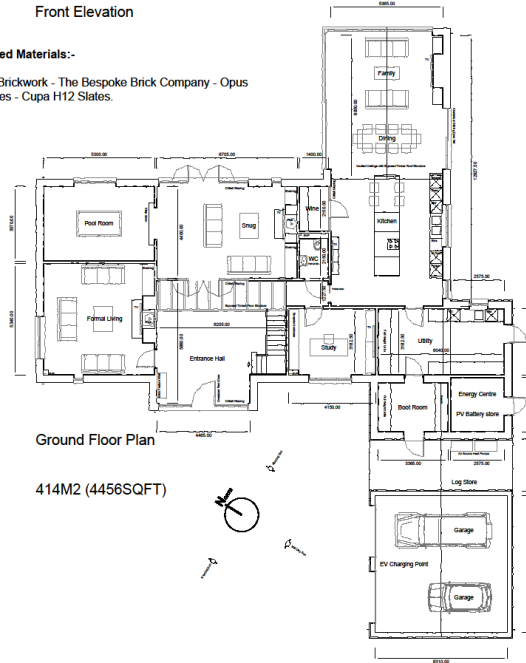
Front Elevation



Side Elevation

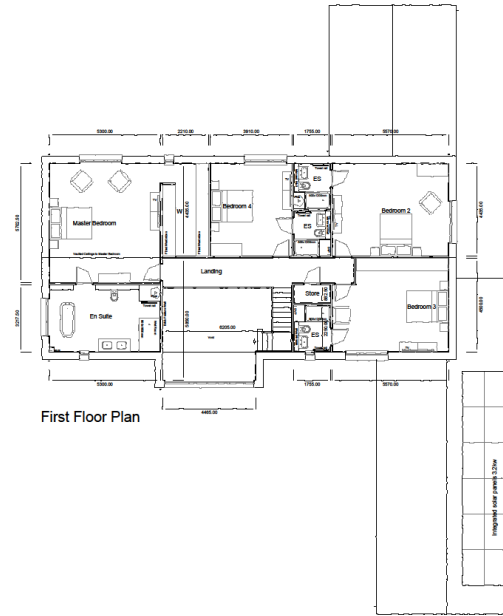
Proposed Materials:-

Facing Brickwork - The Bespoke Brick Company - Opus
Roof Tiles - Cupa H12 Slates.



Ground Floor Plan

414M2 (4456SQFT)



First Floor Plan



Rear Elevation



Side Elevation

Rev	By	Note	Date

Status	Planning	Sketch	Tender	Construction	As Built

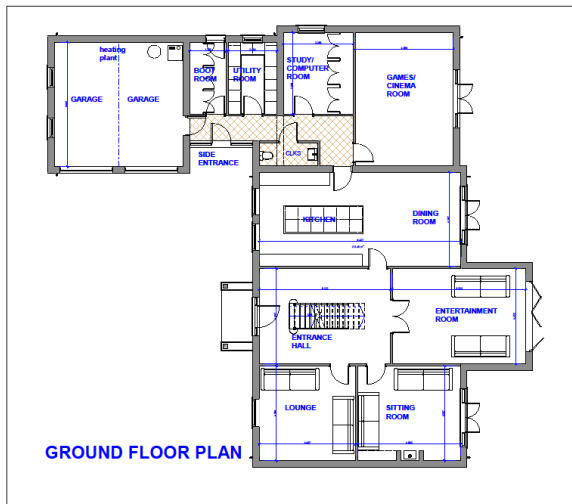
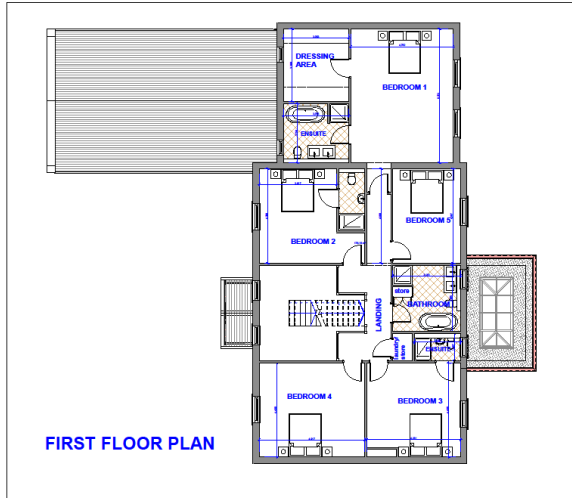


55 The Tannery - Lawrence Street - York - YO10 3WH T:01904 653772
E:mail@pra-architecture.com W: www.pra-architecture.com

PROJECT Willow Court Farm, Holtby, York
TITLE Proposed Plans & Elevations
CLIENT Mr Wayne Gradwell
DATE 16.03.22 SCALE 1:100@A1
DRAWING 1249.10 REVISION -
DRAWN JD CHECKED JD

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Previous plans and elevations



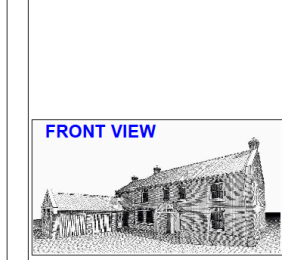
PLANNING
 To see rules and restrictions from the Planning Department. All documents for planning and applications must be checked for use. Schedule of use must be checked to ensure correct use of the site. Applications must be made to the Planning Department. Applications must be made to the Planning Department. Applications must be made to the Planning Department.

PLANNING TO BECHIEVED
 PROPERTY DESCRIPTION ACT 1991
 There is no need for a written document and a verbal agreement to be made in a written document. It is not necessary to sign a written document. It is not necessary to sign a written document. It is not necessary to sign a written document.

THE PLANNING ACT 1990
 The Planning Act 1990 is the main legislation that governs the planning system in the United Kingdom. It sets out the powers of the Secretary of State and the local planning authorities. It also sets out the powers of the Secretary of State and the local planning authorities.

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The Planning & Design Associates
 PLANNING ARCHITECTURE INTERIORS LANDSCAPE

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Client	Mr C ENGLAND	
Project	WILLOW COURT FARM HOLTBY, YORK	
Drawing	PLOT 4 PLANS & ELEVATIONS	
Date	MAY 15	Drawn
Scale	1:100 @ A1	Rev
Status	PLANNING	
Draw. No.	ENG-423-001A 14	

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COMMITTEE REPORT

Date: 19 October 2022 **Ward:** Guildhall
Team: East Area **Parish:** Guildhall Planning Panel

Reference: 21/02295/GRG3
Application at: Union Terrace Car Park Clarence Street York
For: Installation of 'Ultra Rapid Charging Hub' for electric vehicles to comprise of 8no. charging units with solar photovoltaic canopy and 4no. 7kw charging pillars to existing parking bays. Erection of battery storage unit and substation with temporary construction compound.

By: Mr Stuart Andrews
Application Type: General Regulations (Reg3)
Target Date: 22 April 2022
Recommendation: Approve

1.0 PROPOSAL

1.1 The application is for 4 ultra-rapid and 4 rapid electric vehicle charging stations at Union Terrace car park. The stations would be grouped in a rectangular shape in the south-east corner of the site. The ultra-rapid stations would allow a suitable vehicle to be charged to cover a 100 mile range in less than 10 minutes. The rapid charging stations would require a charge time of less than an hour. They are proposed to be covered by a metal canopy that would be of a gull wing form. The canopy would be 4.4m at the highest point and have a surface area of approximately 13m x 14.6m. It would be supported on three pillars that would run through the centre. Solar panels would be located on top of it. To the north west of the charging area would be associated plant enclosed by fencing. The application is accompanied by an advertisement consent application for a totem sign to publicise/mark the facility. This is subject to a separate application (ref: 22/00426/ADV).

1.2 The site where the hub is proposed contains car parking spaces, including spaces allocated for blue badge holders. The blue badge spaces are indicated to be re-located to the north-east of the hub.

1.3 The boundary of the Central Historic Core Conservation Area runs along the south-western and north-eastern boundary of the car park. The car park itself is not in the Conservation Area.

2.0 POLICY CONTEXT

Publication Draft City of York Local Plan (2018)

SS1 Delivering sustainable growth for York
DP2 Sustainable Development
D1 Placemaking
CC1 Renewable and Low Carbon Energy Generation and Storage
ENV5 Sustainable Drainage
T1 Sustainable Access
D4 Conservation Areas

Development Control Local Plan incorporating 4th set of changes (2005)

GP1 Design
GP4a Sustainability
GP4b Air Quality
HE3 Conservation Areas

3.0 CONSULTATIONS

INTERNAL

Design, conservation and sustainable development (Conservation)

3.1 The Union Terrace carpark lies to the north of the Lord Mayor's Walk/Gillygate/Clarence Street junction. Although excluded from the Central Historic Core conservation area which abuts the carpark to the north, south and west, it is an area of significant visual amenity due to the verdant mature tree canopy and peripheral shrub and hedge planting. The siting of a Charging Hub in the southern corner would be congruent with the existing use. A preference would be to omit the canopy on the grounds of it being a superfluous and non-conforming structure which would have an intrusive effect in views of the surrounding built environment consisting of the rear of Claremont Terrace and the southern end of Clarence Street, which lie within and contribute positively to the character and appearance of the conservation area. Whilst I maintain this view, the canopy design is open and relatively minimal in structure, and it would be set back from the street, well behind the mature soft planting boundary. Consequently I would not object to the application as a whole on the grounds of the modest effect on the setting of the CA.

3.2 The close boarded fence enclosure to the plant compound would be a negative feature out of character with the openness and verdancy of the existing carpark. I would recommend that the boarding is stained black to appear visually recessive, and that a planting strip for native hedging or appropriate trees might be considered to front the compound.

Design, conservation and sustainable development (Archaeology)

3.3 Clarence St car park is within the Central Area of Archaeological Importance. The installation of the proposed charging station and foundations for other structures may disturb archaeological features and deposits known to exist in this car park relating to the medieval Horsefair and former Friary which occupied this site.

3.4 In the area of the proposed charging station deposits/features may survive in lesser disturbed pockets to the rear of the former housing plots. These may be at shallow enough depths to be impacted upon during installation, therefore, an archaeological watching brief should take place during ground disturbing works. Should it become clear that significant archaeological levels are not being disturbed the monitoring can stop.

Public Protection

3.5 No objections.

Flood Risk Management

3.6 The applicant has provided sufficient information to demonstrate there will be no additional hard paved areas therefore, the Flood Risk Management Team has no objections to the development in principle.

Highways Network Management

3.7 No objections subject to suitable replacement of disabled parking bays and cycle parking provision. Do not raise safety concerns, however, new pedestrian walkways leading to Clarence Street should be marked on the car park surface to take account of its re-organisation.

4.0 REPRESENTATIONS

Neighbour Notification and Publicity

4.1 Objections were initially received from 8 residents. All comments related to changes to parking provision for blue badge holders. The issues raised were:

- Object to the loss of blue badge parking in the car park – this is additional to losses elsewhere in the city centre.
- There is no provision for charging facilities for blue badge holders and details provided in respect to how the proposed facilities can be used by blue badge holders.
- The city should adopt a more inclusive approach.
- It is important that blue badge parking is located closest to the exit from the car park as distance matters. The site is too distant from the city centre for many blue badge holders though is convenient to York St John University and Gillygate.
- There is no Equalities Impact Assessment.

4.2 The application as original submitted did not indicate where blue badge spaces would be re-located. These details were submitted in June and those residents who had objected re-consulted. Three additional objections were received. The issues raised were:

- Distance matters. The re-located spaces will be less convenient for people travelling to the city centre.
- It is dangerous to locate the spaces so that they back on to the main vehicular route into and out of the car park.
- There will no longer be safe egress from the car park.

Claremont Terrace Residents Association

4.3 Support in broad terms but would like re-assurance that the existing wall adjacent to the alley which is leaning will be repaired prior to work commencing on the charging area.

5.0 APPRAISAL

5.1 Main Issues:

- Principle of development.
- Impact on the setting of the adjacent conservation area.
- Re-location of blue badge Spaces.
- Neighbour Amenity.
- Vehicular and Pedestrian Safety.

POLICY CONTEXT

National Planning Policy Framework

5.2 The revised National Planning Policy Framework 2021 (NPPF) sets out the government's planning policies for England and how these are expected to be applied. The NPPF is a material planning consideration in the determination of this application.

5.3 The planning system should contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives.

5.4 Paragraph 11 states planning decisions should apply a presumption in favour of sustainable development and that for decision taking this means where there are no relevant development plan policies, granting permission unless:

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

PUBLICATION DRAFT LOCAL PLAN (DLP 2018)

5.5 The DLP 2018 was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. Phase 2 of the hearings concluded in May 2022. Phase 3 of the hearings took place in July 2022 and Phase 4 of the hearings took place in September 2022. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight 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 the previous NPPF published in March 2012. (N.B: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

2005 Development Control Local Plan

5.6 The Development Control Local Plan (DCLP) was approved for development management purposes in April 2005. Whilst the DCLP does not form part of the statutory development plan, 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 albeit with very limited weight.

Public Sector Equality Duty

5.7 The Public sector equality duty came in to force in April 2011 (s.149 of the Equality Act 2010) and public authorities are required, in carrying out their functions, to have due regard to the need to achieve the objectives set out under s149 of the Equality Act 2010 to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

Low Emission Strategy 2012

5.8 This strategy outlines the steps the Council intends to take to reduce the impact of emissions on public health and the wider environment.

5.9 There are six objectives outlined in the LES to deliver the LES vision and the main objective relevant to this application is iii) which states that

‘To minimise emissions to air from existing vehicles by encouraging eco-driving, optimising vehicle maintenance and performance (including that of abatement equipment) and providing businesses, residents and visitors with incentives and opportunities to use low emission vehicles and fuels.’

Principle of development

5.10 Allowing development that promotes more sustainable travel and improves air quality in the city is fully in compliance with national and local planning policy and advice. This includes general advice in regard to achieving sustainable development set out in paragraph 8c of the NPPF, as well as specific advice in paragraph 112e that states that development should ‘be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations’. Policy T1 (Sustainable Access) of the DCLP states that development will be supported that maximises more sustainable modes of transport. The provision of 8 centrally located rapid and ultra-rapid vehicle recharging points is in accordance with these goals. It is considered that subject to consideration of the impact of the proposal with regard to other material planning considerations the principle of the development is considered acceptable.

Impact on designated heritage assets (setting of listed buildings / character and appearance of the conservation area)

5.11 The approach to the assessment on Heritage Assets is set out in section 16 of the NPPF. Relevant to this case is the following approach:

- Identify and assess the particular significance of any heritage asset that may be affected by a proposal and take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal (paragraph 195).
- When considering the impact on significance, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be) (199).
- 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 (202).

Assessment of significance of heritage assets affected and impacts

5.12 The car park is adjacent to the Central Historic Core Conservation Area. The boundary of the area runs along the southern-western and north-eastern edge of the car park. There would be no harm to the setting of listed buildings.

5.13 The existing car park does not contribute positively to the character and appearance of the Conservation Area. The existence of the tree belt and shrubs along the eastern boundary does however help mitigate its impact when viewed from Clarence Street. The charging facilities and plant will have a relatively modest impact on the appearance of the area. The fence surrounding the area would be 2.4m high and the sub-station 3.2m high. The fence would be set around 30m back from Clarence Street. The canopy over the charging bay will be around 13m from Clarence Street at its closest point. The canopy is a modern gull wing type structure suspended on three columns running along its centre. It is intended to provide shelter for users of the facility as well as create a higher profile for the provision. It would also include solar panels on its roof.

5.14 It is considered that the charging area would cause less than substantial harm to the character and appearance of the adjacent conservation area. In assessing this some regard is given to the fact that apart from the canopy it is a relatively innocuous development within a car park. The canopy itself is an open structure. In assessing the overall impact, it is of significance that it is set back from the road. In addition, the impact will be softened by the trees that exist in the verge between the car park and Clarence Street. Some regard is also given to the fact that the nearest part of the

Conservation Area (the rear elevation of Claremont Terrace and the associated access lane) does not contribute significantly to the qualities of the Conservation area.

Assessment of public benefits

5.15 As less than substantial harm to the conservation area is identified, an assessment of any public benefits is required, to determine whether these outweigh the harm.

5.16 National planning guidance states “public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives, as described in NPPF paragraph 8”.

5.17 The scheme will deliver public benefits and help achieve environmental objectives in that the provision will provide high quality vehicle re-charging provision in a very accessible location. It will help support the transition to a low carbon economy. The provision of a canopy will help to better illustrate in the streetscene the fact that such facilities are available in central York to existing and prospective users of electric vehicles. Charging hubs are ideally located in existing car parks and as such there is limited flexibility in respect to their location. The siting in the south-east corner of the car park close to the entrance limits the distance vehicles must travel through the car park and also provides the opportunity to easily secure the facility separate to the car park if deemed necessary. It is considered that the public benefits from the proposal are sufficient to outweigh the modest harm to the setting of the Conservation Area that would be caused.

Re-location of blue badge Spaces.

5.18 The proposed charging hub area is sited where there are currently 7 spaces for blue badge holders. These are in close proximity to the pedestrian access leading to Gillygate. The application as originally submitted did not include details showing what replacement provision will be provided. Subsequently details have been submitted indicating 7 new spaces immediately to the west of the charging station. In addition, 2 blue badge spaces will be retained in front of the existing electric vehicle charging points located opposite the proposed site of the re-located blue badge spaces. The curb between the spaces and the charging point in this area will be levelled to enable easier access to the existing charger.

5.19 The charging hub area does not have designated blue badge spaces, however it is designed to be compatible with use by blue badge holders. Parking spaces accord with the required width of 2.4m with a 1.2m gap to the adjacent parking space.

5.20 The City Council has a duty under 149 of the Equality Act 2010 to have due regard to promoting equality and eliminating discrimination having regard to a number of individual characteristics including disability. In addition, the NPPF at paragraph 7b states that sustainable development includes having provision of accessible services and spaces that meet the communities health and social needs. Furthermore, paragraph 92 states that decisions should aim to achieve healthy, inclusive and safe places. Policy T1 (Sustainable Access) of the DCLP states that development will be supported that minimises the need to travel and provides safe, suitable and attractive access for all transport users to and within it, including those with impaired mobility.

5.21 If the charging hub is located in the south-east corner of the car park it will inevitably displace the existing blue badge parking. The justification for locating it here is that it allows the hub to be separate to the rest of the car park and to function independent to it. It is understood it also has advantages in respect to the relationship with existing electric cabling.

5.22 It is considered that the provision of recharging facilities in the car park will not disadvantage blue badge holders driving electric cars. The spaces in the hub are designed to be fully accessible. In addition, two spaces solely for blue badge holders will be retained in front of the existing dual charging facility within the site. The area in front of the charger will be modified to ensure level access. The blue badge spaces located in the north of the car park will not be impacted upon by the proposals.

5.23 The proposal will not lead to any loss in the number of blue badge spaces. As the overall number of car parking spaces in the Union Terrace car park will be reduced from the introduction of the hub the ratio of blue badge spaces to non-blue badge spaces will increase slightly. The change will, however, lead to the spaces being further from the exit of the car park towards Gillygate and Clarence Street. The increase in distance needed to travel if heading south towards Gillygate will typically be around 50 to 55 metres. This will clearly detract from the convenience of blue badge holders not using the electric charging hub. It is considered however, that the degree of harm caused would not be such to justify refusing the planning

application, in assessing this some regard would be given to the fact that the existing blue badge spaces would largely serve people visiting one or more facility in the city centre rather than a particular shop or service located immediately adjacent to the car park. Although not seeking to diminish the impact of the changes on the users of blue badge spaces, the additional distance that people will need to travel to and from their vehicle as a proportion of distance travelled will in most case be relatively small when judged as a percentage of the distance travelled on their visit to the city centre. To enable safe travel through the car park it will be necessary to mark out walkways from the blue badge parking spaces to the exit.

Vehicular and Pedestrian Safety

5.24 Paragraph 92 of the NPPF states that decisions should aim to achieve safe places. Policy T1 (Sustainable Access) of the DCLP states that development will be supported that provides safe and suitable access for all transport users to and within it, including those with impaired mobility. The layout supports the safe movement of vehicles and avoids unacceptable conflict with pedestrians. There is an existing pedestrian only access towards Gillygate from the south-east corner of the site. It is not intended to close this as it is considered it provides convenient pedestrian access for users of the charging area. It would be expected that other users of the car park would enter and exit from the existing access to Clarence Street around 30m to the north. Should people choose to walk across the charging area, it is not considered that it would create pedestrian safety issues that would be materially different to walking across other parts of the car park where vehicles are manoeuvring. In assessing the additional travel distances for blue badge holders walking towards Gillygate it was assumed that at present they would use the Gillygate pedestrian access but use the access to the north in the future.

5.25 The proposal will lead to the loss of several Sheffield type cycle stands located in the south-east corner of the car park. The applicant has agreed to re-locate this provision close to the existing toilet block.

Neighbour Amenity

5.26 The NPPF states at paragraph 130a that decisions should ensure that developments will function well and add to the quality of the area. This advice is mirrored in Policy D1 (Placemaking) of the DCLP. The proposed development would not have a significant impact on outlook or light. At the present time the car park is open 24 hours. It is not considered that there is any justification to limit the

operating times of the charging area. It is likely that noise impacts associated with the charging hub would be similar to those generated by the existing car park and it is noted that background noise levels from vehicles using Clarence Street are relatively high. It is suggested that details of illumination can be covered by condition.

6.0 CONCLUSION

6.1 The proposed charging hub would support initiatives to encourage the switch to more sustainable travel modes. The central location would be particularly beneficial to tourists, people using work vehicles and the occupiers of the many nearby terraced properties that currently do not have easy access to charging facilities. The position within a car park, outside the Central Historic Core conservation area is a logical location for the facility. The position in the south-east corner of the car park will minimise vehicle movements through the car park and also allow it to function separate to the car park if needed. It is considered that the less than substantial harm to the setting of the adjacent Conservation Area would be outweighed by the wider environmental benefits of the proposal.

6.2 The proposed position of the charging hub requires the re-location of the blue badge spaces that are currently located in the southeast corner of the car park. They will be re-located as close to the access to Gillygate/Clarence Street as possible, however, the changes will typically result in an additional travel distance of around 50m to and from people's parked vehicles. It is not considered that the level of harm caused to users of the spaces is such to justify the refusal of the application.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Proposed plan 90-01783-PO4-RE01 received 11 October 2021.

Compound details 90-01783-PO8-RE01 received 24 February 2022.

Hyper Hub plan 90-01783-PO5-RE01 received 11 October 2021.

Hyper Hub elevations 90-01783-PO6-RE01 received 11 October 2021.

Union Terrace Blue Badge Parking Option 3 received 30 May 2022.

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

3 A minimum of 7 of the blue badge spaces shown on drawing 'Option 3' received by the Local Planning Authority on 30 May 2022 shall be provided prior to the commencement of development with a further two provided within 14 days of the commencement of the development.

Reason: To ensure that suitable blue badge parking spaces are provided on site.

4 Prior to the commencement of development details of pedestrian routes and relevant demarcation and surfacing for these routes between the car park and Clarence Street that shall be in place during and after construction works shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be installed during the timescales to be agreed in writing with the Local Planning Authority.

Reason: To ensure safe and convenient access to and from the car park.

5 Prior to the development commencing details of replacement cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. The permission shall not be commenced until the cycle parking areas have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

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

6 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, details of the of the external materials to be used in respect to the following elements shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development.

Hyper Hub building.
Compound fencing.

The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

7 Any trees which within 10 metres of the development which in 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: To ensure that the proposal does not lead to the permanent loss of any tree cover within the vicinity of the development.

8 Notwithstanding the submitted details, prior to the operation of the facility details of any artificial lighting proposed on or to be erected at the charging hub shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and no artificial lighting other than that approved by this condition shall be erected or operational at the charging hub.

Reason: To protect neighbours living conditions and the setting of the Conservation Area.

9 A) No ground disturbing work shall commence until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no groundwork shall take place other than in accordance with the agreed WSI. The WSI should conform to standards set by LPA and the Chartered Institute for Archaeologists.

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

C) A copy of a report shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 2 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: The site lies within an Area of Archaeological Importance and the development may affect important archaeological deposits which must be recorded prior to destruction.

8.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Sought relocation of blue badge parking spaces.

2. For Information

The applicant should have regard to the comments from Claremont Terrace Residents Association regarding the condition of the brick wall that runs along the rear lane to the south-west of the application site.

Contact details:

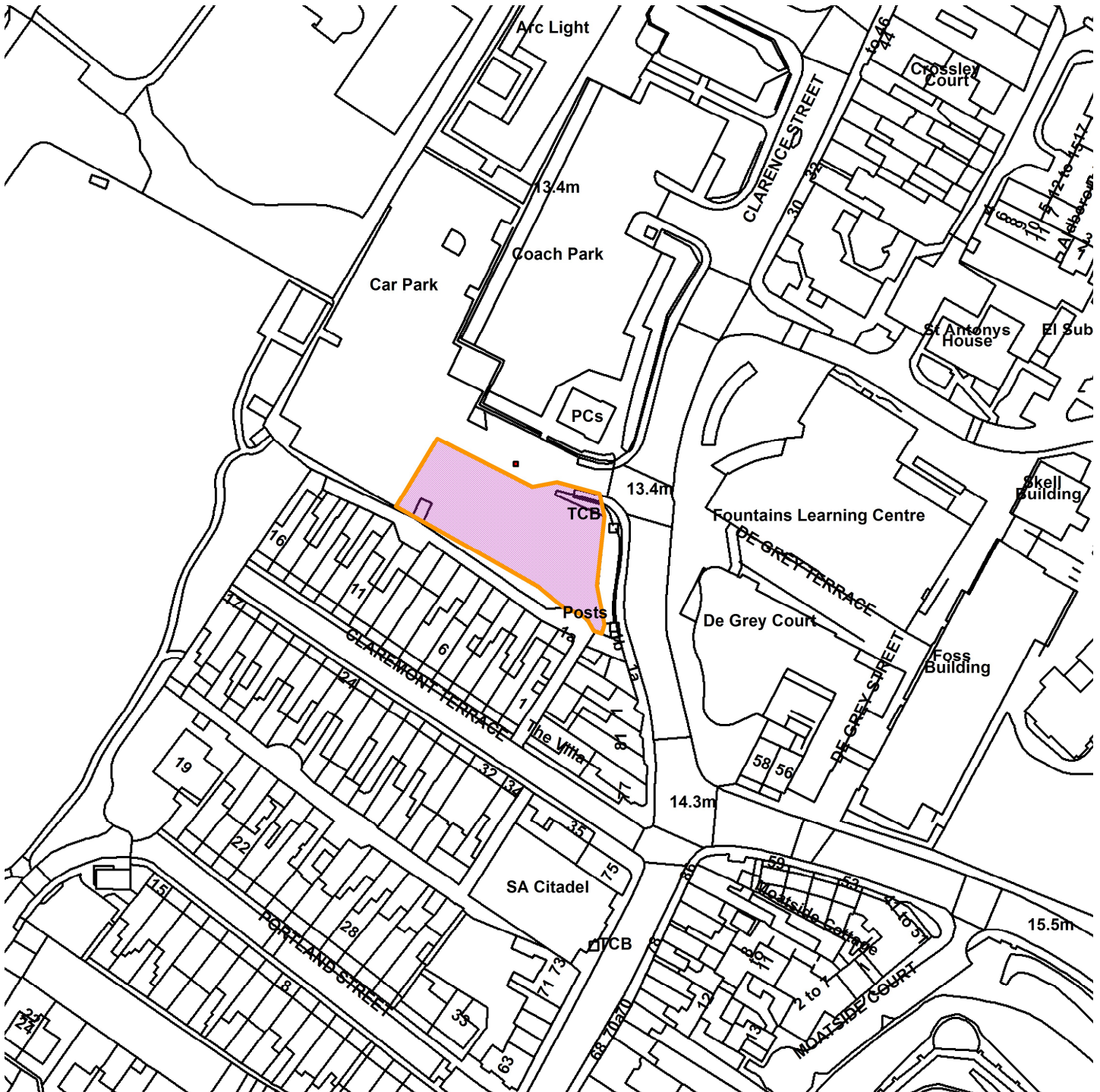
Case Officer: Neil Massey

Tel No: 01904 551352

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Union Terrace Car Park, Clarence Street, York

21/02295/GRG3



Scale : 1:1428

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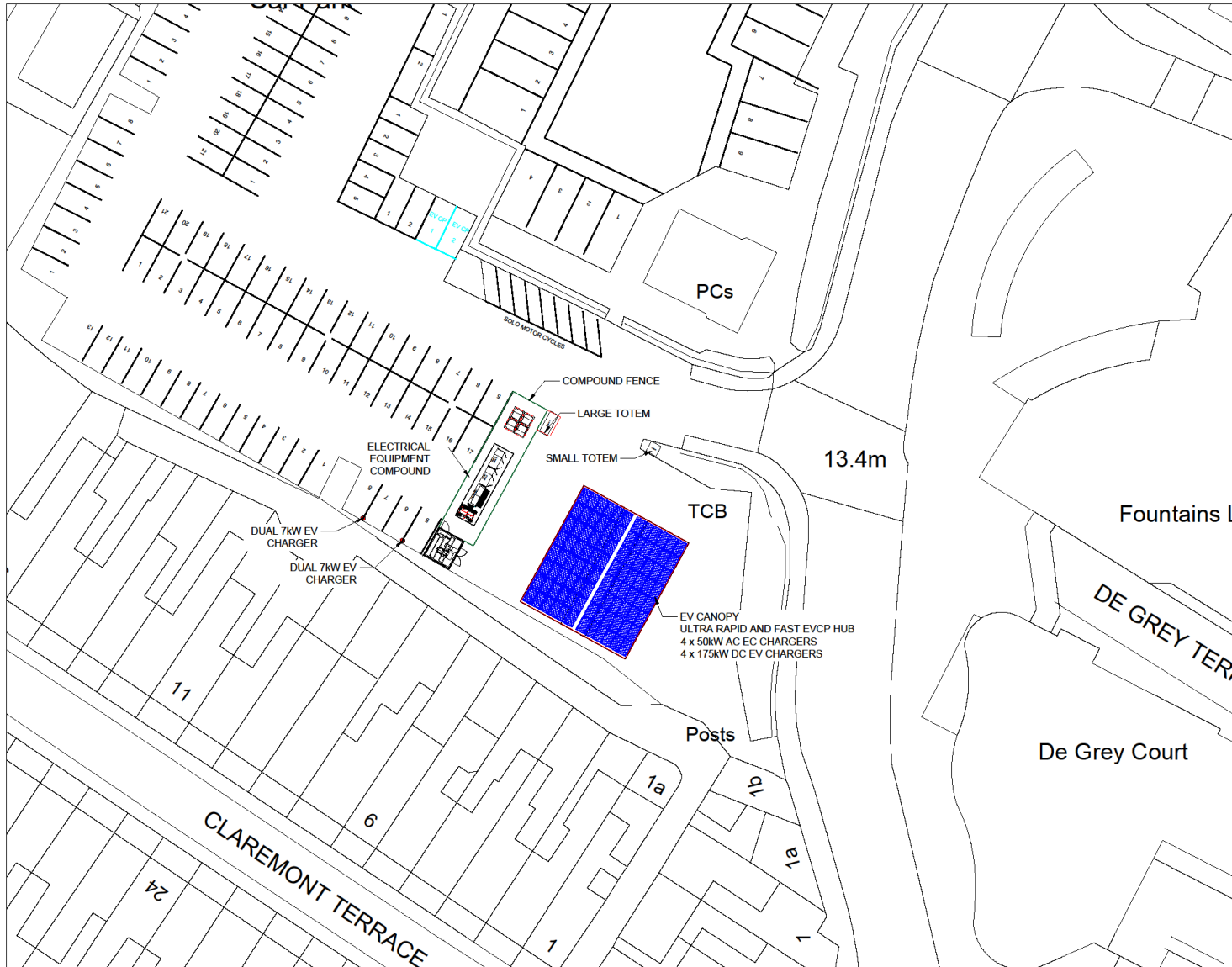
Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	11 October 2022
SLA Number	Not Set

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Planning Committee B

21/02295/GRG3 and 22/00426/ADV
Union Terrace Car Park Clarence Street



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REV	DESCRIPTION	DATE	BY	APPROVED
RES1	PROVISIONAL	12/04/2021	G.LIU	X.XXXXX

System Details

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North Indicator

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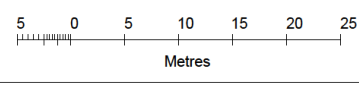
Project: **COY - HYPER HUBS - UNION TERRACE**

Drawing Title: **PROPOSED PLAN**

Drawn By: G.LIU	Approved By: X.XXXXX	Scale (A1): 1:200
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Drawing Status: **PROVISIONAL**

Drawing Number: 90-01783 - P04-RED1	Date: 12/04/2021
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Union Terrace Blue Badge Parking
Option 3

Canopy details

The drawing consists of two main views: a side elevation and a front elevation. The side elevation shows a canopy with two sloped sections, each at a 10-degree angle. The total width of the canopy is 12000mm (6000mm on each side). The height of the canopy at the center is 4500mm. A car and a person are shown for scale. Labels include 'LED BACKLIGHTING', 'LED DOWN LIGHTING', and 'ADJUSTABLE DOWNPIPE INTERNAL TO COLUMN'. The front elevation shows a canopy with a total width of 14500mm and a height of 4500mm. It features two columns and two LED downlighting fixtures. Labels include 'LED BACKLIGHTING', 'ADJUSTABLE DOWNPIPE INTERNAL TO COLUMN', and 'LED DOWN LIGHTING'. Dimensions for the front elevation include 1000mm, 6300mm, 300mm, 6300mm, 1000mm, and 300mm.

Notes:

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REV	PROVISIONAL	12/04/2021	GLJ	XJXXXX
REV	DESCRIPTION	DATE	BY	APPROVED

System Details

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EVOENERGY
 Powering the Future

Project
 COY - HYPER HUBS - UNION TERRACE

Drawing Title
 HYPER HUB DETAILS

Drawn By
 G.LJ

Approved By
 X.JXXXX

Scale (A1)
 NTS

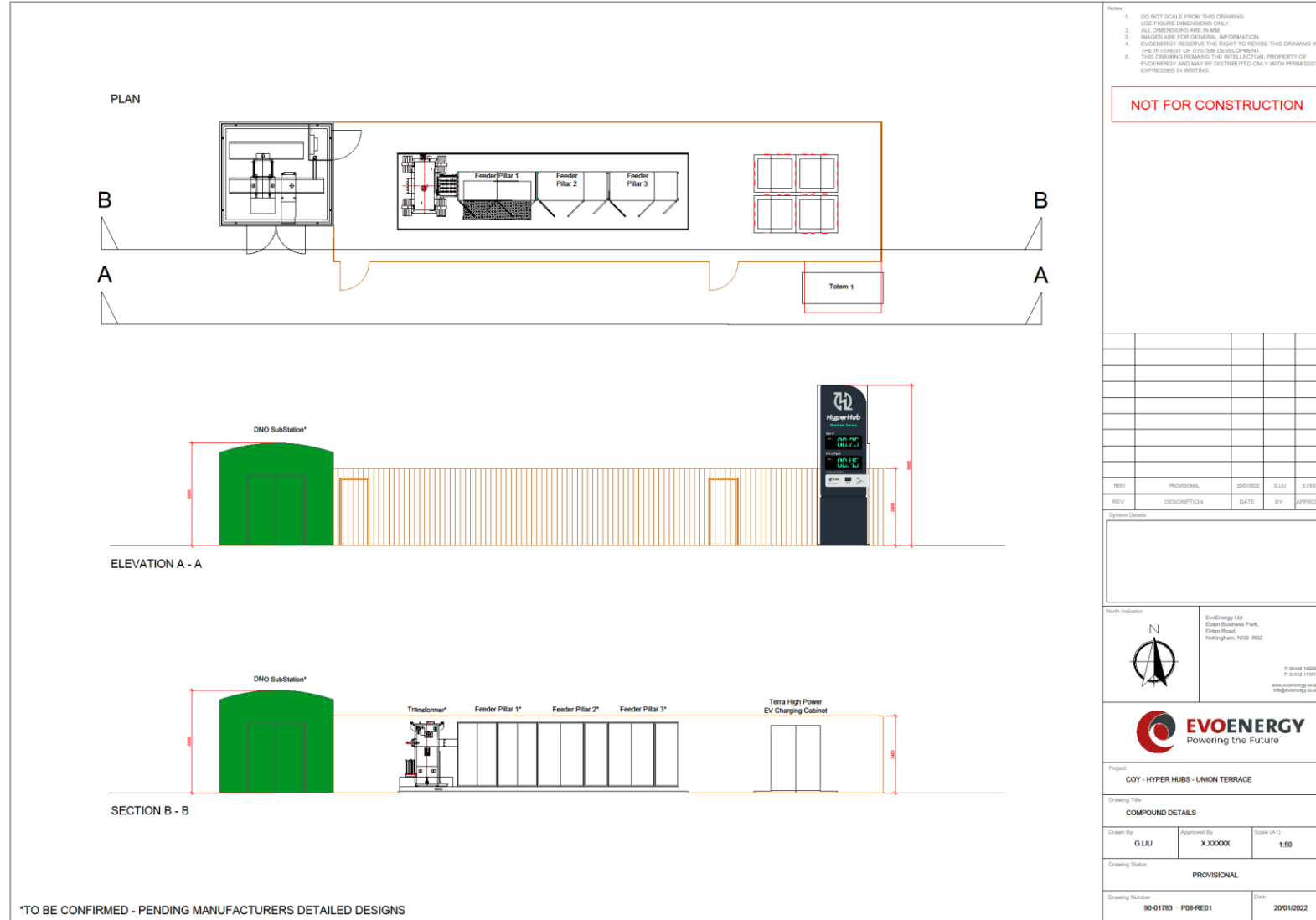
Drawing Status
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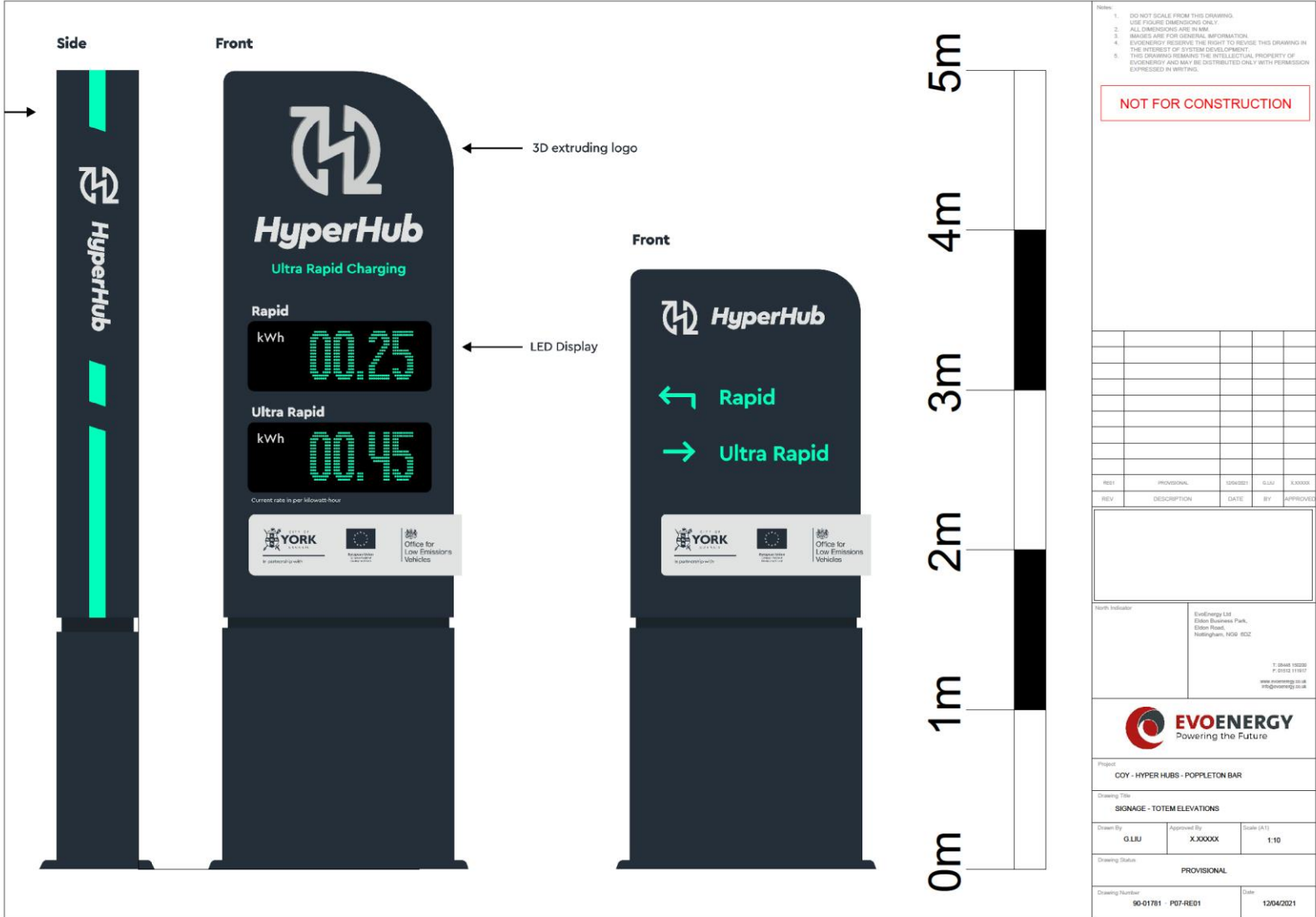
Drawing Number
 90-01783 - P06-RED1

Date
 12/04/2021

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Compound layout and elevations





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COMMITTEE REPORT

Date: 19 October 2022 **Ward:** Guildhall
Team: East Area **Parish:** Guildhall Planning Panel
Reference: 22/00426/ADV
Application at: Union Terrace Car Park Clarence Street York
For: Display of 1no. internally illuminated totem sign
By: City Of York Council
Application Type: Advert Application
Target Date: 22 April 2022
Recommendation: Approve

1.0 PROPOSAL

1.1 The application relates to the proposed erection of a 5m high internally illuminated 'totem' sign on the south eastern section of Union Terrace car park. The sign is proposed to advertise the existence of 8 vehicle charging stations which are proposed adjacent to the sign and for which there is a concurrent planning application (reference 21/02295/GRG3). The sign would be located around 30m from the boundary with Clarence Street and 18m from the boundary wall that runs along the south-western boundary of the car park.

1.2 The boundary of the Central Historic Core Conservation Area runs along the south-western and north-eastern boundary of the car park. The car park itself is not in the Conservation Area.

2.0 POLICY CONTEXT

Publication Draft City of York Local Plan 2018 (DLP)

D4 Conservation areas
D13 Advertisements

3.0 CONSULTATIONS

INTERNAL

Design, conservation and sustainable development (Conservation)

3.1 Consider degree of harm to the adjacent Conservation Area is very modest given the position within the car park and association with the charging hub.

Highways Network Management

3.2 No objections

4.0 REPRESENTATIONS

Neighbour Notification and Publicity

4.1 No comments were received.

5.0 APPRAISAL

5.1 Key issues

- Amenity including the setting of designated Heritage Assets.
- Public Safety.

Policy

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.2 The revised National Planning Policy Framework (the NPPF) sets out the government's planning policies for England and how these are expected to be applied. The NPPF is a material planning consideration in the determination of this application. Paragraph 136 of the NPPF states that the quality and character of places can suffer when advertisements are poorly sited and designed.

Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Chapter 16 includes advice in respect to assessing proposals that impact on Conservation Areas. Any harm caused will be unacceptable unless appropriate public benefits arise from the proposal.

PUBLICATION DRAFT LOCAL PLAN (DLP 2018)

5.3 The DLP 2018 was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. Phase 2 of the hearings concluded in May 2022. Phase 3 of the hearings took place in July 2022 and Phase 4 hearings took place in September 2022. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight 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 the previous NPPF published in March 2012. (N.B: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

5.4 Policy D13 of the 2018 DLP states that advertisements will be permitted when they are of a scale, design, material, finish, position and number that will not cause harm to visual or residential amenity and will respect the character and appearance of the street scene. In addition, within conservation areas, illumination will only be supported where the fittings, wiring and level of illumination is designed to preserve or enhance the historic character and appearance of the area and the premises trade as part of the evening economy. Policy D4 (Conservation Areas) is relevant to conservation areas. It requires proposals either preserve or enhance the setting of such areas. If proposals lead to harm they are to be refused unless there are substantial public benefits that outweigh the harm (consistent with the approach in Chapter 16 of the NPPF).

Amenity

5.5 It is considered that the sign is adequately separate from nearby properties to avoid any harm in respect to outlook or glare.

5.6 In respect to amenity the key issue is the impact on the area's appearance having regard to Union Terrace Car Park's proximity to the Central Historic Core Conservation Area. The approach to the assessment of planning applications impacting on Heritage Assets is set out in Chapter 16 of the NPPF. Relevant to this case is the following approach -

- Identify and assess the particular significance of any heritage asset that may be affected by a proposal and take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal (paragraph 195).
- When considering the impact on significance, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be) (199).
- 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 (202).

Assessment of significance of heritage assets affected and impacts

5.7 Union Terrace Car park is adjacent to the Central Historic Core Conservation Area. The boundary of this area runs along the south-western and north-western edge of the car park.

5.8 The existing car park does not contribute positively to the character and appearance of the conservation area. The existence of the tree belt and shrubs along the eastern boundary does however help mitigate its impact when viewed from Clarence Street. There is also a treed backdrop to the north-western boundary.

5.9 The proposed totem sign would be constructed of cut vinyl. It would be coloured dark blue. The extent of illumination would be relatively modest. The totem as a whole would not be lit, but only the logo and text. The pricing of the electricity is the main body of the sign and would be lit by LED lighting. The sign is not being erected in isolation but as part of a vehicle charging hub including a canopy over the charging area. Clearly the vernacular is related to that of a petrol forecourt. It is not considered that the totem sign would have a totally neutral impact on the adjacent conservation area's appearance. The totem sign is a fairly large modern structure and the internal lighting would draw some attention to it. It is considered that the degree of harm to the proposal would cause to the character and appearance of the adjacent conservation area would be less than substantial. In concluding that this would be the case regard is given to the existing functional nature of the car park, the position of the proposed totem sign set back from the road (and the conservation area to the south and west) and the provision of street

trees along the boundary with Clarence Street. The degree of illumination is modest and it is noted that it is located in a car park containing 'street' lighting. The dimensions of 5m high, 1.5m wide and 0.5m deep are not excessive in the context of the local built environment.

Assessment of public benefits

5.10 As less than substantial harm to the conservation area is identified, an assessment of any public benefits is required, to determine whether these outweigh the harm.

5.11 National planning guidance states "public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives, as described in NPPF paragraph 8".

5.12 The public benefits of the scheme are environmental in that the totem sign is part of a proposal that will provide high quality vehicle re-charging provision in a very accessible location. It will help support the transition to a low carbon economy reducing the use of fossil fuels and also improving air quality. The provision of the totem sign will promote awareness of the availability of such provision in the heart of York. It is associated with a charging facility and such facilities are ideally located in existing car parks and as such there is limited flexibility in respect to their location. It is considered that the public benefits from the proposal in promoting and advertising the important public facility are sufficient to outweigh the modest harm that would be caused to the setting of the nearby conservation area.

Safety

5.13 The sign and illumination are not of a design that would distract road users. There is a well-defined footpath and road in this area and the sign is set back 30m from the highway. It is not of a design or location that would conflict with the safe use of the car park or charging area.

6.0 CONCLUSION

6.1 The totem sign does not raise safety issues. It is adequately separate to neighbouring homes to avoid any significant impact on living conditions. Because of its scale and because it is partly illuminated the sign is not considered to enhance the nearby conservation area, however, because of its location set back within a

large car park the harm caused would be less than substantial. It is considered that the benefits in promoting and supporting an initiative to encourage sustainable travel choices outweigh this modest harm.

7.0 RECOMMENDATION: Approve

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

The 5m totem sign only shown on elevation drawing 90-0181-P07-RE01 dated 12 April 2021.

Site Plan 90-0183-P02-RE01 dated 12 April 2021.

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

2 All lighting shall be static and the luminance level shall not exceed 400cd/m².

Reason: In the interests of visual amenity.

8.0 INFORMATIVES:

Contact details:

Case Officer: Neil Massey

Tel No: 01904 551352

Union Terrace Car Park, Clarence Street, York

22/00426/ADV



Scale : 1:1142

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	11 October 2022
SLA Number	Not Set

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