

Scheme

1.4. This application seeks permission to erect a Children's Charity Centre with outdoor recreation facilities. It is proposed to erect a two storey building, with single storey elements, of u shape form with an entrance courtyard. It is to be constructed in a variety of materials including timber cladding, cork, aluminium curtain walling, metal standing seam roof and a green sedum roof. PV panels are proposed.

1.5. Facilities will include a public café, public shop, mentor kitchen, arts and crafts area, dance studio, music studio, beauty studio, podcast room, sensory room, a recreation space, a climbing wall, meeting rooms, offices, fitness suite, sports hall and workshop alongside toilet, shower and changing facilities. Outdoor space will be landscaped and includes the provision of a public park, picnic area, vegetable garden, orchard garden, pond, wildflower meadows, a bike trail and a multi-use games area.

1.6. Vehicular access would be taken from New Lane, alongside 2no. new pedestrian/cycle accesses into the site. A car park will lie to the front of the site and will host 53no. spaces (3no. of which would be disabled and 2no. reserved for mini-buses). 8no. EV car charging points are proposed, alongside a grasscrete car parking area for overspill parking which could host approximately 9no. vehicles. Covered, secure cycle parking (18no. spaces) is proposed near the site entrance and uncovered cycle parking (40no. spaces) is proposed in front of the café within the car park. A new pedestrian crossing is proposed on New Lane, alongside the widening of New Lane and a new bus shelter with footpath connection to the site. A covered refuse store is provided to host 8no. 1100litre bins.

1.7. The site would be occupied by 'The Island' - a registered charity (1120420) which delivers a service supporting disadvantaged, vulnerable and isolated young people in the city through positive mentoring relationships and activities. The Charity was founded in 2007 and is currently experiencing a lack of physical space and resources to meet demand. The site would be open 7 days a week with the following operating hours:

Island Centre:

Monday to Saturday	08:30 – 21:00
Sundays and Bank Holidays	09:30 – 17:00

Public Café and Farm Shop:

Monday to Saturday	10:00 – 16:00
Sundays and Bank Holidays	Closed

Planning History

1.8. With regards to planning history, permission was granted in 2013 for the change of use of the existing agricultural building to a fruit and vegetable shop and the retention of the polytunnel for agricultural use. The farm shop was the last use of the site.

1.9. The parcel of land immediately north is currently subject to a planning application for residential development and is pending consideration at the time of writing this report (23/01016/OUTM). The land north of the cemetery was granted planning permission on appeal for residential development of up to 300 dwellings (21/00305/OUTM). The reserved matters application for 275 dwellings is currently pending consideration (24/00282/REMM).

2.0 POLICY CONTEXT

NATIONAL PLANNING POLICY FRAMEWORK

2.1. The revised National Planning Policy Framework (NPPF) was published in 2023 and sets out the government's planning policies for England and how these are expected to be applied.

2.2. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (section 38(6) Planning and Compulsory Purchase Act 2004).

2.3. The statutory Development Plan for the City of York comprises the saved policies and key diagram of the otherwise revoked Yorkshire and Humber Plan Regional Spatial Strategy (2008) and any made Neighbourhood Plan.

HUNTINGTON NEIGHBOURHOOD PLAN

2.4. The Huntington Neighbourhood Plan (HNP) was adopted in 2021. The following policies are relevant to this application:

H4 Design principles

H8 New and enhanced community facilities and buildings

H14 Green Belt

H17 Biodiversity

H18 Flooding and water management

H20 Car parking

H21 Walking and cycling
H22 Developer contributions

PUBLICATION DRAFT LOCAL PLAN (DLP 2018)

2.5. The Publication Draft Local Plan 2018 was submitted for examination on 25th May 2018. It has now been subject to full examination and is expected to be adopted late 2024. The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF. Draft policies relevant to the determination of this application are:

DP2 – Sustainable Development
HW2 – New Community Facilities
HW3 – Built Sports Facilities
D1 – Placemaking
D2 – Landscape and Setting
D6 – Archaeology
GI2 – Biodiversity and Access to Nature
GI4 – Trees and Hedgerows
GB1 – Development in the Green Belt
CC2 – Sustainable Design and Construction of New Development
ENV1 – Air Quality
ENV2 – Managing Environmental Quality
ENV3 – Land Contamination
ENV4 – Flood Risk
ENV5 – Sustainable Drainage
WM1 – Sustainable Waste Management
T1 – Sustainable Access
T7 – Minimising and Accommodating Generated Trips
T8 – Demand Management
DM1 – Infrastructure and Developer Contributions

3.0 CONSULTATIONS (most recent responses recorded)

INTERNAL

Archaeology – 13th September 2022

3.1. Commentary on development site and adjacent fields with recommended archaeological conditions.

Carbon Reduction – 15th September 2022

3.2. The sustainability and energy statement states the following will be used to achieve an 85.8% reduction of carbon emissions:

- Air Source Heat Pump
- Solar Photovoltaics (Solar PV) for energy generation
- High performance building fabric
- Low energy lighting
- Compact and efficient floor plan
- Double-glazing to limit heat gains and losses
- Solar shading
- Extensive energy monitoring systems for performance reporting and ongoing
- Monitoring

3.3. Recommend a condition to achieve reduction in carbon emissions of at least 28% compared to the target emission rate required under building regulations and a BREEAM excellent condition.

Ecologist – 15th November 2023

3.4. No objections but recommend a biodiversity enhancement condition, great crested newts condition, nesting birds condition and Landscape and Ecological Management Plan (LEMP). Informatives are recommended with regards to nesting birds, hedgehogs, wildlife and lighting.

Strategic Planning – 10th November 2023

3.5. Concluded: The submitted Plan (Publication Draft) shows the site as being in the York Green Belt. However, in accordance with the saved policies of the RSS, the Green Belt boundaries will be established through the City of York Local Plan, once adopted. Having applied the Wedgewood principles, it is recommended that this site is considered to be in the Green Belt.

3.6. As the proposed development does not accord with any of the uses outlined in paragraph 149 of NPPF 2023, the proposed development should be regarded as inappropriate development in the Green Belt and consideration should be given to whether or not very special circumstances exist and any harm resulting from the proposal is clearly outweighed by other considerations.

Landscape Architect – 31st August 2023

3.7. Summarised:

- Significant harm to simple open landscape character and views between New Lane and Monks Cross resulting from building and car park.
- Remaining landscape in eastern half of site presents a change to landscape character but not a harmful one.
- Mitigation could be improved by setting car park further back from New Lane and adding hedgerow trees.
- Notwithstanding the harmful impact on the open tract of land between Huntington and Monks Cross, the landscape scheme is considerate, functional, and potentially attractive.
- Landscape condition to be included if consent is given.

3.8. Comments based on revisions:

- The width of roadside planting is marginally increased and includes some tree planting which is a slight improvement though does not significantly alter the effect of the landscape mitigation on the visual impact of the car park.
- Revisions have been submitted with alterations to the parking, which results in more parking, which in turn increases the visual impact of this element of the scheme, especially at the site entrance.
- Otherwise there are no significant changes, therefore please refer to my comments from 31st August 2023.

Public Protection – 15th October 2023

3.9. Recommend conditions with regards to; a construction environmental management plan, working hours condition, odour control, land contamination, noise.

3.10. Advice regarding electric vehicle charging points and a recommended condition (however this is now covered by Building Regulations).

3.11. A lighting report has been provided with the application. Consideration has been given to light from the facility however the impact on the nearest residential properties has not been quantified. Therefore a condition is recommended to cover this.

CYC Waste Management – 3rd October 2023

3.12. Whilst these types of developments are not under remit for collections as they are not entitled to a domestic waste collection service, they can use any commercial waste vendor.

3.13. City of York Council will not collect waste via unadopted highways on new developments.

3.14. The route between the bin store is flat and even. The loading point for the refuse collection vehicle is safe and legal where they will not obstruct other traffic, pedestrians or access. Bin storage areas should be contained within a suitable enclosure to prevent nuisance from the spread of waste, odour or noise and must be suitably designed to prevent entry by vermin. The walls and doors should be able to withstand impacts from fully-loaded 1100 litre bins. Where necessary, the installation of a suitable buffer can prevent contact between the bins and the inside faces of the walls and doors.

CYC Corporate Director of Children Services and Education

3.15 The Island is an established charity in the City of York, who are a very well-respected part of the wider community and early help system. They support some of our most vulnerable and disadvantaged children in the city through an increasing offer of engaging relationships and support activities. Their work has developed over many years and this proposal provides considerable opportunity to grow and develop the service further, extending their offer to provide greater inclusivity in working with young people and their families. This proposal is a welcome addition to support a comprehensive and early offer to children and young people alongside other voluntary and statutory providers. It is well placed in the city given other amenities in the location whilst there is a comprehensive plan to engage young people across all areas, through their exiting community relationships. As the Corporate Director of Children Services and Education, welcome and support the extension of provision for young people by a provider which is well established over many years.

Conservation and Design – 2nd October 2023

3.16 Development Management to assess. Informal meeting if need to discuss specific design issues.

Public Realm Manager – 29th September 2023

3.17 As it is a private development, rather than a public open space issue, no comments to make.

Flood Risk Management Team – 15th March 2024

3.18 With regards to surface water disposal, although the applicant has not yet carried out site specific infiltration testing to determine whether soakaways would work, the onsite foul and surface water drainage principles have been agreed in principle but there remains a requirement to rule out of the use of soakaways before connection to surface water sewers is permitted.

3.19 With regards to the offsite surface water sewer, the submitted CCTV survey provides evidence of an obstruction between 40m and 90m from existing surface water manhole (SWMH1), this has the potential stop the flow of water and discharge from the proposed development if not addressed. Both landowners have riparian responsibilities/duties of the drainage laid within their land. Note, the CCTV survey also provides evidence of existing land drainage connection from the site into MH1.

3.20 The Council has an Easement Agreement which gives the right to enter 3rd party land to carry out maintenance and repair, the adjacent landowner will remain the riparian owner.

3.21 The submitted Drainage Strategy is acceptable - Sheet 1 – Re: 21181-100 Revision P4, the Drainage Strategy Sheet 2 Foul Destination – Re: 21181-101 Revision P3, both dated 7th September 2023 and the Drainage Strategy Sheet 3 Surface Water Destination – Re: 21181-102 Revision P3, dated 9th October 2023. These show foul water being pumped offsite to the public foul water sewer in Ferguson Way and surface water making use of the existing private land drainage connection manhole (MH1) within the site which in turn connects to the wider local watercourse at a restricted rate of 1.1 (one point one) litres per 2 second with appropriate attenuation up to and including the 1 in 100 year event with 40% climate change event and are generally acceptable in principle. If planning permission is to be granted, recommend 2 conditions - separate systems for foul and surface water and a pre-commencement condition with regards to soakaways and if proved to be unsuitable then drainage in accordance with the drainage strategies put forward.

Highways – 18th March 2024

3.22. With some minor changes to the proposed layout, 50 standard spaces + 3 accessible parking spaces can be provided within the main car park, two more next to the proposed mini-bus parking (possibly for drop-offs only), plus a further nine in the 'grasscrete' 'overspill' parking area (61+3 overall). This is slightly less than the 68 'target' for primarily 'education' use with some 'business' and 'health (Medical)' uses, plus daytime use of sports hall, fitness suite and dance studio.

3.23. It should be noted that a 17-seater mini-bus includes the driver, so a maximum of 32 pick-ups by minibus will be possible in any one pick-up round, unless minibuses with more than 17 seats are proposed. A minibus with up to 16 passenger seats can, however, be driven using a current car driving licence (Category B) The applicant should clarify whether minibuses with up to 16 passenger seats or a higher no. of passenger seats are to be used.

3.24 If use is to made of the proposed 'overspill' car parking area It is recommended that the landscaping be amended.

3.25 Recommend conditions in relation to the following:

- o Full details of vehicular access
- o Vehicle areas surfaced
- o Cycle parking details to be agreed
- o Car and cycle parking laid out
- o Internal turning areas
- o Pedestrian visibility splays protected
- o Highway safety audit
- o Method of works statement
- o Travel plan
- o Parking survey
- o Off-site highway work details (widening of New Lane, pedestrian crossing, shared use cycle track/pedestrian route, footway on New Lane, installation of a new bus shelter, relocation of 30mph/40mph speed limit signs)

3.26 Seek financial contributions via S106 for the following;

- £6,000 towards amending the Traffic Regulation Order (TRO) to be able to introduce the extension of the 30mph speed limit to a point approx. 130m south of its current extent
- £10,000 towards City of York Council Travel Plan Support (@ £2,000/per year for 5 years)
- £130,000 (tbc) towards the introduction and enforcement of a residents parking zone (RPZ) in the vicinity of the Site (subject to the outcome of annual parking surveys);

EXTERNAL

Huntington Parish Council – 27th September 2023

3.27 Object on the following grounds;

1. The proposed development is within the Green Belt
2. There is no identified need for this facility within the Neighbourhood Plan
3. The proposed development has poor public transport access, making it less accessible to sections of the wider York Area
4. The proposed development is over-bearing, out-of-scale or out of character in terms of its appearance compared with existing development in the vicinity
5. There are better situated brownfield sites within the city which would make any proposed centre more accessible to potential beneficiaries.

Cadent – 13th September 2022

3.28 This application falls outside of Cadent's distribution network. Please contact local Gas distributor and/or National Grid for comments on this application.

Yorkshire Water – 3rd October 2023

3.29 Recommend conditions with regards to development carried out in accordance with the details shown on the submitted plan, " 'Flood Risk Assessment & Drainage Strategy' 21181 FRA01 (rev B) prepared by Dudleys, dated September 2023," unless otherwise agreed in writing with the Local Planning Authority.

1.) The submitted 'Flood Risk Assessment & Drainage Strategy' 21181 FRA01 (rev B) prepared by Dudleys, dated September 2023, is acceptable.

3.30 In summary, the report states that

- a.) Foul water will discharge to public foul water sewer via pumping station at a rate of 5 litres per second.
- b.) Sub-soil conditions likely do not support the use of soakaways however infiltration testing has yet to be carried out.
- c.) A watercourse exists near to the site - connection subject to Environment Agency / Local Land Drainage Authority - surface water will discharge to this.

North Yorkshire Police Designing Out Crime Officer – 16th October 2023

3.31 It is pleasing to note from a security and safeguarding perspective that there is a secure control line highlighted in the Design & Access Statement at paragraph 7.3 to control access into the premises and to the wider site.

3.32 The only reservation I have concerns the use of bollard lighting for walkways to the building instead of lamp columns. Bollard lighting should be avoided as it does not project sufficient light at the right height and distorts the available light due to the 'up-lighting' effect; making it difficult to recognise facial features and as a result

causes an increase in the fear of crime. It is also susceptible to deliberate or accidental damage.

3.33 It is considered that this application accords with the core principles and design objectives set out in the National Planning Policy Framework.

Foss (2008) Internal Drainage Board – 2nd October 2023

3.34 Watercourse to the eastern boundary - Strictly on the basis that it is just a grip, and not a watercourse, on the eastern boundary, the Board does not feel that we need to request a 3 metre easement area for this.

3.35 Soakaways - The Board always recommends that soakaways are first considered in accordance with the Planning Practice Guidance hierarchy for the management of surface water. The Board notes the comments regarding soakaways but we would still recommend formal soakaway testing is carried out and witnessed by Richard Wells.

3.36 Discharge into watercourse - The Board will only accept a discharge into a watercourse (directly or indirectly) where soakaways are not feasible.

3.37 Details - The Board notes that the applicant is proposing to connect into an existing manhole within the site which appears to discharge into a system running along the A1036 and ultimately discharges into South Beck. Where there is a new connection to a watercourse (directly or indirectly), the maximum discharge that will be accepted is at the “greenfield” rate of 1.4 litres per second per hectare. The Board notes that the proposed developed area is 0.77 hectares and therefore a discharge rate of 1.1 litres per second is proposed. Strictly on the basis of soakaway testing being carried out, this discharge rate can be agreed in principle.

3.38 Flow control device - Whilst the Board is not the “approving authority” for flow control devices, the Board notes that the applicant is proposing a Hydrobrake as the flow control device. Provided this flow control device restricts the discharge rate to 1.1 litres per second, and the applicant will be putting a maintenance schedule in place, the Board has no objection to the proposal.

3.39 Existing Land Drainage- The Board notes that there appears to be four existing inlets at manhole EXSWMH1. One is coming from Monks Cross/Vangarde, one is assumed to come from the Caravan Park and the other two are assumed to be disused land drains and can be grubbed up. Further investigations will need to be carried out as to where these existing land drains definitely come from and then a decision made as to where they should ultimately go to. If the land drains are just

serving the “red line boundary” then these will need to be grubbed up/redirected into the proposed drainage system. If they are serving other properties, they must remain to ensure that the proposal does not affect other people’s drainage systems.

3.40 Foul drainage - The Board notes that the applicant is proposing to, ultimately, use the mains sewer for the disposal of foul sewage. If Yorkshire Water is content with the proposed arrangement and is satisfied that the asset has the capacity to accommodate the flow, then the Board would have no objection to the new proposed arrangement.

3.41 Recommend a pre-commencement surface water and foul drainage condition.

Yorkshire Wildlife Trust – 13th October 2022

3.42 No comments.

York Civic Trust – 27th September 2022

3.43 Consider that the public benefits of the proposed children's centre along with the ecological benefits of the proposed landscaping outweigh our concerns, so we support the application.

3.44 Current structures do not make a positive contribution to the area.

3.45 The proposed children's centre is a two-storey building with a much larger footprint than the existing structures, however, it offers a wide range of facilities which would enable The Island to expand its support for children and young people.

3.46 The design, massing and material choices are well considered.

Although the project is not aiming to achieve a specific standard such as BREEAM or Passivhaus, a focus on sustainability is apparent and to be commended.

3.47 The landscaping and planting proposed for the site will provide a stimulating environment for children's activities as well as habitat for wildlife, increasing biodiversity and helping to offset the impact of the building on the green belt.

3.48 Although the site is located some distance from the city centre, it is well served by public transport, and connected to pedestrian and cycling routes, so is accessible to those without access to private cars.

3.49 In summary, York Civic Trust supports the application as we feel that the public benefit created by the proposed children's centre and the increased biodiversity offered by the proposed landscaping and planting outweigh the impact of such a large building in the green belt, and the project will make a positive contribution to the city.

4.0 REPRESENTATIONS

4.1. The application has been advertised via site notice, local press notice and neighbour notification letter. The application has been advertised twice due to receipt of amended plans (including an increase in the red line application site boundary to include public highway), a change in the description (to include crossings) and the signing of a new ownership certificate.

4.2. 24no. letters of support (including Julian Sturdy MP, Rachael Maskell MP and the Archbishop of York) received on the following grounds:

- Excellent and sympathetic design.
- Sustainable and high quality materials.
- Much needed facility for the Charity.
- Will improve the lives of some of the most disadvantaged children in York along with their families and carers.
- Charity is currently based at a temporary facility.
- Welcome plans to collaborate with other charities and community groups.
- This site provides the space and availability required to progress.
- Offer an expanded service.
- Take some of the pressure off York service.
- Welcome empty site being put to good use.
- The Charity will have ownership and take control of their own premises.
- Provide outstanding facilities.
- Young people involved in the pre-application design.
- Loss of other youth facilities in the city.
- Asset to the City.
- Sufficiently detached from residential properties.
- Need for reliable buses, safe walking and cycling routes.
- Need for good road crossings.
- Development should be regarded as providing the very special circumstances required in the Green Belt.
- Quality landscaping
- Improved biodiversity.
- Positive use of the Green Belt.
- Need for a large green site to provide all the activities.
- Seen in context with the large commercial buildings at the nearby shopping centre and industrial estate.
- Green Belt Assessment and Planning Statement is fair and well-balanced.
- Brownfield site and can only be improved upon what is already there.
- Will provide income generating opportunities for the Charity.

4.3. 1no. general comment received by the Voluntary Warden of the adjacent wildlife area on the following grounds;

- Previously encountered problems with illegal access to the site however have managed to make the site more secure.
- Development will create more chance to access the site due to the proximity of boundaries and lead to an increase in the problems experienced in the past.
- Assured by developer that adequate provision will be made to secure the boundary and prevent access via their property and at the same time prevent any trespassers on our site gaining access to their land.
- Happy to support application with the proviso that obtain undertakings as to the security of our site.

5.0 APPRAISAL

Key Issues

5.1. The key issues are as follows:

- Green Belt
- Principle of Proposed Use
- Visual and Landscape Impact
- Residential Amenity and Public Protection
- Archaeology
- Highways and Access
- Biodiversity and Ecology
- Trees
- Drainage and Flood Risk
- Sustainability
- Waste
- The Case for Very Special Circumstances
- Public Sector Equalities Duty
- Planning Obligations

Green Belt

Policy

National Policy

5.2. Paragraph 152 of the NPPF states inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5.3. Paragraph 153 of the NPPF states when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

5.4. Paragraph 154 of the NPPF states a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

5.5. Paragraph 155 of the NPPF states certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) Mineral extraction
- b) Engineering operations
- c) Local transport infrastructure which can demonstrate a requirement for a Green Belt location
- d) The re-use of buildings provided that the buildings are of permanent and substantial construction

- e) Material changes in the use of land (such as changes of use for outdoor sport or recreation or for cemeteries and burial grounds) and
- f) Development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

Local Policy

5.6. This is reflected in Policy GB1 of the Draft Local Plan (as amended) which is wholly consistent with the Framework. In this context and at the time of writing this report and given that only one minor objection to policy GB1 remains, policy GB1 can be afforded moderate weight.

Neighbourhood Plan Policy

5.7. Full weight is given to adopted policy H14 of the Huntington Neighbourhood Plan. This policy states the general extent of the York Green Belt within Huntington Parish is shown on the RSS Key Diagram (Map 5). The Green Belt will be defined through the Local Plan process. This policy shall apply to land included within the Green Belt boundary that is defined under an adopted Local Plan. Decisions on whether to treat land as falling within the Green Belt for development management purposes in advance of the adoption of the Local Plan will be taken in accordance with the approach supported in the case of *Christopher Wedgewood v City of York Council* [2020] EWHC 780 (Admin), taking into account the RSS general extent of the Green Belt, the draft Local Plan (April 2005) (Map 6), the emerging Local Plan and site specific features in deciding whether land should be regarded as Green Belt. It is of the view that very little weight should be attached the Green Belt proposals contained within the draft Local Plan (April 2005) and its related evidence, which are superseded by the 2018 Local Plan that is now at an advanced stage of examination.

5.8. Policy H14 states within the general extent of the Green Belt inappropriate development will not be supported except in very special circumstances. New buildings are regarded as inappropriate development and will not be supported other than in the circumstances identified in the National Planning Policy Framework. Development proposals for the following uses will be supported provided that they preserve the openness of the general extent of the Green Belt and do not conflict with the purposes of including land in the Green Belt:

- Minerals extraction;
- Engineering Operations;
- Local Transport Infrastructure that can demonstrate a requirement for a Green Belt location;

- The re-use of buildings provided that the buildings are of permanent and substantial construction; and
- Development brought forward under a Community Right to Build Order

Assessment as to whether the site falls within the Green Belt

5.9. Retained parts of the RSS (saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013) are the only formally adopted policies or plans that relate to York's Green Belt. These policies are YH9(C) and Y1(C1 and C2). They state that the detailed inner and rest of the outer boundaries of the Green Belt around York (described as being 'about 6 miles' from the city centre) 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. The application site lies within the extent of the draft Green Belt, close to the built up part of Huntington.

5.10. It is the role of the new Local Plan to define land within the Green Belt following assessment and interpretation of Green Belt purposes in the context of York. The Wedgewood decision makes clear that the RSS is deliberately short of detail and precision on Green Belt boundaries owing to its high-level strategic nature. The point was subsequently affirmed by the Local Plan Inspectors, explaining that "the RSS did not purport to provide the detailed inner and outer boundaries of the Green Belt" and recognising that this was also clear from the key diagram (figure 6.2), which identified hatching around York representing the 'general extent of Green Belt' (Policy YH9).'

5.11. With regards to the emerging Local Plan, Phase 4 hearings concluded in September 2022 and consultation on Main Modifications took place in February / March 2023. Further hearings took place in March 2024. The Inspectors' report is anticipated in mid-late 2024. The detailed inner boundaries have also now been considered as part of the local plan examination hearings (during the phase 4 hearings). It is within this context that regard should be given to the evidence underpinning the emerging plan – itself a material consideration.

5.12. The site is identified within the Green Belt to the east of New Lane, Huntington, in the emerging Plan. In this context and at the time of writing this report and given that only one minor objection to policy GB1 remains, policy GB1 can be afforded moderate weight, in accordance with paragraph 48 of NPPF (2023). However, the evidence base underpinning the emerging plan is capable of being a material consideration in the determination of planning applications.

5.13. The 'Topic Paper 1: Approach to defining York's Green Belt Addendum (2021) Annex 3 Inner Boundaries Part 2; Sections 5-6' (EX/CYC59d) assesses the inner boundary of the York Green Belt in this area. In particular, Section 5, boundary 30 - 31 (pages A3:467 – A3:474) should be considered, in relation to this particular site. The land in question forms part of a wider network of mixed fringe farmland, which contributes to the wider open countryside setting of York. The application site also contributes to the wider strip of land, which provide a very clear separation between two very distinct areas which have widely divergent characters, the compact bulk of residential properties which forms part of the village of Huntington, to the west, and the modern large scale retail / leisure / commercial industrial development of Monks Cross, the Community Stadium, Vanguard Shopping Park and Monks Cross Park & Ride. The site therefore forms part of the land which is important to keep open, to prevent the coalescence of 2 distinct areas. Taking the above factors into account, it is concluded the site falls within the Green Belt.

Assessment

5.14. The proposal seeks the demolition of the existing farm shop and the erection of a new Children's Charity Centre, alongside associated landscaping of the majority of the site. The proposal does not meet any of the exceptions set out within paragraphs 154 and 155 of the NPPF (2023) or policy H14 of the Huntington Neighbourhood Plan with regards to Green Belt development. As such the development is considered inappropriate development in the Green Belt, which is harmful by definition.

5.15. The essential characteristics of the Green Belt is their openness and permanence. Openness has spatial as well as visual aspects. The predominantly open, arable landscape to the east of New Lane defines the separation between the residential area of Huntington and the commercial zone of Monks Cross.

5.16. The proposed building would be larger than the barn it would replace, leading to a development footprint which would undoubtedly impact on the openness of the site both visually and spatially, especially given its public visibility. The size of the building is significant both in terms of its floor area and thereby land-take but also its mass. The associated landscaping works such as the car park, pond and planting would also impact on the openness of the current site, due to the creation of man-made features leading to a more engineered environment on land which is currently undeveloped. The openness experienced along New Lane, would be significantly reduced due to the scale and location of the proposed building and car park. The development would conflict with the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. It is therefore concluded

that the development is both inappropriate in the Green Belt and is also harmful to its openness both visually and spatially.

5.17. In line with paragraph 152 of the NPPF, policy H14 of the Huntington Neighbourhood Plan and policy GB1 of the Draft Local Plan (as amended), very special circumstances would need to be demonstrated to outweigh the harm identified to the Green Belt and any other harm resulting from the proposal. Whether Very Special Circumstances exist to justify this inappropriate development in the Green Belt are explored at the end of the report when all the key issues have been assessed and determined whether any other harm as a result of the proposed development has been identified.

Principle of Proposed Use

Policy

5.18. Policy H8 of the Huntington Neighbourhood Plan states development proposals involving the provision of new or enhanced community facilities, will be supported where it can be demonstrated that they meet an identified and evidenced Parish need and subject to accessibility, amenity, landscape and environmental considerations. The NPPF encourages Local Authorities to proactively support the development of accessible community facilities that meet the needs of existing and future residents.

5.19. Policy HW2 of the Draft Local Plan will support applications for new or expanded community facilities when an existing deficit or future need has been identified. Facilities should be designed to be adaptable and multi-purpose, in order to future-proof services and enable a wide range of community uses. Any new or expanded facilities must be accessible and well-served by public transport, footpaths and cycle routes. Policy HW3 relates to new built sports facilities which are supported where a deficiency in or a future provision has been identified. Similar to Policy HW2 it should be well located, accessible to all in terms of age and ability, subject to the specific sports uses proposed, and when suitable infrastructure exists or can be created to manage and maintain the facility.

Assessment

5.20. The proposal seeks a new premises for The Island Children's Charity (Registered Charity Number 1120420) and by way of its function will become a new community facility for the City of York. It will provide opportunities for recreation and for people to come together – two important contributors to individual's mental health and wellbeing. The site will meet the day-to-day needs of the local

community, with significant weight attached to the importance of the contribution the Charity provides to the City. Whilst it is acknowledged there will be an element of educational and sports facilities, the predominant function when taking all elements into account, is a community facility.

5.21. The scheme will provide a permanent base for the Charity. Since its foundation in 2007, the charity has provided life-changing help to over 3000 young people across the city. The Charity seeks to expand its reach further and in recent years has been constrained by a lack of available physical space and resources. It is stated within The Planning Statement there is a nationwide trend of shrinking youth provision and an increasing number of people being referred to the Charity, following cuts elsewhere.

5.22. The Planning Statement states that until recently, The Island operated from the St. Columba's United Reformed Church on Priory Street in the city centre, where the charity rented approximately 370m² of lower ground floor / basement floorspace. The accommodation was limited in size and storage capacity, significantly constraining the activities and services the Island could provide. The site had no outside recreational space and, sharing with St Columba's, the Island typically had to timetable training and activities around other uses at the church. Moreover, The Island's position as tenants without a permanent home of its own severely limited its ability to generate income and capital expenditure costs to improve its services, further restricting the charity's capacity to expand its operations.

5.23. To overcome some of the above problems, The Island relocated to Beverley House on Shipton Road in York, which allowed some increase in activities. This was on a temporary basis ahead of the redevelopment of the site to provide 21 senior living apartments. The Island had to vacate in January 2023 and are currently based at an office space at Tower Court in York. However due to a continuing increase in numbers, The Island seeks a larger and permanent facility. The Island have explored other options to relocate to existing commercial properties within York, but it is stated the rents were unaffordable and the spaces unviable.

5.24. A statement on site options has been submitted which indicates there are no suitable, available or viable alternate sites within the City of York area. Within existing developed boundaries, sites have been discounted due to insufficient indoor and outdoor space. Rents and purchase costs were also prohibitive. Additionally allocated sites within the Local Plan do not represent a viable option. Outdoor space is important and it is argued this would be difficult to achieve in a non-green belt location given the proposed Green Belt boundaries in the Local Plan. The Charity

consider the application site to be of a sufficient size to meet their current and future needs and have subsequently purchased the site.

5.25. Officers consider that it has been demonstrated there is a need for this type of facility. The site and its provisions provide much needed space (including outdoor space), allow for adaptability and are multi-purpose for The Island's needs. The proposals contribute to the provision of built sports facilities to promote active and healthy lifestyles and provide a community function. Subject to a review of other material planning considerations, the principle of development is considered acceptable and is in line with policy H8 of the Huntington Neighbourhood Plan and policy HW2 and HW3 of the Draft Local Plan (2018).

Visual and Landscape Impact

Policy

5.26. Policy H4 of the Huntington Neighbourhood Plan relates to design and states development proposals should respect the character of their local environment having regard to scale, density, massing, height, landscape, layout materials and access, as appropriate to their nature and location. They should take account of the design principles set out in the City of York Character Area studies for Huntington Parish. Development proposals should also take into account the amenity of neighbouring occupiers. Where appropriate, development proposals should provide safe and attractive public and private spaces, and well defined and legible spaces that are easy to get around, especially for older people.

5.27. Planning decisions should ensure developments will function well and add to the overall quality of the area (paragraph 135 of the NPPF). This is supported by Policy D1 of the Draft Local Plan (2018) which seeks to ensure the density, massing and design of development respects the local character and its setting. Landscaping is covered within policy D2 of the Draft Local Plan (2018) and this seeks to ensure high quality hard and soft landscaping including suitable lighting.

Assessment

5.28. Huntington itself is a relatively expansive area with few areas of significant open space this side of the river Foss, therefore there is considerable value to the open nature of the application site which provides a natural sense of place at present. This is considered to contribute to the wider landscape character and quality and provides separation between Monks Cross and Huntington. The string of open fields between New Lane, Jockey Lane and Monks Cross is part of the context and setting for Huntington, which consciously links with Monks stry and the wider

open countryside beyond the built edge of the city. This tract of land therefore plays a significant role in the sense of place for the south-eastern extent of the village of Huntington.

5.29. Due to the footprint and height and location of the proposed building, and the car park adjacent to New Lane, the proposed development would have a significant physical and visual impact on the simple open character of the field that makes up the application site, as viewed from both New Lane and Malton Road. The proposed development would therefore result in a loss of a sense of the open countryside which is part of the setting and division between Huntington and Heworth and Monks Cross and an important landscape feature.

5.30. The proposed tree and meadow planting provides some mitigation for this effect. The proposed tree planting would soften, though not screen, the proposed built development from Malton Road. The loose tree cover, grassland and water body is not dissimilar to the landscape components seen on the adjacent land, to the south of the park and ride site and along Jockey Lane.

5.31. The proposed landscape arrangement results in a significant change in landscape character across the remaining eastern half of the site, however this change in character is not harmful (with the exception of the built form and car park in the western half). The proposed planting would create greater enclosure, which would be very different to the remaining tract of fields, though not entirely out of place. The proposed landscape scheme presents several benefits to the landscape resource by way of new tree cover and a variety of plant communities, delivering a number of ecosystem services, including recreational and social benefits.

5.32. Proposed tree and hedge planting along New Lane, would soften the appearance of the car park but not screen it entirely; and would do little to screen the proposed building. Visibility of the site would be particularly marked during five months of the year when leaf cover is reduced/absent. The visual impact during operational hours in the winter months and in hours of darkness would be increased when lighting would be highly visible, including for the carpark, multi-use court, wayfinding bollard lighting, and lighting emanating from the building. External lighting and overspill internal lighting would be a new feature in this landscape.

5.33. The floorspace of the building including the ground floor and first floor, creates over 3700m² of internal space (approximately). The building is much larger than the existing farm shop and its scale is of some concern when taking into account the existing open character of the site. However by using natural looking materials such as a green roof and timber cladding, the appearance would generally resemble an agricultural building, albeit it is acknowledged there is a significant amount of glazing

proposed. Overall the design of the building will be viewed as a contemporary addition with materials chosen fit for its purpose. External works including the car park, access roads, parks, a MUGA and landscaping would create a more engineered environment therefore the proposal would ultimately change the character of the landscape.

5.34. Overall it is concluded that there would be harm to the existing landscape character arising from the proposal therefore the proposal is in conflict with paragraph 135 of the NPPF, policy H4 of the Huntington Neighbourhood Plan, policy D1 and parts i, ii, v, viii, ix of policy D2 of the Draft Local Plan (2018). This harm is set out in the assessment for very special circumstances at the end of the report.

5.35. The proposed landscape scheme is however considered appropriate and does provide environmental and recreational benefits, in line with part vii of policy D2 of the Draft Local Plan (2018). Additionally the development creates opportunities for the public to use the newly created open space to the front of the site in line with part iv of policy D2 of the Draft Local Plan (2018).

Residential Amenity and Public Protection

Policy

5.36. Policy ENV2 of the Draft Local Plan (2018) states development will not be permitted where future occupiers and existing communities would be subject to significant adverse environmental impacts such as noise, vibration, odour, fumes/emissions, dust and light pollution without effective mitigation measures. Policy ENV3 of the Draft Local Plan (2018) states where there is evidence that a site may be affected by contamination or the proposed use would be particularly vulnerable to the presence of contamination, planning applications must be accompanied by an appropriate contamination assessment.

Assessment

5.37. The building is sited over 50m from the nearest residential dwelling – Thornfield Farm. It will be partially visible from Thornfield Farm Camping and Caravan site and from viewpoints within the curtilage of Thornfield Farm, however it is not considered the physical structure would be overbearing or would overshadow the neighbouring dwelling when taking into account the height of the building, the distances between the two sites and the screening proposed. There are no first floor windows proposed facing this neighbour.

5.38. The Public Protection Team recommend a Construction Environmental Management Plan for minimising the creation of noise, vibration and dust during demolition and construction, alongside a working hours condition. This is considered an appropriate condition to attach given that there are nearby residential and commercial buildings.

5.39. The proposed café has a commercial kitchen therefore a condition is recommended with regards to the treatment and extraction of cooking odours.

5.40. Due to the previous land use of the site and the use proposed, the Public Protection Team recommend conditions with regards to land contamination and these have been added.

5.41. In terms of noise from the proposed use, a condition is recommended to ensure all machinery, plant and equipment installed is approved by the Local Planning Authority prior to its installation. This is to ensure the service noise is acceptable with regards to noise audible outside the site.

5.42. Noise will inevitably arise from the development, including from the comings and goings and use of outdoor areas such as the pitches or bike trails. The Public Protection Officer recommends a scheme via condition to be submitted which specifies the provisions to be made from noise emanating from the site. However the Local Planning Authority consider that controlling the operating hours is sufficient in this case. This is controlled by condition 3 which conditions strict compliance with the submitted operator statement and the hours within it. In this case the site's opening hours being Monday to Saturday 08.30 to 21.00 and Sundays and Bank Holidays 09.30 to 17.00.

5.43. A lighting report is provided with the application produced by Troup, Bywaters and Anders, dated 1st July 2022, alongside a lighting site plan dated 5th April 2022. Consideration has been given to the type of lighting required for the facility however the impact on the nearest residential properties has not been quantified, therefore the Public Protection Team recommend details of the lighting lux levels at the nearest residential dwelling be submitted for approval. The lighting levels at the nearest residential façade shall not exceed 5 lux between 0700-2300 hours and 1 lux between 2300-0700 hours. The lux must be measured in illuminance in the vertical plane. This condition has been added.

5.44. Subject to the inclusion of the above conditions with regards to construction management, extraction facilities, land contamination, lighting and noise, it is not considered that the proposed use would give rise to any residential amenity concerns in line with policy ENV2 and ENV3 of the Draft Local Plan (2018).

Archaeology

Policy

5.45. Draft Local Policy D6 relates to archaeology. Development must not result in harm to the significances of the site or its setting. It should be designed to enhance or better reveal the significances of an archaeological site or will help secure a sustainable future for an archaeological site at risk. Where harm to archaeological deposits is unavoidable, detailed mitigation measures must be agreed with City of York Council that include, where appropriate, provision for deposit monitoring, investigation, recording, analysis, publication, archive deposition and community involvement.

Assessment

5.46. The proposed development site is situated within an area which contains prehistoric and Romano-British features including two temporary Roman camps, possible enclosures and pits. One of the camps is a Scheduled Monument of national importance. The area was later used for agricultural purposes during the medieval and post-medieval period.

5.47. A geophysical survey has taken place across this site and the fields to the north. The most recent survey (2021) carried out on this proposed development site has demonstrated the presence of potential buried archaeological features within the centre of the site. The fields surveyed in 2014 immediately to the north were interpreted as containing possible pit alignments. None of these have been evaluated intrusively.

5.48. Further north on New Lane a recent archaeological evaluation following a geophysical survey revealed a limited number of archaeological features with the majority of potential archaeological features proving to be of natural origin. However, an undated track-way (possibly Roman) defined by two parallel ditches was also identified. It is likely that the track-way post-dated the camp but must have been constructed during a period when the monument was well defined as an earthwork. The geophysical survey had not shown the track way in its results. While evaluation nearby has proved that a limited archaeological resource remains there has not been any intrusive investigation immediately adjacent or within the proposed development site.

5.49. Any archaeology that is present across this site will be impacted upon by the proposed development as it will exist at shallow depths. Therefore, the same

process of archaeological evaluation will be required as for other fields in this area. A program of trial trenching is now required to investigate the limited anomalies identified within the survey and to test other elements of the results. Given the limited results from nearby investigations this can take place under planning conditions and these have been added in line with policy D6 of the Draft Local Plan (2018).

Highways and access

Policy

5.50. Paragraph 115 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.51. Policy H20 of the Huntington Neighbourhood Plan states development proposals should incorporate sufficient, safe and convenient car parking provision in accordance with the most up to date City of York Council standards. Policy H21 of the Huntington Neighbourhood Plan requires as appropriate to their scale and location that development proposals should be designed to provide safe and convenient connections to the network of footpaths and cycleways in the immediate locality. Priority should be given to those that create or improve links between the main residential areas and (i) key local services such as shops and schools (including the Vangarde/Monks Cross Shopping Park and (ii) the existing network. As appropriate to their scale and location development proposals may be required to contribute to improvements to the network of footpaths and cycleways outside the development site and in the immediate locality.

5.52. Policy T1 of the Draft Local Plan (2018) requires safe and appropriate access, layout and parking arrangements (including cycle storage). Development will be supported where it is in compliance with the Council's up to date parking standards (policy T8). Policy T7 of the Draft Local Plan (2018) states development proposals that can be reasonably expected to have a significant impact on the transport network must be supported by a Transport Statement (TS) or by a Transport Assessment (TA) and Travel Plan (TP), as appropriate, depending on the scope and scale of the development. The application is accompanied by a Transport Statement produced by WSP, dated August 2022 and an addendum.

Assessment

Existing site

5.53 The previous use of the site was a public farm shop with no restrictions on access or number of vehicles. The Transport Statement states the site had 150-200 cars accessing the site on weekdays and 200-300 vehicles accessing the site on weekends. At peak seasonal demand it is stated the site had over 500 vehicles in one day.

Access

5.54 Vehicular access to the site will utilise the existing access on New Lane, located immediately north of the substation. A separate pedestrian/cycle entrance is to be provided further north of the site. Service vehicles can enter the site and leave in forward gear from New Lane. The Highways Officer raises no concerns with regards to the access points.

Parking

5.55. Given the mixed uses of the site, the Highways Officer states there should be a target of 68 car park spaces, given the primarily 'education' use with some 'business' and 'health (Medical)' uses, plus daytime use of sports hall, fitness suite and dance studio.

5.56. The Transport Statement considered a 'First Principles' approach to calculate trip generation. The Addendum to the Transport Statement (provided by the Agent) states the maximum parking requirement for The Island use would be 18 regular spaces, 2 mini-bus spaces based on the largest session possible, 10 car park spaces for the café (maximum occupancy being 30) and 48 car park spaces for use by other organisations. The addendum concludes the cumulative maximum parking requirement would be 50 car park spaces.

5.57. The proposal seeks 53 car park spaces (which includes 3 accessible spaces) with an overspill grasscrete area which could host approximately 9 car park spaces. This gives a total of 62 spaces if all spaces are utilised. This is below the highways recommendation by 6 spaces but above the recommendation in the Transport Statement by 12 spaces.

5.58. The core use of the facility will be The Island staff and young people. Staff from third-party organisations (up to a maximum of 5) will be able to use a limited number of desks/rooms on site and accommodate up to 12 young people, which is the maximum number of young people to whom the Island will provide alternative education. The maximum number of young people The Island can accommodate is 60, which is in accordance with The Island's maximum group provision and

student/staff ratio to ensure safeguarding. The Island currently operates a mini-bus service for young people which will continue to be utilised.

5.59. Evening third party use of the sports facilities will be controlled through the Island's managed booking system and will ensure access is timetabled and available for registered participants only, and that there is no overlap in the use of facilities with sufficient changeover time to avoid visitor and traffic crossover. Access arrangements by groups will be confirmed at booking stage so numbers are known and can be safely managed and accommodated on site by the Island, as managers of the site.

5.60. The scheme proposes 8no. EV charging points within the car park. CYC's draft low emission planning guidance requires a minimum of 5% of all parking spaces to be provided with EV charging points. A condition is recommended to secure this provision.

5.61. Officers consider when taking into account the nature of the proposal and the managed booking system for external uses, the proposed parking arrangement including the overspill area is considered adequate in this instance. The parking requirement is short by 6no. spaces as recommended by the Highways Officer, however it is not considered that the placement of 6no. vehicles in the vicinity of the site would cause highway safety issues. New Lane is a clearway therefore parking and stopping is restricted however there are a number of unrestricted, residential streets to the west of New Lane, accessible by foot.

Cycle parking

5.62. Covered, secure cycle parking is proposed near the site entrance and uncovered cycle parking is proposed in front of the café within the car park. A condition is recommended to approve these details via a condition to ensure their number, style and spacing is considered adequate. Additionally a Travel Plan is conditioned as recommended by the Highways Officer to promote sustainable transport methods to the site rather than relying on the use of cars.

Bus services

5.63. The number 12 bus service currently operates on New Lane, which is an hourly service Monday-Saturday with no service on Sunday. It is acknowledged the bus services are limited along New Lane, which presents some harm in terms of the sustainable travel options for access to the site. The existing bus stop along New Lane is difficult to access and is in poor condition. The Applicant agrees to upgrade the existing bus shelter on New Lane as part of this development and to include a

footpath to access this. A replacement cantilever bus shelter is proposed to local authority standards and to enable the visibility splay to be achieved. This has been secured by condition and is to be implemented prior to the site coming into use.

5.64. Buses can be sought from the nearby Monks Cross site, however this would be a 0.5 mile walk via the existing northern cemetery footpath or a 0.6 mile walk along the A1036. This is not convenient however would provide further bus travel options than the New Lane Bus Stop.

Pedestrian crossing

5.65. A new 2m wide pedestrian refuge island is proposed on New Lane, alongside a new 3m wide shared footway/cycleway to the north. A dropped kerb and tactile paving is proposed on both sides of the crossing. As part of this, the road is slightly widened at this point to include land within the ownership of The Island, however the existing cycle lane on the western side of New Lane is retained. A cycle turning facility is included on the north side of the island. The pedestrian crossing is an important feature to ensure a safe crossing point along New Lane. The proposal also seeks to relocate the 30mph/40mph speed limit signs on each side of New Lane further south, however this is subject to an associated traffic regulation order being made and agreed to extend the 30mph limit 130m south of its current extent. The reduction in speed limit is welcomed.

S106 obligations and conditions

5.66. The Highways Officer recommends a number of conditions and S106 obligations. The standard highway conditions include vehicle areas surfaced, cycle parking details to be agreed, car and cycle parking laid out, internal turning areas, pedestrian visibility splays, travel plan and a method of works statement. These have been added. Off site highways works have been conditioned as recommended to ensure they are in place prior to the development coming into use.

5.67. The condition regarding full details of vehicular access and associated sightlines as requested by the Highways Officer has not been added as the only vehicular access proposed is from New Lane, which is an existing access. There will be some slight improvements to this however any works would be subject to a highways agreement. An informative regarding the road safety audit has been added as this will be required as part of any S278 highway works.

5.68. It is considered reasonable to request S106 planning obligations to £6,000 towards amending the Traffic Regulation Order to introduce the extension of the

30mph speed limit and for £10,000 towards CYC Travel Plan Support. This is to be secured via a S106 agreement.

5.69. Officers consider it unreasonable to request £130,000 towards the introduction and enforcement of a residents parking zone in the vicinity of the site, given that it has been estimated that 6no. car parking spaces are short overall. Additionally it is considered unreasonable to request on street parking surveys given that the shortfall and subsequent impact on the network is fairly minor. As such this request would not meet the legal tests for planning obligations.

Conclusion on transport matters

5.70. To conclude, the proposed access arrangements for cars, service vehicles, mini-buses, cycles and pedestrians is considered acceptable. The new pedestrian crossing and widening of New Lane will aid in creating a safe crossing point for pedestrians and dedicated areas for cyclists on the public highway. The parking requirement is short by 6no. spaces (as recommended by the Highways Officer) however, it is not considered the placement of these vehicles in the vicinity of the site would cause highway safety issues. Cycle parking is secured and further details of this are controlled by condition. The bus service provision is currently limited along New Lane and this does result in some harm to sustainable travel options to the site. The Applicant agrees to upgrade the existing bus stop and create a suitable footpath from this to the application site. Overall however and taking into account the conditions recommended, it is not considered that the proposal would create an unacceptable impact on highway safety. Additionally it is not considered the residual cumulative impacts on the road network would be severe.

Biodiversity and Ecology

Policy

5.71. Policy H17 of Huntingdon Neighbourhood Plan states in order to protect and where possible, provide net gains in biodiversity, development proposals should, as appropriate to their scale, nature and location;

- a) Maintain and where practicable enhance existing ecological corridors and landscape features (such as species rich grassland, watercourses, ponds, woodland and species rich hedgerows) for biodiversity wherever appropriate and demonstrate how any adverse impact will be managed and mitigated. These measures should be targeted to benefit local conservation priorities as identified in the York Biodiversity Action Plan and

- b) Where practicable incorporate into new developments, features that would lead to net gains in biodiversity including pollinators, bats, birds and mammals. Landscape schemes should use traditionally and locally appropriate species to support and enhance biodiversity.

5.72. Policy GI2 of the Draft Local Plan (2018) relates to biodiversity and access to nature. Paragraph 186 (d) of the NPPF (2023) seeks to ensure development contributes and enhances the natural and local environment by minimising impacts on and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures. These enhancements are required in addition to the protected species licence requirements to mitigate for bats.

Assessment

5.73. The application is accompanied by a Preliminary Ecological Appraisal by Wold Ecology (dated October 2023), alongside an amended illustrated landscape plan (revision P7) by Landscape Architecture.

5.74. As identified within the PEA, the proposed works will impact the terrestrial habitat for known Great crested newt populations. As such, a European Protected Species licence issued by Natural England will be required prior to the commencement of works.

5.75. The species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species Regulations 2017 (as amended), contain three "derogation tests" which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would harm a European Protected Species (EPS). Notwithstanding the licensing regime, the Local Planning Authority must also consider these three tests when deciding whether to grant planning permission for a development which could harm an EPS.

5.76. The "derogation tests" which must be applied for an activity which would harm a European Protected Species (EPS) are contained within the species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species Regulations 2017 (as amended) are as follows:

- 5.77. 1) that the action is for the purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature;
- 2) that there is no satisfactory alternative; and

3) that the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

5.78. With regards to the third test, the conservation status of species will be taken as 'favourable' when:

- a) population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and
- b) the natural range of the species is neither being reduced for the foreseeable future, and
- c) there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

5.79. There is overriding public interest which includes those of a social nature when taking into account the principle of development (test 1) and there is evidence, as presented in the Statement on Site options, that there is no satisfactory alternative site (test 2). With regards to test 3, the requirement for a European Protected Species Licence will prevent any direct harm and the provision of a new on-site pond and suitable terrestrial habitat will provide appropriate conditions and extend the availability of suitable habitat for the local population. Therefore, the third test for maintenance of favourable conservation status is met.

5.80. A condition is recommended to ensure the Great Crested Newt and their habitat are protected during the proposed works. The Applicant will either need to provide a license from Natural England, or a statement from a relevant licensing body that a license isn't required, or confirmation the site is registered as low impact class or a countersigned IACPC certificate issued by Natural England.

5.81. As noted in section 8.4 (Birds) of the PEA, the application site offers suitable habitat for nesting birds. Precautionary methods will therefore be required to ensure active nests are not destroyed during any vegetation clearance or tree works. This can be secured by condition.

5.82. From a review of the proposed landscape design, it is clear that the development will be beneficial to local ecology, through the provision of wildflower areas, wetland and aquatic habitat, tree and hedge planting. It is however recommended that the applicant continues to work with a consultant ecologist to ensure the ecological enhancements set-out in the Preliminary Ecological Appraisal (PEA) are included within the final design (sections 8.4.7 and 8.7.4 Biodiversity Gains and Recommendations). As the application was submitted in 2022, the requirement for 10% biodiversity net gain does not come into effect.

5.83. To ensure wildlife mitigation, compensation and enhancement measures are managed and maintained, the provision of a LEMP is considered appropriate and this has been conditioned. Subject to ecological conditions, the proposal is considered to be in compliance with policy H17 of the Huntington Neighbourhood Plan and policy GI2 of the Draft Local Plan (2018).

Trees

Policy

5.84. Policy GI4 of the Draft Local Plan (2018) states development will be permitted where it:

- i. recognises the value of the existing tree cover and hedgerows, their biodiversity value, the contribution they can make to the quality of a development, and its assimilation into the landscape context;
- ii. provides protection for overall tree cover as well as for existing trees worthy of retention in the immediate and longer term and with conditions that would sustain the trees in good health in maturity;
- iii. retains trees and hedgerows that make a positive contribution to the character or setting of a conservation area or listed building, the setting of proposed development, are a significant element of a designed landscape, or value to the general public amenity, in terms of visual benefits, shading and screening.
- iv. does not create conflict between existing trees to be retained and new buildings, their uses and occupants, whether the trees or buildings be within or adjacent to the site
- v. supplements the city's tree stock with new tree planting where an integrated landscape scheme is required and
- vi. Provides suitable replacement planting where the loss of trees or hedgerows worthy of retention is justified.

Assessment

5.85. The application is accompanied by an Arboricultural Survey by Barnes Associates. The report recommends the removal of the following trees;

- 4no. Crack Willow (T6, T7, T12, T14) category C2 trees – located on the south western boundary
- 1no. Goat Willow (T18) category U tree – located on the southern boundary
- Butterfly Bush (G19) category C2 – located on the southern boundary
- 1no. Crack Willow (T20) category C1 tree – located in the position of the new building.

- A group of Common Alder, Silver Birch, Crack Willow (G21) category C3 trees – currently located in the position of the new entrance square.
- Part of the Hawthorn Holly hedge (H31) is to be removed to accommodate the new path entrance.
- 2no. Ash tree crowns are to be removed (category U) however their stems to be retained.

5.86. It is acknowledged the proposal involves the loss of tree cover and hedging which forms part of the existing character of the site, however the trees are all category C or U therefore the quality of the trees is low. The loss of the mature trees in this instance is therefore minor and the trees would not warrant a Tree Preservation Order. Replacement planting is proposed in the landscape scheme. The Design and Access Statement at 5.4.4. proposes a combination of woodland trees, pond trees, orchard trees, feature trees and street trees. In terms of planting, a wildflower meadow is proposed centrally within the site and around the car park. A wet grassland is proposed around the pond and a perennial and grass mix close by. Native hedgerows are proposed near New Lane and around the car park. A finalised planting schedule is to be conditioned.

Drainage and Flood Risk

Policy

5.87. Policy H18 of the Huntington Neighbourhood Plan relates to flooding and water management. Development should not increase the risk of flooding and/or exacerbate existing drainage problems.

5.88. Development proposals must consider their impact on surface water management and, where appropriate, demonstrate that they have a surface water management plan, which shows that the risk of flooding both on and off site is minimised and managed. The management of surface water run-off from new development should incorporate sustainable drainage techniques and should be designed to deliver wildlife benefits, where possible.

5.89. Development proposals should protect existing watercourses and wetlands. The creation, extension and linking of wetland habitats to enhance the storage capacity of the landscape and reducing downstream flooding will be supported.

5.90. Policy ENV5 of the Draft Local Plan (2018) emphasises the need for Sustainable Drainage Systems (SuDS) in new development. Existing land drainage systems should not suffer any detriment as a result of development. Landscaping should be designed to reduce surface water flooding and to enhance local

biodiversity. Areas of hardstanding such as driveways and parking areas should be minimised and porous materials used.

5.91. In line with Policy ENV4 of the Draft Local Plan (2018) a site specific flood risk assessment that takes account of future climate change must be submitted with any planning application related to sites in Flood Zone 1 larger than 1ha.

Assessment

5.92. The application is accompanied by Flood Risk Assessment and an updated drainage strategy (produced by Dudleys). The development is classed as a more vulnerable use, however as the site lies within Flood Zone 1, an exception test is not required. The proposed development is located at a higher level than the South Beck and the land drain flowing around the east of the property. It is considered there is a very low flood risk from water flow from the river. No specific measures are required due to fluvial flooding.

5.93. The Flood Risk Assessment confirms to prevent any flooding from surface water and pluvial sources, there will be drainage channels around the building draining surface water away, as well as around the site where required. The levels of the centre will be located at a height to ensure that water will not enter the premises if drains become blocked and water will be contained within the site around the pond. The level of the building has been set to 14.75m to ensure that there is a 600mm freeboard to the expected maximum water level for the pond. This will provide resilience within the development and ensure that water will be managed without a residual risk of flooding.

5.94. The drainage strategy shows the foul water being pumped offsite to the public foul water sewer in Ferguson Way. Yorkshire Water have no objections to this. Surface water will make use of the existing private land drainage connection manhole (MH1) within the site, which in turn connects to the wider local watercourse at a restricted rate of 1.1 litres per 2 second with appropriate attenuation up to and including the 1 in 100 year event with 40% climate change event. This is less than the maximum as stated by the Internal Drainage Board. The surface water run-off rate proposed is compliant with policy ENV4. The site will also utilise swales, filter drains, permeable pavements, rainwater harvesting, rain gardens and green roofs.

5.95. In terms of infiltration methods for the disposal of surface water disposal, the applicant has not yet carried out site specific infiltration testing, therefore a condition is recommended to ensure this testing is carried out, to determine whether a soakaway approach would be suitable, rather than connection into existing drainage

systems. This is a pre-commencement condition. In the event soakaway testing fails, the alternate drainage strategy put forward is acceptable.

5.96. With regards to the offsite surface water sewer, the submitted CCTV survey provides evidence of an obstruction in the drain (outside of the red line application boundary), which has the potential to stop the flow of water and discharge from the proposed development if not addressed (along with the existing site it serves). The landowner(s) have riparian responsibilities/duties (outside of the planning process) of managing and maintaining the drainage laid within their land. The Council has an Easement Agreement which gives the right to enter 3rd party land to carry out maintenance and repair, the adjacent landowner will remain the riparian owner.

5.97. The Council's Drainage Engineer has reviewed the reports and drainage plans and recommends two conditions. The first being separate systems for foul and surface water drainage and a pre-commencement condition with regards to soakaways. If soakaways are proved unsuitable then development is to be carried out in accordance with the drainage strategies put forward. Subject to the inclusion of the two drainage conditions, the proposed development is in compliance with policy H18, policy ENV4 and policy ENV5 of the Draft Local Plan which seeks to ensure development will not increase the risk of flooding and suitable drainage methods are in place for the disposal of foul and surface water.

Sustainability

Policy

5.98. Policy CC2 of the Draft Local Plan (2018) states all new non-residential development with a total internal floor area of 100m² or greater should achieve:

- i. a 28% reduction in carbon emissions over and above the requirements of Building Regulations (2013) unless it is demonstrated that such reductions would not be feasible or viable; and,
- ii. BREEAM 'Excellent' (or equivalent), where feasible and viable and where development proposals are for 1,000m² or more

Assessment

5.99 The application is accompanied by a Sustainability and Energy Statement produced by Hoare Lea, dated 23.05.2022. The following measures are to be utilised on site; Air Source Heat Pump, solar Photovoltaics (Solar PV) for energy generation, low energy lighting, double-glazing to limit heat gains and losses, solar

shading and extensive energy monitoring systems for performance reporting and ongoing. With regards to policy CC2 and as the non-residential floorspace is over 1000m², a condition is recommended to secure BREEAM excellent (which is the recognised policy measure for sustainability) and a reduction in carbon emissions.

Waste

Policy

5.100 Policy WM1 of the Draft Local Plan (2018) requires the integration of facilities for waste prevention, re-use, recycling, composting and recovery in association with the planning, construction and occupation of new development for commercial sites.

Assessment

5.101. Servicing and refuse access will be via the main entrance on New Lane and the layout ensures provision for turning and manoeuvring of collection vehicles, so they can enter and leave in forward gear. This is evidenced on the Refuse Collection Swept Path Assessment produced by SCP. The route between the bin store is flat and even. The bin store is enclosed and is to host 8no. 1100l bins. It is the Applicant's responsibility to arrange a commercial waste collection service. The proposal is considered to comply with policy WM1 as covered waste facilities are to be provided on site.

The Case for Very Special Circumstances

Policy

5.102. NPPF paragraph 153 states that "when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations".

Assessment

5.103. The identified harm is as follows;

- The development is considered inappropriate in the Green Belt (substantial harm identified).
- Harm to the openness of the Green Belt visually and spatially (substantial harm identified).

- Urban sprawl (substantial harm identified).
- Harm to landscape character between Huntington and Monks Cross (substantial harm identified).
- Loss of 6no. trees, 2no. Ash crowns, 2no. groups of trees and hedging (minor harm identified).
- Limited bus services to the site along New Lane (minor harm identified).
- Parking requirement short by 6no. car parking spaces (minor harm identified).

5.104. The following considerations and benefits to justify the proposal are as follows;

- Meeting an essential need for a permanent base with enhanced facilities to support the operations of a local children's charity, including expanding visitor numbers (substantial weight afforded)
- Providing a space for youth mentoring provision in York, by supporting young people with mental health difficulties and raising aspirations (substantial weight afforded).
- Opportunities for outdoor sport (moderate weight afforded).
- Recreational and social benefits from the proposed uses (moderate weight afforded).
- Public access to the site (moderate weight afforded).
- Habitat creation and environmental improvements, including new tree cover (substantial weight afforded).
- Creation of jobs (both during the construction phase and during operation) (moderate weight afforded).
- The use of the site by other charities, community groups and agencies (this will be limited therefore minor weight afforded).
- Lack of alternate non Green Belt sites (moderate weight afforded).
- Upgrading of an existing bus stop and pedestrian access to this (minor weight afforded).

5.105. Officers attach significant weight to the provision of a permanent base for The Island Charity and allowing it to expand to provide enhanced facilities. The provided Operator Statement states The Centre will provide The Island with a base to provide individual mentoring, group mentoring, nurture groups, tutoring, counselling, life skills, education, work experience and collaboration with the police. The site will be owned and operated by The Island with the primary focus being the charity, however the statement envisages that it will share facilities with other local charities and community groups however this will be kept to the minimum, arranged around The Islands core activities and safeguarding measures will be put in place. Public access will be strictly limited to the café/farm shop area.

5.106. The very special circumstances identified are specific to The Island and its purpose, therefore conditioning the Operator Statement would secure the overall ethos of the development and the benefits set out above. Whilst there is identified landscape harm, Officers acknowledges that a site of this scale is required in order to provide appropriate indoor and outdoor facilities. Many brownfield sites / non-green belt locations within close proximity to the City would not offer outdoor opportunities or space to extend to this capacity. Additionally The Island is a York based charity therefore sites outside of the city would not be feasible or logical.

5.107. Taking the above into account and recognising that it is a matter of planning judgement and attaching substantial weight to the harm to the Green Belt and harm to landscape character, cumulatively there are very special circumstances which, as is required by the NPPF, clearly outweigh the harm to the Green Belt and the other identified harms. It is considered that very special circumstances exist which justify the development.

Public Sector Equalities Duty

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

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

5.109. Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to the characteristic;
- b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

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

5.111. Officers have given due regard to the equality implications of the proposals in making this recommendation. Age is a protected characteristic and due regard has been given to the youth service provision The Island provides to the young people of York.

Planning Obligations

5.112. To confirm, the following S106 obligations are sought in relation to the Traffic Regulation Order and the Travel Plan;

- A) £6,000 towards amending the Traffic Regulation Order to introduce the extension of the 30mph speed limit.
- B) £10,000 towards City of York Council Travel Plan Support (@ £2,000/per year for 5 years)

6.0 CONCLUSION

6.1. To conclude the application seeks permission to erect a Children’s Charity Centre with outdoor recreation facilities. It is proposed to erect a two storey building, with single storey elements, of u shape form with an entrance courtyard, landscaping and parking. The site would be occupied by ‘The Island’ - a registered charity (1120420) which delivers a service supporting disadvantaged, vulnerable, and isolated young people in the city through positive mentoring relationships and activities.

6.2. The application site lies within the Green Belt. The development is classed as inappropriate in the Green Belt, which is harmful by definition. Harm has also been identified to the openness of the Green Belt, urban sprawl, landscape character, loss of trees, limited bus accessibility and a parking shortfall of 6no. vehicles. The benefits of the scheme include; providing a permanent base with enhanced facilities for the Charity, opportunities for outdoor sport and recreation, public access to the site, habitat creation, environmental improvements, creation of jobs, upgrades to the existing bus stop and use of the site by other community groups. It is considered that there are very special circumstances that would clearly outweigh any harm to the Green Belt and other harm identified as required by paragraph 153 of the NPPF, policy H14 of the Huntington Neighbourhood Plan and policy GB1 of the Draft Local Plan (2018). Matters such as landscaping, archaeology, amenity, biodiversity, trees, drainage, sustainability, contamination, waste and highways are adequately addressed either within the plans or via a specific condition.

6.3. On planning balance and based on the merits of this case, approval is recommended subject to the referral of the application to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2024 and the application not being called in by the Secretary of State for determination. The application is required to be referred to the Secretary of State as the development is considered to be inappropriate development in the Green Belt and the proposal would consist of floorspace in excess of 1000m² (the floorspace threshold set out in the Direction).

6.4. Following the referral of the application to the Secretary of State and subject the application not being called in, that delegated authority be given to the Head of Planning and Development Services to APPROVE the application subject to:

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

- £6,000 towards amending the Traffic Regulation Order to introduce the extension of the 30mph speed limit.
- £10,000 towards City of York Council Travel Plan Support (@ £2,000/per year for 5 years)

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

c. The Head of Planning and Development Services be given delegated authority to determine the final detail of the planning conditions.

7.0 RECOMMENDATION: Approve following Sec of State Decision

1 TIME2 Development start within three years

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

Location Plan; 21050-VB-ZZ-DR-A-0001 Rev. P1, dated 13.09.2023.

Proposed Site Sections; 21050-VB-ZZ-DR-A-1070, dated 14.07.2022.

Proposed Elevations; 21050-VB-ZZ-DR-A-1300, dated 14.07.2022.

Proposed Elevations; 21050-VB-ZZ-DR-A-1301, dated 14.07.2022.

Proposed Sections; 21050-VB-ZZ-DR-A-1500, dated 14.07.2022.

Proposed Sections; 21050-VB-ZZ-DR-A-1501, dated 14.07.2022.

Proposed Bay Study A; 21050-VB-ZZ-DR-A-2000, dated 14.07.2022.

Proposed Bay Study B; 21050-VB-ZZ-DR-A-2001, dated 14.07.2022.

Proposed Bay Study C; 21050-VB-ZZ-XX-DR-A-2002, dated 14.07.2022.

Proposed Ground Floor Plan; 21050-VB-ZZ-DR-A-1100 Rev. P4, dated 11.04.2024.

Proposed First Floor Plan; 21050-VB-ZZ-DR-A-1110 Rev. P4, dated 11.04.2024.

Proposed Roof Plan; 21050-VB-ZZ-DR-A-1120 Rev. P4, dated 11.04.2024.

Proposed Site Plan Ground Floor Plan; 21050-VB-ZZ-DR-A-1051 Rev. P6, dated 11.04.2024.

Proposed Site Plan Roof Plan; 21050-VB-ZZ-XX-DR-A-1052 Rev. P6, dated 11.04.2024

Proposed Highways Plan; SCP/230643/SK02 Rev. L, dated 15.04.2024.

Proposed Highways Plan; 21050-VB-ZZ-DR-A-1053 Rev. P8, dated 11.04.2024.

Proposed Highways Dedication Plan; 21050-VB-ZZ-DR-A-1054 Rev. P1, dated 11.04.2024.

Landscape General Arrangement Plan; 0892-RFM-XX-00-M2-L-0001 P07, dated 18.04.2024

Illustrated Landscape Plan; 0892-RFM-XX-00-M2-L-0002 P07, dated 02.02.2024.

Reason: For the avoidance of doubt and in the interests of proper planning.

3 The site shall operate in strict accordance with the submitted Operator Statement (dated July 2023) at all times.

Reason: To secure the benefits put forward by the Charity in order to grant very

special circumstances for the development, in line with paragraph 153 of the NPPF and policy GB1 of the Draft Local Plan (2018).

4 No archaeological evaluation or development shall take place until a written scheme of investigation (WSI) for evaluation has been submitted to and approved by the Local Planning Authority in writing. The WSI should conform to standards set by the Local Planning Authority and the Chartered Institute for Archaeologists.

Reason: This condition is imposed in accordance with Section 16 of NPPF. The site lies within an area of archaeological interest. An investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ.

5 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 4 and the provision made for analysis, publication and dissemination of results and archive deposition will be secured in accordance with the WSI. 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.

Reason: This condition is imposed in accordance with Section 16 of NPPF. The site lies within an area of archaeological interest. An investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ.

6 A copy of a report on the evaluation and an assessment of the impact of the proposed development on any of the archaeological remains identified in the evaluation shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 6 weeks of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: This condition is imposed in accordance with Section 16 of NPPF. The site lies within an area of archaeological interest. An investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ.

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

Reason: This condition is imposed in accordance with Section 16 of NPPF. The site lies within an area of archaeological interest. An investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ.

8 No development shall take place until:

- details in condition 7 have been approved and implemented on site as so approved.

- provision has been made for analysis, dissemination of results and archive deposition has been secured in accordance with condition 5.

- a copy of a report on the archaeological works detailed in condition 7 has been completed and deposited with City of York Historic Environment Record.

Reason: This condition is imposed in accordance with Section 16 of NPPF. The site lies within an area of archaeological interest. An investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ.

9 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must include a site specific risk assessment of dust impacts in line with the guidance provided by IAQM and include a package of mitigation measures commensurate with the risk identified in the assessment. All works on site shall be undertaken in accordance with the approved CEMP, unless otherwise agreed in advance in writing by the Local Planning Authority.

Reason: To protect the amenity of the locality

10 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.

11 Prior to the commencement of the development hereby approved, the suitability of soakaways as a means of surface water disposal shall be ascertained in accordance with BRE Digest 365 to the satisfaction in writing of the local planning authority. If soakaway details are not approved in writing by the Local Planning Authority (due to being unsuitable), the drainage shall be carried out fully in

accordance with the submitted foul and surface water drainage strategy detailed on the Drainage Strategy Sheet 1 - Re: 21181-100 Revision P4, the Drainage Strategy Sheet 2 Foul Destination - Re: 21181-101 Revision P3, both dated 7th September 2023 and the Drainage Strategy Sheet 3 Surface Water Destination - Re: 21181-102 Revision P3, dated 9th October 2023, unless otherwise approved in writing by the Local Planning Authority, the development shall be implemented in strict accordance with the details thereby approved.

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

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

Monday to Friday 0800 to 1800 hours

Saturday 0900 to 1300 hours

Not at all on Sundays and Bank Holidays

Reason: To protect the amenity of the locality.

13 There shall be adequate facilities for the treatment and extraction of cooking odours. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for written approval prior to its installation. Once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained and serviced thereafter in accordance with manufacturer guidelines.

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

14 Details of the lighting lux levels at the nearest residential dwelling façade shall be submitted to the Local Planning Authority for its written approval, prior to the installation of any external lighting. Lighting levels at the nearest residential façade shall not exceed 5 lux between 0700-2300 hours and 1 lux between 2300-0700 hours. The lux will be measured in illuminance in the vertical plane.

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

15 Prior to development commencing, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be prepared, submitted to and approved in writing by the Local Planning Authority prior to development commencing.

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

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) (an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets,
 - woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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.

16 Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared, submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

17 Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be prepared, submitted to and approved in writing by 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.

18 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.

19 Details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, shall be submitted to the local planning authority for approval in writing. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment and any approved noise mitigation measures as so approved 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 representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014+ A1 2019, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

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

20 A biodiversity enhancement plan/drawing shall be submitted to and be approved in writing by the local planning authority prior to the commencement of works. The content of the plan shall include, but not be limited to the recommendations set-out in the Preliminary Ecological Appraisal, provided by Wold Ecology Ltd., October 2023, as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. Once

approved, the details shall be provided and implemented on site within 12 months of first use and retained thereafter.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraph 174 (d) of the NPPF (2021) to contribute to and enhance the natural and local environment by minimising impacts on, and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.

21 No works on site, including site clearance, shall take place in any circumstances 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 2017 (as amended) authorising 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; or
- c) confirmation that the site is registered on a Low Impact Class Licence issued by Natural England; or
- d) a countersigned IACPC certificate issued by Natural England can be provided, stating the site is eligible for District Level Licencing (where applicable).

Reason: To ensure Great crested newts and their habitat are protected during the proposed works. Great crested newts and their habitat are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).

22 A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The LEMP shall include, but not be limited to the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward.
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved LEMP shall be implemented in accordance with its terms.

Reason: To ensure wildlife mitigation, compensation and enhancements measure are managed and maintained appropriately.

23 No tree works, or vegetation clearance shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful and detailed check of suitable habitats for active nests immediately before the works commence. Written confirmation should be submitted to the local planning authority, detailing where works within suitable habitats have been undertaken within the above-mentioned nesting bird period, the outcome of checking surveys, and identify requirements for protection measures.

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

24 Within three months of commencement of development a detailed landscape scheme shall be submitted to the Local Planning Authority for approval in writing in accordance with the approved Landscape General Arrangement. This scheme shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants; and seed mixes, sowing rates and mowing regimes. It will also include details of tree planting, surface treatments, and street furniture. The approved scheme shall be implemented within a period of six months of the practical completion of the building. Any trees or plants which within a period of ten years from the substantial completion of the planting and 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 the Local Planning Authority agrees alternatives in writing. This also applies to any existing trees that are shown to be retained within the approved landscape scheme.

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

- 25 HWAY9 Vehicle areas surfaced
- 26 HWAY18 Cycle parking details to be agreed
- 27 HWAY19 Car and cycle parking laid out
- 28 HWAY22 Internal turning areas, details reqd
- 29 HWAY25 Pedestrian visibility splays protected

30 The development hereby permitted shall not come into use until the following highway works have been carried out in accordance with the details previously submitted to and approved in writing by the Local Planning Authority. The highway works are as follows:

- a) widening New Lane on the eastern side, to facilitate the construction of an informal pedestrian crossing, as shown indicatively on Dwg. No. 21015-VB-ZZ-RP-DR-A1053 Rev. P7 Proposed Highway Plan;
- b) the construction of an informal pedestrian crossing facility on New Lane comprising; a dropped kerb with tactile paving on both sides of New Lane, 2m wide pedestrian refuge island in New Lane, hatching with ghost island right-turn facility for cyclists at north side of refuge island and hatching at south side of refuge island.
- c) the construction of a 3.0m wide unsegregated shared use cycle track/pedestrian route with on the east side of New Lane from a point approximately 70m north of the centre of the proposed main vehicular access to a point approximately 15m north of the centre of the proposed main vehicular access, with dropped kerbs at a point approximately 50m north of the centre of the proposed main vehicular access to provide access to the cycle entrance to the development, as shown indicatively on Dwg. No. 21015-VB-ZZRP- DR-A1053 Rev. P7 Proposed Highway Plan.
- d) the construction of a 2.5m wide footway on the east side of New Lane, as shown indicatively on Dwg. No. 21015-VB-ZZ-RP-DR-A1053 Rev. P7 Proposed Highway Plan.
- e) the installation of a new bus cantilever bus shelter on the east side of New Lane, as shown indicatively on Dwg. No. 21015-VB-ZZ-RP-DR-A1053 Rev. P7 Proposed Highway Plan.
- f) the relocation of the 30mph/40mph speed limit signs on each side of New Lane to appoint approximately 140m south of their current position (subject to the associated TRO for extending the 30mph speed limit being made)

Reason: In the interests of the safe and free passage of highway users and providing access to public transport services.

31 A detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. All works shall be carried out in accordance with the approved method of works statement. The statement shall include at least the following information:

- measures to prevent the egress of mud and other detritus onto the adjacent public highway;
- a dilapidation survey jointly undertaken with the local highway authority

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.

32 No part of the development shall be occupied until a Travel Plan has been submitted and approved in writing by the Local Planning Authority. The Travel Plan should be developed and implemented in line with local and national guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan as approved.

Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the Local Planning Authority. Results of 5 yearly annual travel surveys carried out over period of 4 years from the first survey shall then be submitted annually to the Local Planning Authority for approval.

Reason: To ensure that traffic flows from the site can be safely accommodated and to promote the use of sustainable means of transport.

33 A minimum of 5% of car parking spaces shall be provided with EV charging facilities prior to the development coming into use. Active EV charge point provision shall meet minimum requirements as laid out in CYC's Low Emission Planning Guidance. Once installed, the charging points shall be retained and maintained for their intended purpose.

Reason: To ensure provision of EV charging facilities in line with the National Planning Policy Framework (NPPF) and CYC's Low Emission Strategy / Low Emission Planning Guidance

34 The development hereby permitted shall achieve:

- a) a 28% reduction in carbon emissions over and above the requirements of

Building Regulations (2013) unless it is demonstrated that such reductions would not be feasible or viable; and

b) a BREEAM rating of 'Excellent' or higher (or equivalent). A Post Construction Assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate submitted to the Local Planning Authority within 12 months of the first use (unless otherwise agreed). Should the development fail to achieve an 'Excellent' BREEAM rating a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve an 'Excellent' rating. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

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

Reason: In the interests of achieving a sustainable development in accordance with the requirements of Policy CC2 of the Draft Local Plan.

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:

- Requested off-site highway works.
- Requested additional parking.
- Requested further information in respect of the use and operations.
- Requested updated ecological reports.
- Requested further drainage information.
- Use of Planning Conditions

2.

NOTE re CEMP: 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).

With respect to dust mitigation, measures may include, but would not be restricted to, on site wheel washing, restrictions on use of unmade roads, agreement on the routes to be used by construction traffic, restriction of stockpile size (also covering or spraying them to reduce possible dust), targeting sweeping of roads, minimisation of evaporative emissions and prompt clean up of liquid spills, prohibition of intentional on-site fires and avoidance of accidental ones, control of construction equipment emissions and proactive monitoring of dust. Further information on suitable measures can be found in the dust guidance note produced by the Institute of Air Quality Management, see <http://iaqm.co.uk/guidance/>. The CEMP must include a site specific risk assessment of dust impacts in line with the IAQM guidance note and include mitigation commensurate with the scale of the risks identified.

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.

Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses public.protection@york.gov.uk and planning.enforcement@york.gov.uk

3.

Note re odour: It is recommended that the applicant refers to the updated Guidance produced by EMAQ in September 2018 titled "Control of Odour and Noise from Commercial Kitchen Exhaust Systems (September 2018)" for further advice on how to comply with this condition. The applicant shall provide information on the location and level of the proposed extraction discharge, the proximity of receptors, size of kitchen or number of covers, and the types of food proposed. A risk assessment in

accordance with APPENDIX 3 of the EMAQ guidance shall then be undertaken to determine the level of odour control required. Details should then be provided on the location and size/capacity of any proposed methods of odour control, such as filters, electrostatic precipitation, carbon filters, ultraviolet light/ozon treatment, or odour neutraliser, and include details on the predicted air flow rates in m³/s throughout the extraction system.

4.

As this application relates to a business that will sell or supply food and/or drink, the proprietor of the business should contact by email at public.protection@york.gov.uk or by telephone on 01904 551525 at their earliest opportunity to discuss registering the business as a food premises (a legal requirement) and to obtain advice on food hygiene & standards, health & safety, odour extraction etc."

5.

Informative - nesting birds: The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Buildings, trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Suitable habitat is present on the application site and is to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess nesting bird activity.

6.

Informative - Hedgehogs: The applicant is advised to consider using permeable fencing or leaving occasional gaps suitable to allow passage of hedgehogs. Any potential hibernation sites including log piles should be removed outside the hibernation period (which is between November and March inclusive) in order to avoid killing or injuring hedgehogs.

Hedgehogs are of priority conservation concern and are a Species of Principal Importance under section 41 of the NERC Act (2006). An important factor in their recent population decline is that fencing, and walls are becoming more secure, reducing their movements and the amount of land available to them. Small gaps of approximately 13x13cm can be left at the base of fencing to allow hedgehogs to pass through. Habitat enhancement for hedgehogs can easily be incorporated into developments, for example through provision of purpose-built hedgehog shelters or log piles. <https://www.britishhedgehogs.org.uk/wp-content/uploads/2019/05/developers-1.pdf>

7.

Informative - wildlife and lighting: When designing external lighting its potential impacts on light sensitive species should be considered. Direct lighting and light spill should be avoided where new bird nesting features are installed, on trees, soft landscaping, and 'green' linear features, such as hedges. Advice on lighting design for light sensitive species is available from the Bat Conservation Trust (2023) Bats and Artificial Lighting at Night: <https://theilp.org.uk/publication/guidance-note-8-bats->

and-artificial-lighting/

8.

Drainage notes for the developer:

- 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) The applicant should be advised that the Yorkshire Waters prior consent is required (as well as planning permission) to make a connection of foul and/or surface water to the public sewer network, and
- iii) The applicant should be advised that the York Consortium of Drainage Board's prior consent is required (as well as planning permission) for any development including fences or planting within 9.00m of the bank top of any watercourse within or forming the boundary of the site. Any proposals to culvert, bridge, fill in or make a discharge (either directly or indirectly) to the watercourse will also require the Board's prior consent.

9.

You are advised that prior to starting on site, consent will be required from the Highways Authority for the works being proposed under the Highways Act 1980 (or legislation/ regulations listed below). For further information, please contact the section(s) named:

- Agreements as to execution of works (Section 278) -
development.adoption@york.gov.uk

The Road Safety Audit is part of the works required under the highways act s278. If when going through the highways agreement process the RSA picks up any issues there may need to be a redesign and advice should be sought from the Local Planning Authority if needs be.

Contact details:

Case Officer: Natalie Ramadhin

Tel No: 01904 555848