



## Notice of a public meeting of

### Planning Committee A

- To:** Councillors Crawshaw (Chair), Fisher (Vice-Chair), Ayre, Hollyer, Kelly, Merrett, Nelson, Steels-Walshaw, Steward, Waudby and Whitcroft
- Date:** Thursday, 5 October 2023
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

### AGENDA

- 1. Declarations of Interest** (Pages 1 - 2)  
At this point in the meeting, Members and co-opted members are asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest.  
  
An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.  
  
[Please see attached sheet for further guidance for Members].
- 2. Minutes** (Pages 3 - 10)  
To approve and sign the minutes of the last Planning Committee A meeting held on 6 July 2023.

### **3. Public Participation**

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

**Please note that our registration deadlines have changed to 2 working days before the meeting, in order to facilitate the management of public participation at meetings. The deadline for registering at this meeting is 5:00pm on Tuesday 3 October 2023.**

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

### **Webcasting of Public Meetings**

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

### **4. Plans List**

This item invites Members to determine the following planning applications:

**a) Land To The South East Of 51 Moor Lane, (Pages 11 - 84)  
Copmanthorpe, York [19/00602/FULM]**

Erection of 75 dwellings, landscaping, public open space and associated infrastructure. [Copmanthorpe Ward]

**b) Pikehills Golf Club, Tadcaster Road, (Pages 85 - 132)  
Copmanthorpe, York, YO23 3UW  
[22/01074/FULM]**

Redevelopment of the Pike Hills Golf Course involving importation and grading of soils. [Rural West York]

- c) **BHE Self Storage Self Storage Facility,** (Pages 133 - 164)  
**Lambshill, Towthorpe, Moor Lane, Strensall**  
**[22/01032/FUL]**

Change of use of agricultural land to the siting of 118 storage containers (use class B8) – retrospective. [Strensall Ward]

## 5. **Urgent Business**

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

Democracy Officer:

Jane Meller

Contact details:

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

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

Contact details are set out above.

**This information can be provided in your own language.**

**我們也用您們的語言提供這個信息 (Cantonese)**

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

**☎ (01904) 551550**

### Declarations of Interest – guidance for Members

- (1) Members must consider their interests, and act according to the following:

Type of Interest	You must
Disclosable Pecuniary Interests	Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Directly Related) <b>OR</b> Non-Registrable Interests (Directly Related)	Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Affects) <b>OR</b> Non-Registrable Interests (Affects)	Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being: (a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. In which case, speak on the item <u>only if</u> the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations,

and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.

City of York Council

Committee Minutes

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Meeting	Planning Committee A
Date	6 July 2023
Present	Councillors Crawshaw (Chair), Fisher (Vice-Chair), Ayre, Baxter (Substitute for Cllr Steels-Walshaw), B Burton (Substitute for Cllr Merrett), Kelly, Nelson, Steward, Whitcroft and Fenton (Substitute for Cllr Waudby) and Widdowson (Substitute for Cllr Hollyer)
In Attendance	Victoria Bell (Development Management Officer) Ruhina Choudhury (Senior Solicitor) Becky Eades (Head of Planning and Development Services) Emma Leonard (Development Control Engineer) Natalie Ramadhin (Development Management Officer) Ian Stokes (Principal Development Control Engineer (Planning))
Apologies	Councillors Hollyer, Merrett, Steels-Walshaw and Waudby

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### 1. **Declarations of Interest (16:33)**

Members were asked to declare at this point in the meeting any disclosable pecuniary interest or other registerable interest they might have in respect of business on the agenda, if they had not already done so in advance on the Register of Interests. Cllr Ayre noted that he was a member of the enterprise car club. No further interests were declared.

### 2. **Minutes (16:34)**

Resolved: That the minutes of the meeting of Planning Committee A held on 2 March 2023 be approved and signed as a correct record.

### 3. **Public Participation (16:34)**

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme on general matters within the remit of the Planning Committee A.

Johnny Hayes requested the reintroduction of in person site visits, information on S106 and CIL payments and financial viability assessments for planning applications. The Chair responded to the points made by Mr Hayes and advised that there would be a return to in person site visits for large applications and that he would speak to the Head of Planning and Development Services and Executive Member for Housing, Planning and Safer Communities regarding information on S106 and CIL payments. He added that the default position would be to publish financial viability assessments in full unless otherwise decided by the Head of Planning.

#### **4. Plans List (16:38)**

Members considered a schedule of reports of the Head of Planning and Development Services, relating to the following planning applications, outlining the proposals and relevant policy considerations, and setting out the views of consultees and officers.

##### **4a) T.K.maxx 48 Coney Street York YO1 9ND [23/00059/FUL] (16:38)**

Members considered a full application from Harrowells (No. 221) Ltd for the conversion of existing retail unit (Use Class E) to restaurant and shop (Use Class E) at ground and basement level, and change of use of upper floors from retail (Use Class E) to a 64 key aparthotel (Use Class C1) including provision of additional storey on roof and associated external alterations (amended plans received) at T.K.maxx, 48 Coney Street, York.

The Head of Planning and Development Services gave a presentation on the application. The Development Management Officer gave an update advising Members of comments from the Conservation Officer, pre-commencement Conditions, and updates to errors on the published report. Members were advised that the additional information had been assessed and the Officer's recommendation remains for approval subject to conditions.

In response to questions from Members, officers explained that:

- The façade on the Coney Street entrance would be retained with minor repairs.
- The windows on the Coney Street entrance were not being replaced and would have internal secondary glazing.

#### Public Speakers



Matthew Mortonson, Planning Agent for the Applicant, spoke in support of the application. He explained that it would be a restaurant and café occupied by Hard Rock Café. He advised that the Grade 2 façade on Coney Street would be retained, and the Market Street façade would be changed following discussions at the design stage. He explained the economic benefits it would have on York including job creation. He added that it would be an improvement to the appearance of the building in a conservation area.

In response to questions from Members, Mr Mortonson explained that:

- There had been discussions between the applicant and the police, and the comments of the police had been noted.
- Regarding potential archaeology being of national importance, there had been discussions with their own archaeologist that had been passed on the applicant.
- The waste was kept at the service entrance on Market Street and there would be regular servicing of waste.

[The Head of Planning and Development Services advised that a condition on the management of the waste area could be added].

- It was not anticipated that many people would be using cars to travel to the hotel. There were 12 cycle parking spaces and not all staff would be on site at the same time.
- Archaeology was conditioned and their archaeologist would be on site.

Honorary Alderman Brian Watson spoke in objection to the application. He supported the comments of Guildhall Planning Panel. He expressed concern regarding the impact of the building on the skyline and the principle of rooms with no windows. He noted concern regarding a licensed premises in the cumulative impact zone (CIZ) and acknowledged that this was a licensing, not planning consideration.

Members then asked further questions to officers to which they responded that:

- The restaurant being in the CIZ fell under licensing.
- Planning permission is not needed for changes in use class E.
- The application had to meet all six requirements of the draft Local Plan policy R1 and weight had been given to the application being in the same use class (E) as retail use. The draft Local Plan policies R1 and R3 were outlined, and it was confirmed that the under permitted development the Hard Rock Café could open as a shop and change to restaurant use. It was noted that the floor plans were conditioned.

- The Head of Planning and Development Services undertook to pick up the draft Local Plan policy with the Forward Planning Team.
- The application had 12 cycle parking spaces which was deemed sufficient.
- The extra height of the building was in line with neighbouring buildings.
- There was a number of rooms with no windows which was acceptable for short term stays and customers would be made aware of the rooms. Fire evacuation would be covered by building regulations.

Following debate Cllr Ayre proposed that a vote be taken on following up on a condition regarding policy R3 of the draft Local Plan. This was seconded by Cllr Widdowson. Following a vote with two Members voting in favour of the motion and nine against, the motion fell.

Cllr Crawshaw then proposed an amendment to Condition 15 to change to 'Prior to first use of the premises for the purposes hereby permitted, provision shall be made for the storage of refuse bins *of sufficient size* within the site.....' This was seconded by Cllr Whitcroft. This was carried following a unanimous vote in favour.

Cllr Fisher moved the officer recommendation to approve the application with the Pre-commencement Conditions and amended Condition 15. This was seconded by Cllr Steward. Following a vote with ten Members in favour and one against, it was;

Resolved: That the application be approved with the Pre-commencement Conditions and amended Condition 15.

Reasons:

- i. To conclude the general principle of the new uses can be supported and will preserve and enhance an important section of the Primary Shopping Area in York City Centre. A mixed use will deliver and enhance the daytime and night-time economy, whilst providing tourist accommodation in a highly accessible location. The principle of development therefore accords with paragraphs 81 and 86 of the NPPF, and policies R1, R2, SS3 and EC4 of the Draft Local Plan (2018).
- ii. Taking into account the amendments made (to the design of the shopfront and roof extension), the proposal would aid in creating a viable use for the heritage asset whilst sustaining and enhancing the significance of the Listed Building and would preserve the character and appearance of the Central Historic Core Conservation Area, in

compliance with paragraphs 197 and 202 of the NPPF and policies D1, D4 and D5 of the Draft Local Plan (2018).

- iii. Technical matters such as archaeology, cycle parking, noise, opening hours, ecology, waste and sustainability can be adequately addressed by condition. Overall, in applying the approach to decision-making established in the NPPF approval is recommended subject to conditions.

**4b) T.K.maxx 48 Coney Street York YO1 9ND [23/00060/LBC] (17:46)**

Members considered a Listed Building Consent application for Internal and external alterations in association with change of use and provision of additional storey on roof (amended plans received) at T.K.maxx 48 Coney Street York YO1 9ND. The application was considered as part of the previous application.

Cllr Fenton moved the officer recommendation to approve the application. This was seconded by Cllr Burton. Following a unanimous vote in favour it was;

Resolved: That the application be approved.

Reason: Taking into account the amendments made, the proposal would aid in creating a viable use for the heritage asset whilst sustaining and enhancing the significance of the Listed Building, in compliance with paragraphs 197 and 202 of the NPPF, and Policy D5 of the Draft Local Plan (2018) and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

[The meeting adjourned from 17:47 to 17:57].

**4c) Enterprise Rent-a-car, 15 Foss Islands Road, York YO31 7UL [22/01795/FULM] (17:57)**

Members considered a major full application from The Hire Group and Gregory Projects Limited for the Erection of 3, 4, and 5 storey student accommodation building with associated car parking following demolition of existing buildings at Enterprise Rent-a-car, 15 Foss Islands Road, York.

The Head of Planning and Development Services gave a presentation on the application. The Development Management Officers gave an update, advising Members of revised plans for the third floor with the addition of a

common room. This was a revision to Condition 2 (Plans). Members were advised that the additional revised plan had been assessed and the planning balance, with the exception of the requested alterations to Condition 2, the recommendation was unchanged from the published report. A Member requested and was shown the communal areas in the plans. Officers were asked and confirmed that the waste access was from the first floor on Elvington Terrace.

### Public Speakers

Graham Connell, spoke in support of the application on behalf of the applicant. He clarified that in addition to the open plan communal space on the ground floor, there was also a gym, staff room and entertainment room. He explained why the location was suitable for student accommodation and the changes made to the application following refusal in 2021.

In response to Member questions, Mr Connell and the architect for the scheme explained:

- There was two disabled parking spaces and further disabled spaces available along Foss Islands Road. The expectation was that the number of disabled spaces would not be required by residents and the spaces would be controlled for the use of residents only.
- There was one lift and for the number of units this was more than adequate for the number of rooms and storeys. If the lift broke down there were emergency repair arrangements and there would be routine maintenance out of hours during which the lift may be out of action for a short period of time.
- There was a programme set up to allocate times for student drop off/pick up. This would fit into a weekend. There would be a management plan for this and it would be managed accordingly.
- The overlooking windows in the corner of the courtyard were perpendicular.
- The rationale for the layout was explained. The layout enabled more incidental interactions on the ground floor and the applicant had spoken with operators who had said that this type of layout worked best.

Members then asked questions to officers to which they responded that:

- Because of the specifics of the case it was unreasonable to ask for a contribution to affordable housing. The proposed modifications to Policy H7 of the draft Local Plan which introduced the requirement for an affordable housing contribution came through the Local Plan hearings. The Application has been in the system since October / November 2022 before the modifications to Policy H7 were proposed.

- The proposed wording for policy H7 of the draft Local Plan reflected the proposed modifications and this included the commuted sum for student accommodation.
- The size of the units was comparable with student flats allowed elsewhere.
- [The Chair noted the size of the units at the Plumbase student accommodation planning application.]
- Regarding the land not being marketed for employment use for 18 months, this was part of the draft Local Plan modifications. The applicant had given reasons regarding the quality of the land and the buildings being in a poor state of care, making the land commercially unviable to bring into use. There was a balance of industrial use next to residential buildings.
- There was a requirement for a contribution of £14,647 to amenity open space and regarding sports space, the universities provide sports provision. Therefore, sports provision contributions were not normally requested for student accommodation schemes.
- Concerning highways considerations regarding drop offs, it was standard to do to the management of a drop off in half an hour slots. The feedback was that this worked. The reason for the layout of the drop off space was explained. It was noted that there were other means of getting there and officers were comfortable with the numbers and management plan conditions.
- Because the accommodation was car free, the number of disabled car parking spaces was based on the number of spaces available. On balance, the number of disabled car parking spaces was acceptable and the application could not be refused on highways grounds.
- [The Chair had sought detail from officers and reported the distances to the offsite blue badge car parking spaces].
- There were two blue badge car parking spaces with electric vehicle charging and one car parking space to the south of the service substation.
- An explanation was given regarding why an environmental impact assessment was not needed.
- The room sizes were not included in the draft Local Plan.
- The weight given to room sizes was explained.

The Chair explained the Plumbase student accommodation application refusal reason. The Head of Planning and Development Services explained the timeline of the Local Plan modifications].

- Regarding student private car ownership, many of the adjacent streets were protected by respark and the tenancy agreement stated that students should not be the registered keeper of a car. It was

noted that planning enforcement may be involved in enforcement measures.

[The meeting adjourned from 18:55 to 19:00]

- There was a standard Yorkshire Water informative.
- Residents had waste collection on Elvington Terrace.
- Access to the cycle parking and refuse store was explained.

Members debated the application at length. Following debate, Cllr Fenton proposed the officer recommendation to approve the application. As there was no seconder the motion fell.

Cllr Steward moved refusal of the application on the grounds of drop off space, room size, scale of development and accessibility and loss of employment land. This was seconded by Cllr Baxter. The Chair read out the reasons for the Plumbase student accommodation application refusal. A Member noted that the two applications were not comparable. Following a vote with ten Members in favour of refusal and one against, it was:

Resolved: That the application be refused with the final wording on the reasons for refusal delegated to the Head of Planning and Development Services in consultation with the Chair and Vice Chair.

Reasons:

- i. The application does not create a safe, inclusive and accessible place which promote health and well-being, with a high standard of amenity due to the inadequate room size, lack of blue badge spaces, lack of space in the development for circulation, location and number of lifts and a lack of communal spaces on each floor.
- ii. There is insufficient information provided regarding the loss of employment land and evidence of the marketing of the site for alternative uses.

Cllr Crawshaw, Chair

[The meeting started at 4.30 pm and finished at 7.52 pm].

**COMMITTEE REPORT**

**Date:** 5 October 2023  
**Team:** West Area

**Ward:** Copmanthorpe  
**Parish:** Copmanthorpe Parish  
Council

**Reference:** 19/00602/FULM  
**Application at:** Land To The South East Of 51 Moor Lane  
Copmanthorpe York  
**For:** Erection of 75 dwellings, landscaping, public open space  
and associated infrastructure.  
**By:** Mr Tate  
**Application Type:** Major Full Application  
**Target Date:** 5 May 2021  
**Recommendation:** Approve, following referral of the application to the  
Secretary of State for Communities and Local  
Government under the requirements of Section 77 of the  
Town and Country Planning Act 1990, and should the  
application not be called in by the Secretary of State,  
then APPROVE the application subject to the completion  
of a Section 106 Agreement

**1.0 PROPOSAL**

1.1 Planning permission is sought for 75 two storey dwellings:

- 2 no. one bed dwellings
- 19 no. 2 bed dwellings
- 31 no. 3 bed dwellings
- 23 no. 4 bed dwellings

1.2 The application site is a triangular piece of land to the south of the village of Copmanthorpe. The site is 2.58 ha resulting in a proposed housing density of 29 dwellings per ha. The site is flat. The site is bounded to the west by a hedgerow, to the north are dwellings and this boundary is demarcated by a close boarded fencing and some hedging. To the south east is the main east coast rail line bounded by palisade fencing. The application site is accessed from Moor Lane to the east of the site.

1.3 The application site has been identified as a Housing allocation (H29) within the published Draft Local Plan 2018 with an anticipated yield of 92 dwellings.

1.4 The site is within Flood Zone 1. The Copmanthorpe Moor Lane Fields Site of Importance for Nature Conservation lies to the west of the application site.

154 During the application process a number of revisions and additional information has been submitted. The initial scheme proposed 97 dwellings this has been reduced to 75.

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

## **2.0 POLICY CONTEXT**

2.1 The Publication Draft York Local Plan (2018)

SS1 Delivering Sustainable Growth for York

SS2 The Role of York's Green Belt

H1 Housing Allocations

H2 Density of Residential Development

H3 Balancing the Housing Market

H10 Affordable Housing

HW4 Childcare Provision

HW5 Healthcare Services

HW7 Healthy Places

ED6 Preschool, Primary and Secondary Education

D1 Placemaking

D2 Landscape and Setting

D6 Archaeology

D7 The Significance of Non-Designated Heritage Assets

D9 City of York Historic Environment Record

GI1 Green Infrastructure

GI2 Biodiversity and Access to Nature

GI3 Green Infrastructure Network

GI4 Trees and Hedgerows

GI6 New Open Space Provision

GB1 Development in the Green Belt

CC2 Sustainable Design and Construction of New Development

ENV2 Managing Environmental Quality

ENV3 Land Contamination

ENV5 Sustainable Drainage

WM1 Sustainable Waste Management

T1 Sustainable Access

DM1 Infrastructure and Developer Contributions



2.2 Please see the Appraisal Section (5.0) for national and local policy context.

### **3.0 CONSULTATIONS**

#### INTERNAL CONSULTATIONS

#### HIGHWAY NETWORK MANAGEMENT

3.1 Footway is required outside of Plot 47 so that a tactile crossing can be installed to standards. Alternatively the chamfered junction design would need to be amended.

3.2 Trees drawn with the square seem to be marked as included in the adopted highway. They are on people's driveways, this would not work. For trees to be highway trees, they need to be in a logical place where we can access them to maintain them, it is obvious that the area is not private, etc. Basically in a highway verge or a built out on the carriageway. If the developer wants to take the tree out of the private areas to keep them for the long term, the trees either need to be clearly in the adopted highway (like the trees opposite plots 35 and 43/44) or retained by the Management Company.

3.3 The paved area between plots 33 and 68/76 will need to be kerbed (footways and carriageways cannot be at the same level)

3.4 In the Public open space (POS) suggest the adoption of the 3.7m wide footpath as it doubles up as emergency access but not the other paths as they can remain within the POS and be maintained by the Management Company (can also agree that maintenance of the wider path can be with the Management Company if preferred by the developer). Assume only the wider path will be lit.

3.5 Request the following conditions: Detail design of the highway; Traffic Regulation Order; Travel Plan; Construction Environmental Management Plan or Method of Works; Internal turning areas; cycle parking details.

3.6 Request following contributions to be sought via S106:

- Car club - Support for the provision of a car club car in the village by providing an incentive for residents of the proposed development to use the vehicle located in the village. This will take the form of free membership and an initial free/discounted mileage offer to residents. The estimated cost is £80/dwelling, to be offered to the first occupier, and to be included in the Section 106 agreement
- Sustainable travel incentive - An initial intervention to encourage first occupiers to use public transport and/or cycle will be included in the Section

106 agreement in the form of a sustainable travel pack of a value of £180/dwelling.

- Travel Plan - CYC officers estimate that a minimum amount of £60 per dwelling per year is required to deliver meaningful travel planning interventions. This would need to be included as a budget for the Travel Plan for the first 5 year period, with an additional £11,640 to be invested in travel planning if the agreed target mode shift is not achieved within the first 5 years. Alternatively, this amount could be included in the Section 106 agreement for CYC teams to deliver the travel planning interventions at the site.
- Off-site highway improvements ) - Provision of tactile crossings for the pedestrian route between the site and the village (including access to bus stops and school) at junctions on Moor Lane (Moorlands Gardens, Dykes Lane) + crossing point for cyclists to and from the path across the POS

### **DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (LANDSCAPE ARCHITECT)** (comments on previous revision)

3.7 As a result of the pumping/sub stations, the infrastructure becomes more prominent and less incidental (*Officer note: revised plans show the pumping station relocated to the north west corner of the site*). This also reduces the quantity of available open space for recreational purposes. Question if the main space still meets the Public open space quantities required for the number of dwellings, figure should not include the grass margins alongside the railway line in this calculation.

3.8 The proposed treatment of the main POS responds to the landscape concept sketch - The following amendments should also be made:

- Mounding should be reduced in area to provide a more useable flat area of grass in the eastern half of the POS.
- The sketch shows play equipment on both sides of the path. Should be made clear, which two age groups the play areas are aimed at.
- Additional seating should be provided to observe the younger play. A picnic bench should be provided in the orchard area.
- Proposed tree planting along the boundary of the POS should be set within hedging/planting.
- The tight corner created adjacent to plot 87 should be designed out by including this area in the rear garden of plot 87, level with the rear elevation.
- the location for a surface water drainage tank and connections could have a profound impact on the landscape proposals.
- Make unit 19 & 20 one unit to provide a larger garden space to compensate for the shade produced by the adjacent Oak tree.

3.9 Given the quantity and prominence of forecourt parking, there needs to be a variety in surfacing materials/colour/texture. The area to the rear of plots 43 to 66 is particularly poor. It is not clear if there is any variation between the adopted roads

(mid grey), pavements (pale grey), and private driveways & parking spaces (pale yellow). It would not be acceptable for all of these areas to be black tarmac

3.10 A timber post and wire system could be integrated into the line of the hedge around the Public Open space to avoid the need for the timber trip rail in this location. The fence separating long runs of back to back gardens should be a living fence.

3.11 Additional information required before determination: Proposed drainage plan to be applied to landscape masterplan. Locations of underground and overhead utilities such as street lighting and media should be shown or at the very least described; Tree pit details for trees proposed within narrow strips between parking bays. (Where trees are placed on the boundary line between two lots of parking bays, it should be clear within whose ownership and responsibility the tree stands.); Cross sections (to scale) through proposed widened road / pavement / ditch / hedge over existing situation (in dashed line); Hard landscape plan showing variations in surfacing materials.

**DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ECOLOGY OFFICER)** (combination of three responses)

3.12 August 2023 Biodiversity Gain Assessment shows an increase in post habitat creation and is visible on the landscape masterplan, as such no objections. suggest the applicant explores the potential for providing 'like-for-like' linear habitat creation

3.13 Positive that Yorkshire Wildlife Trust consider S106 could be used to mitigate some impacts from increased visitors pressure to Askham Bog.

3.14 Request following conditions: Timing of works; lighting plan; Construction Environmental Management Plan (Biodiversity); Landscape and Ecological (or Biodiversity) Management Plan. Request informatives for Hedgehogs, invasive non-native species.

**DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ARCHAEOLOGY)**

3.15 An evaluation is required, request this sought via condition.

**DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (DESIGN, CONSERVATION & SUSTAINABLE DEVELOPMENT MANAGER)** (comments on previous revision)

3.16 The revised drawings do not address previous concerns about the need for generous soft landscaping in area of proposed housing at the Moor Lane edge.

## **FORWARD PLANNING**

3.17 The Draft Local Plan (DLP) was submitted for examination on 25 May 2018. Four phases of hearing sessions concluded in September 2022. Consultation on proposed main modifications to the DLP closed in March 2023, and responses have been provided to the Local Plan Inspectors for their consideration. The plan has therefore reached an advanced stage of preparation and the Inspectors' report is anticipated autumn 2023. As such a future planning application is likely to be determined in the context of the NPPF2023 and the 2018 submitted Local Plan, inclusive of proposed modifications. In advance of plan adoption, weight may be given to policies in the emerging Plan in accordance with NPPF2023 para 48 (refer to the emerging Local Plan 2018, inclusive of proposed modifications)

3.18 The Council is in discussion with Copmanthorpe Parish Council in developing its submission Neighbourhood Plan. At this stage the NP holds relatively limited weight in relation to planning applications in the Copmanthorpe Parish.

3.19 H1 (Housing allocations) This forms part of Main Modifications consultation (Feb 2023) but no representations were received in relation to H29. Moderate weight can be applied to policy H1 for site allocation H29.

3.20 H2 (Density of residential development) Limited weight given level of unresolved objection.

3.21 H3 (Balancing the Housing Market) It is consistent with the NPPF to use the Local Housing Needs Assessment (LHNA) to inform judgements on appropriate mix of housing and the LHNA is, in itself, material to decision making

3.22 H10: Affordable Housing Policy H10 requires on-site provision of a minimum of 30% affordable units. This is consistent with the NPPF and is supported by the viability evidence prepared as part of the Local Plan. Moderate weight can be given to the 30% requirement.

3.23 HW2: New Community Facilities, HW3: Built Sport Facilities, HW7: Healthy Places, T1: Sustainable Access, DM1: Infrastructure and Developer Contributions - Limited weight given level of unresolved objection

3.24 HW5: Healthcare services - The Policy is subject to modification, although these changes provide clarity in policy wording rather than altering the nature/application of policy. HW5 can be applied with moderate weight.

3.25 D1: Placemaking - Policy is consistent with the Framework. In this context, and given that a very small number of minor objections D1 can be afforded moderate weight.

3.26 GB1: Development in the Green Belt - Policy is wholly consistent with the Framework. can be afforded moderate weight.

3.27 G1: Green Infrastructure - Policy is consistent with the Framework and given scope of unresolved objections it can be afforded moderate weight.

3.28 GI2: Biodiversity and Access to Nature - Proposed modifications ensure appropriate distinctions are made between different levels in a hierarchy of nature sites - Policy is consistent with the Framework. Can be afforded moderate weight.

3.29 GI6: New Open Space Provision - Policy has partially resolved objections and is subject to significant modifications. Policy can be afforded limited weight.

3.30 CC2: Sustainable Design and Construction of New Development, CC3: Decentralised Energy Networks, ENV1: Air Quality - Objections are partially resolved. Policies are subject to significant modification can be afforded limited weight.

3.31 ENV2: Managing Environmental Quality, ENV5: Sustainable Drainage - Policy can be afforded moderate weight.

3.32 ENV4: Flood Risk: Policy can be afforded only limited weight but SRFA evidence underpinning the policy can be given significant weight.

### **LEAD LOCAL FLOOD AUTHORITY**

3.33 No objections. Submitted information provides sufficient evidence to prove infiltration methods of surface water disposal will not work on this site. If planning permission is to be granted, request the following conditions: details of the proposed means of foul and surface water drainage to be submitted; separate systems of drainage for foul and surface water on and off site; no piped discharge of surface water.

### **PUBLIC PROTECTION**

3.34 The methodology used within the updated noise assessment is acceptable and the sound mitigation measures for the properties are accepted as they demonstrate that the recommended internal noise levels as per BS8233:2014 will be achieved.

3.35 Request the following conditions: Ensure all sound attenuation measures detailed in the noise assessment supplied [SLR Consulting Limited dated 1/9/23] are fully implemented prior to the occupation; residential development designed so vibration levels stated in BS6472:2008 Evaluation of human exposure to vibration in buildings (1Hz to 80 Hz) are not exceeded; submission of Construction

Environmental Management Plan; timing of construction; submission of investigation and risk assessment. Submission of remediation scheme; submission of verification report; reporting of unexpected contamination. Request following informatives: Electric Vehicle (EV) charge points.

### **WASTE SERVICES**

3.36 It appears from the plans that properties which will require the use of central collection points are plots 58 to 63, 71 to 76, 1 to 3, 26 & 27. Confirmation that the roads on the site are adopted highways and are a minimum of 5 metres wide. Pinch points, such as archways or gates, should give a minimum clearance of 3.7 metre width, and additional allowances must be given if vehicles are required to approach from an angle. Confirmation that the roads are suitable for the refuse collection vehicle specifications identified within the attached Waste Information for Developers Guide which include turning circles of 18.13m kerb to kerb, or 20.68m wall to wall.

### **LIFELONG LEARNING AND LEISURE**

3.37 The City of York Local Plan Evidence Base: Open Space and Green Infrastructure Update September 2017 shows that the ward and connecting wards have a shortfall of outdoor sports provision which would mean a contribution would be necessary. The sport contribution now stands at £47,499 and the potential beneficiaries. The amenity and play space would be a total of £111,521

3.38 Outdoor Sport Provision contribution would be used towards procuring the provision of or improvement to sport or active leisure facilities within 2/3km from the Development the need for which directly arises from the Development.

3.39 Awaiting the completion of the Playing Pitch Strategy for the city that would support the need for outdoor sport (playing pitches) within the area and identify what these should be. Request the following community clubs as potential beneficiaries of the S106 funds: Copmanthorpe Football Club; Copmanthorpe Cricket Club; Copmanthorpe Tennis Club; Copmanthorpe Bowls Club; Bishopthorpe Football Club, Ashfield Pitches Site; and / or another project within the ward or connecting wards, the need for which directly arises from the Development.

### **HOUSING DEVELOPMENT TEAM (COMMUNITY AND NEIGHBOURHOODS)**

3.40 No comments received.

### **EDUCATIONAL PLANNING OFFICER**

3.41 Based on 73 eligible houses of 2 beds or more, Education requests £738,711, £725,280 is towards Place Cost and £13,431 towards Transport costs towards.

3.42 The secondary school allocation reflects the shared catchment area between York's Millthorpe School and NYC's Tadcaster Grammar, and reflects the general split based on choice and availability of places. North Yorkshire Council have confirmed that they do not wish to request a contribution for places at Tadcaster Grammar.

3.43 Regarding Transport, the recent DfE guidance (August 2023) provides the policy basis for the request towards Transport costs. There is no safe walking route within the statutory maximum walking distance to a secondary school.

## **HOUSING POLICY**

3.44 Taking into account the location and type of development this offers a diverse range of homes across both market and affordable tenures, and accordingly would contribute to the goals of Policy H3. This is in consideration of the flexibility across 20 of the 3-bed homes to function as a 2-bed home with appropriately sized study room.

3.45 The applicant meets the affordable housing contribution requirement of 30% for a greenfield site with 22 affordable homes proposed. The affordable meet or exceed the Nationally Described Space Standards (NDSS) which sets out a good practice approach to minimum space standards, and are all of a type that are in particularly high need as affordable housing. If the application is approved, 80% should be for social rent (17) and 20% will be Discount Sale (5), in accordance with the council's policy expectations. The homes would be transferred to a Registered Provider at a price which ensures that no additional public subsidy is required to deliver the affordable homes. If the application is approved, a commuted sum contribution calculated at 0.5 social rent units cost for a typical home on the site must be provided, to be set out in the Section 106 agreement.

## **EXTERNAL CONSULTATIONS**

### **COPMANTHORPE PARISH COUNCIL** (comments on previous revisions)

3.46 Object, the Copmanthorpe Neighbourhood Plan allows for 60 dwellings on this site. This application is for a much higher number of dwellings. the Neighbourhood Plan figure is far more appropriate to this site since it reflects the average housing density across Copmanthorpe village as a whole, the lower figure is unlikely to compromise the housing numbers in the draft Local Plan since recent OAN figures are lower than contained in the draft Local Plan.

3.47 Concerns regarding the increased traffic, will exacerbate existing highway congestion issues. Moor Lane does not have the capacity to take more traffic. Moor

Lane is a narrow road and is in poor condition. It has become difficult to navigate due to the many parked cars along its length. This has been exacerbated by the formation by Network Rail of a compound at the end of Moor Lane to service the upgrade of the main East Coast line. Moor Lane has a footpath on one side only. Consequently pedestrians need to cross at all points along the road to reach housing the other side. Extra traffic from the housing development will increase danger for these pedestrians. Existing concerns regarding the junction of Moor Lane, Main Street and Station Road.

3.48 Insufficient provision of off-street parking, resulting in vehicles park on the road

3.49 Access to the frequent (and evening and weekend ) Coastliner bus service is more than a 20 minute walk away at the other end of the village. This will result in on-street parking near the Coastliner bus stop. The No. 13 bus, at the closest bus stop, ceases service early in the evening and is intermittent on Sundays.

### **ENVIRONMENT AGENCY**

3.50 No comments.

### **YORKSHIRE WATER**

3.51 The drainage details submitted on drawing 'Drainage Appraisal' 21M/1011/1029 dated July 23 requires amendments, the matter can be dealt with via condition.

3.52 The following point(s) should be addressed: the submitted drawing appears to show a pumping station for both foul and surface water, however no pumped rate of discharge is shown; Development of the site should take place with separate systems for foul and surface water drainage. The separate systems should extend to the points of discharge to be agreed. the peak pumped foul water discharge must not exceed 4.75 litres per second; no positive surface water is known to have previously discharged to the public sewer network. Surface water discharge to the existing public sewer network must only be as a last resort and the developer is required to eliminate other means of surface water disposal; Curtilage surface water may discharge to public surface water at a pumped rate discharge not to exceed 4.75 litres per second.

### **AINSTY INTERNAL DRAINAGE BOARD**

3.53 The Board has assets in the wider area in the form of Earfit Lane Drain and Westfield Road Drain. Request following condition: Submission of foul and surface water drainage scheme details

### **NHS YORK HEALTH AND CARE PARTNERSHIP**



3.54 The proposed development is one which local providers would prefer to not go ahead without due consideration of its impact on local primary care services. Its approval will have an impact on the existing healthcare provision within the vicinity of the site. The planning application does not propose any site-specific mitigation for the healthcare impact arising from the proposed development. The closest GPs to the proposed development are Old School Medical Practice and Front Street Copmanthorpe Surgery both being located circa 0.5 miles from the subject site.

3.55 To identify the additional population created by the proposed 75 residential units, the average population per household figure is 2.4 which we have used for this planning projection (based on 2020 ONS Household data) is adopted. The proposed development will therefore generate approximately **180** residents and subsequently increase demands upon existing services. The primary care health services directly impacted by the proposed development and the current capacity positions are outlined below in **Table 1**.

<b>Table 1. Primary healthcare services closest to the proposed development</b>	Average Weighted List Size <sup>1</sup> (patients)	GIA (M2) <sup>2</sup> (current property)	Ideal property size <b>3</b>	Space Capacity (GIA M2) <sup>4</sup>
Premises				
Old School Medical Practice:	5,680	308.68	486.86	-178.2
Copmanthorpe Front Street Surgery:	1,300	97.84	111.4	-13.56
Copmanthorpe Surgery				

3.56 The Department of Health publication “Health Building Note 11-01: facilities for Primary and Community Care Services” indicates a floorspace requirement of approximately 150m<sup>2</sup> (GIA)/ 120m<sup>2</sup> NIA per 1,750 patients. Based on Table 1, the GP practices are showing a health infrastructure GIA deficit of 191.76 m<sup>2</sup>, demonstrating that the surgeries do not have existing capacity to absorb any additional residents. The development would therefore have an impact on the primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable. The proposed development must, in order to be considered under the ‘presumption in favour of sustainable development’ in the National Planning Policy Framework, provide appropriate levels of mitigation.

3.57 City of York Local Plan Publication Draft (2018) Policy HW5 outlines the council’s support for the provision of new and enhanced primary care services when

there is an identified need. Developer Contributions will be required to support the increase in provision.

3.58 The development could give rise to a need for improvements to capacity, in line with emerging local estates strategy; by way of improvements to, reconfiguration of, or extension of existing premises or providing additional resource for the benefit of the patients; a proportion of the cost of which would need to be met by the developer. Table 2 below provides the capital cost calculation of additional primary healthcare services arising from the development proposal.

**Table 2. Capital costs calculation of additional primary healthcare services**

	Additional Population Growth (75 Dwellings) <sup>5</sup>	Additional Floorspace required to meet growth (m <sup>2</sup> ) <sup>6</sup>	Spare Capacity (GIA) <sup>7</sup>	Capital required to create additional floorspace <sup>8</sup>
Proposed Development	180	15.42	0 (-191.76)	£ 92,690

3.59 HNYPC sought advice from its NHS partner, NHS Property Services Ltd, on recent costs benchmarks for healthcare developments for a new build single storey facility. This equated to £6,068 per m<sup>2</sup> (once adjusted for professional fees, fit out and contingency, but excluding land acquisition). Having rebased this cost to York using BCIS Tender Price Index, the cost equates to £6,011 per m<sup>2</sup>. A developer contribution will be required to mitigate the impacts of this proposal. calculate the level of contribution required in this instance to be £92,690 in the form of a Section 106 planning obligation.

**NATIONAL HIGHWAYS** (comments on previous revisions)

3.60 No objection

**POLICE ARCHITECTURAL LIAISON OFFICER** (comments on previous revisions)

3.61 In relation to designing out crime, it is considered that the revised design and layout of this proposal continues to demonstrate the principles of crime prevention through environmental design.

**FIRE AND RESCUE PREVENTION OFFICER** (comments on previous revisions)

3.62 No objections, Further comments in relation to the suitability of proposed fire safety measures during the Building Regulations consultation.

**YORKSHIRE WILDLIFE TRUST**

3.63 With regard to recreational impacts on Askham Bog nature reserve, Yorkshire Wildlife Trust have maintained from the outset that this development will lead to additional recreational pressure on Askham Bog nature reserve. This has been accepted by the applicant. The possibility of a financial contribution to manage the recreational impacts on Askham Bog has previously been raised, and the Brooks Ecological Briefing Note (submitted by the applicant) indicates the types of measures this could fund, which would be directly linked the impacts of visitor pressure on the nature reserve. Like many of our reserves it is staff resource which is often the limiting factor in managing the impacts of visitor pressure such as addressing any recreational disturbance, dealing with anti-social behaviour or fly tipping events, undertaking remedial habitat management works and producing engagement resources or delivering events. There is also significant monitoring work which is required in order to assess the status of the reserve, and keep track of the impacts of visitor pressure. Would welcome a financial contribution for this purpose. Appreciate that funding staff resource can sometimes be difficult to accommodate within the requirements for financial contributions. If this is the case, another option is resurfacing the car park, which is directly related to visitor pressure, and a measure which requires funding. Request IRO £40,000 ex VAT.

3.64 Concerns relating to recreational pressure is dog walkers, and the negative impact on the botanical composition of sensitive habitats through increased nitrogen/phosphorous inputs. Request condition for the requirement for dog bins within the application site

3.65 The Biodiversity Net Gain assessment indicates that a gain of 14.55% could be achievable in area-based units and 14.51% in linear (hedgerow units). cautious about the delivery of BNG in areas to be used for recreation – for example, to create ‘other neutral grassland’, to reach a target condition of moderate seems ambitious in areas with planned public access. Would like clarification on the decision-making process for classifying the ditches on site as ‘ditches associated with hedgerow’ rather than a ‘ditch’ under the watercourse section of the metric. Given that the overall loss of ditch habitat is one of the reasons the metric trading rules are not met, support the York City Council ecologist in requesting that the applicant explores the possibility of including a ditch within the final layout.

3.66 Request that the retained hedgerows do not fall within the curtilage of private gardens, as they could then be removed or managed in a way that does not maximise their biodiversity potential and are not protected by the Hedgerow Regulations. All retained hedgerows should be managed as part of the overall habitat management plan for the site.

**NETWORK RAIL** (comments on previous revisions)

3.67 On the basis of the new plans and information submitted we are able to withdraw our previous comments relating to the footpath link (which appears to have been removed from the new plans) and also our drainage comments as our requirements appear to have been addressed in respect of that.

3.68 Request following details are submitted via condition: drainage, boundary fencing, Armco barriers, method statements, soundproofing, lighting, and landscaping.

## **NATURAL ENGLAND**

3.69 No comments.

## **4.0 REPRESENTATIONS**

### **4.1 Five representations of objection (to current scheme)**

- Facilities and the infrastructure of the village unable to cope with the increase in residents
- Result in pressure to Doctor, Schools etc
- Increase in traffic
- Loss of privacy
- Open space should be moved to create a buffer between the dwellings to the north and the proposed dwellings
- Proximity of proposed dwellings to dwellings to the north boundary will prevent the use solar panels, proposed development will inhibit the light
- Loss of biodiversity
- Existing issues with traffic and congestion, proposal will exacerbate the issue
- Would like reassurance that during works to Moor Lane that access to dwellings is not restricted
- Wildlife including newts on the application site
- Cause disruption during construction
- Existing planning permission in Copmanthorpe meets the housing target
- The hedgerow should be protected on length and age and potential for accommodating protected species. If hedge become part of gardens may be removed in future
- The footpaths detailed in the Brooks Ecological report are incorrect

### **4.2 49 Representations of objection (to previous revisions)**

- Moor Lane is unsuitable to carry the additional traffic created by the development.
- Dwellings would be overbearing to the occupants of Moorland Gardens
- Concerns regarding the allocation (H29) of this site
- Exacerbate existing traffic and congestion issues within the village.
- The width of Moor Lane is restricted by existing vehicle parking
- The housing number are in excess of the Village Plan figure of 60

- The density is out of character
- There are existing surface water flooding issue on the application site and Moor Lane, resulting in flooding to neighbouring properties. Concerned that the proposed development would exacerbate the issue
- Site is within the greenbelt
- Would like reassurance that during works to Moor Lane that access to dwellings is not restricted
- Plans appear to be showing the removal of boundary hedging would like reassurance that replacement planting would provide adequate screening
- There are existing issues with the drainage infrastructure in the area, concerned that the development will exacerbate this
- An acoustic fence to the railway line would be required
- Three storey dwellings are out of character with the surroundings
- Increased pressure on existing services – School, doctors
- Bus services should extend to the site
- Wildlife including newts on the application site
- Loss of outlook
- Cause disruption during construction
- Increase in noise and air pollution from increased traffic
- Existing inadequate bus service
- Disappointed to see that the recommendations about the siting of affordable housing have been ignored
- Loss of green space and loss of tranquillity of the area
- Under section 40 of the Natural Environment and Rural Communities Act 2006, every public authority, in exercising its functions, must have regard to the purpose of conserving biodiversity. This has been neglected
- Loss of privacy to the occupants of the dwellings on Leadley Croft and Moorland Gardens
- Loss of light and overshadowing
- object to the pedestrian access through Leadley Croft/Moorland Gardens would result in disturbance
- Concerned regarding the proximity of the proposed pumping station to neighbouring dwellings
- Proximity of proposed dwellings to dwellings to the north boundary will prevent solar panels, proposed development will inhibit the light
- Existing planning permission in Copmanthorpe meet the housing target
- Overdevelopment
- Loss of biodiversity

#### **4.3 One representation of comments (to previous revisions)**

- limitations of the road infrastructure leading up to the site which will require some serious analysis and work to be completed
- Exacerbate existing highway and congestion issues

#### **4.4 Two Representation of Support (to previous revisions)**

- The land proposed is neither a beauty spot or used in any beneficial way to the community.
- There is a need for housing
- The number of dwellings is not significant, a welcome addition to a thriving community.

#### **4.5 One representation of objection from ex Cllr Carr**

- draft Local Plan provides for 88 dwellings on this site; the emerging Copmanthorpe Neighbourhood Plan proposes a maximum of 60. The Neighbour Plan figure is far more appropriate to this site since it reflects the average housing density across Copmanthorpe village as a whole, and will put less pressure on the access road, Moor Lane.
- The lower figure is unlikely to compromise the housing numbers in the draft Local Plan since recent OAN figures are lower than contained in the draft Local Plan and seem to be on a downward trajectory. York's housing need figures are set to be fully examined, and understand no decision will be made on this application until the Local Plan has been approved.
- Irrespective of the number of dwellings, infrastructure improvements, particularly substantial highway improvements to Moor Lane, will be required and presume these will be secured by condition in the event that the application proceeds and is granted.

#### **4.6 One representation from the Old School Medical Practice, Copmanthorpe (to previous revisions)**

- Object, Village serviced by 2 relatively small GP surgeries both surgeries have remained unaltered since 1980s when there has been a significant increase in the number of dwellings. This has resulted in under provision of accommodation for the delivery of primary care services in the village
- Would not be supported without a financial contribution to reflect the impact that the scheme would have on the delivery of primary care services. Would have a detrimental impact on the existing health care provision within the vicinity. No capacity to provide services for additional patients. Based on 86 dwellings request contribution of £103,455.

## **5.0 APPRAISAL**

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the Poppleton Neighbourhood Plan (2017), Rufforth Neighbourhood Plan (2018), Earswick Neighbourhood Plan (2019), Huntington Neighbourhood Plan (2021), the Minster Neighbourhood Plan (2022), and Strensall Neighbourhood Plan (2023) and the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it

illustrates general extent of the Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas. The RSS defines the outer boundary of the Green Belt as being "about six miles" (10km) from York city centre. The site is approximately 6 km from the city centre.

## NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.2 The planning policies of the National Planning Policy Framework as published are a material consideration in the determination of planning applications. The presumption in favour of sustainable development set out at paragraph 11 of the NPPF does not apply when the application of policies relating to Sites of Special Scientific Interest; land designated as Green Belt indicate that permission should be refused.

## COPMANTHORPE NEIGHBOURHOOD PLAN

5.3 Copmanthorpe Parish Council are preparing a Neighbourhood Plan for their area. As the Copmanthorpe Neighbourhood Plan has not been formally submitted to the Council, has not been consulted on at Submission stage, and no examiners report has been received, the Copmanthorpe Pre-Submission Plan only holds very limited weight in relation to planning applications in the Copmanthorpe Parish.

## PUBLICATION DRAFT YORK LOCAL PLAN (2018)

5.4 The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. It has now been subject to full examination. Modifications were consulted on in February and September 2023.

## OPENNESS AND PURPOSES OF THE GREEN BELT

5.5 The NPPF states that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open and that, the essential characteristics of the Green Belt are its openness and permanence. The Green Belt serves 5 purposes:

- o to check the unrestricted sprawl of large built-up areas;
- o to prevent neighbouring towns merging into one another;
- o to assist in safeguarding the countryside from encroachment;
- o to preserve the setting and special character of historic towns;
- o and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.6 In line with the decision of the Court in *Wedgwood v City of York Council*[2020], and in advance of the adoption of a Local Plan, decisions on whether to treat land as falling within the Green Belt for development management purposes should take into account the RSS general extent of the Green Belt, the 2005 DCLP, the 2018 Draft Plan, insofar as can be considered against paragraph 48 of the NPPF (2019) and site specific features in deciding whether land should be regarded as Green Belt.

5.7 The 2005 Development Control Local Plan shows the site as Green Belt with the existing edge of the village forming the northern boundary. The emerging Local Plan (2018) shows the land as housing allocation H29 and not within the Green Belt. As a result the land to which the application relates would not be part of the Green Belt if the DLP 2018 is adopted, instead becoming part of the defined settlement of Copmanthorpe.

5.8 When the site is assessed on its merits it is concluded that it serves at least three Green Belt purposes, namely assisting in safeguarding the countryside from encroachment, to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another. As such, the site should be treated as lying within the general extent of the York Green Belt and the proposal falls to be considered under the restrictive Green Belt policies set out in the NPPF.

5.9 Paragraph 147 of the NPPF states: 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'. Paragraph 148 goes on to state: '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'.

5.10 Paragraph 149 of the NPPF states: 'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.' The proposed residential development would not meet any of the defined exceptions set out within paragraph 149 of the NPPF. The proposed development is considered to be inappropriate development in the Green Belt.

5.11 The fundamental purpose of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The concept of 'openness' in this context means the state of being freed from development, the absence of buildings, and relates to the quantum and extent of development and its physical effect on the site. The proposal gives rise to harm to the green belt by reason of inappropriateness which should not be approved except in very special circumstances. Additionally, the proposal would result in harm to the openness and permanence of the Green Belt. It also conflicts with the Green Belt purposes of preventing encroachment into the countryside. The NPPF states that local planning authorities should ensure that



substantial weight is given to any harm to the green belt. 'Very special circumstances' will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Whether very special circumstances exist is assessed at paragraphs [5.59 – 5.71] below.

## HIGHWAYS

5.12 The NPPF encourages development that is sustainably located and accessible. Paragraph 110 requires that all development achieves safe and suitable access for all users. It advises at paragraph 111 that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Further, paragraph 112 requires development to, inter alia, give priority first to pedestrians and cycle movements and create places that are safe, secure and attractive thereby minimising the scope for conflicts between pedestrians, cyclists and vehicles. Policy T1 of the 2018 draft Local Plan supports the approach of the NPPF in that it seeks the safe and appropriate access to the adjacent adopted highway, giving priority to pedestrians and cyclists.

5.13 Access to the site would be from Moor Lane. The site is considered to be within a sustainable location close to local and public transport. The site is between 400 and 600 metres from a high frequency bus stop (Copmanthorpe Motors, Main Street).

5.14 Each of the dwellings within the development will as a minimum be provided with off-street parking commensurate with the size of the dwelling it would serve; these would consist of in-curtilage driveways. Visitor spaces will be provided within the development. The level of parking to be provided is considered acceptable in this case. Cycle parking provision is indicated in the rear gardens of each property..

5.15 Highways officers have recommended that a number of other conditions be imposed. Collectively these conditions will also ensure that adequate parking, servicing and access arrangements are achieved without giving rise to highway safety concerns. The provision of a construction traffic management plan is considered necessary in this case given the close proximity of the site to an existing school. In addition the Highway team have requested that a Traffic Regulation Order is required to include works outside of the site including including 20mph speed limit for the site (including Moor Lane) and any access and parking management measures required on or off site (this is likely to include parking management measures on Moor Lane as well as the junction with Station Road and Main Street), this would be sought via a S106 legal agreement.

5.16 Overall it is considered that the proposals would accord with the provisions of Policy T1 of the DLP and Section 9 of the NPPF. The proposals would provide

appropriate levels of parking within the development. In addition to this the surrounding highway network would be capable of accommodating the traffic which would be generated by the proposals. The proposals would not give rise to significant highway safety issues and the proposals would be in a sustainable location with regard to access to services and public transport.

## HOUSING

5.17 Policy H2: Density of residential development suggests a housing density of 35 units per hectare in rural areas and villages. It also notes that delivering densities that support the efficient use of land requires good design that responds to its context, an appropriate mix of house types and should be informed by local character. The developable area is 2.58ha, the proposed density is 29 dwellings per ha. Copmanthorpe has historically grown outwards from the historic village centre and development nearest the site is more recent and suburban in its character. The proposals would respect this local character in terms of their layout, scale and density. Proposed dwellings are indicated as a mix of detached, semi-detached and short terraces of properties. All the dwellings would be 2 storey in height, all with private amenity space.

## HOUSING MIX

5.18 Policy H3 'Balancing the Housing Market' expect developers to provide housing solutions that contribute to meeting York's housing needs, as identified in the latest Local Housing Needs Assessment (LHNA) and in any other appropriate local evidence. New residential development should therefore maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. The final mix of dwelling types and sizes will be subject to negotiation with the applicant. Applicants will be required to provide sufficient evidence to support their proposals. Proposals will be supported that are suitable for the intended occupiers in relation to the type of facilities, and the provision of support and/or care. Housing should be built as flexible as possible to peoples' changing circumstances over their lifetime. The Council will encourage developers to deliver an appropriate proportion of housing that meets the higher access standards of Part M Building Regulations (Access to and use of buildings), unless it is demonstrated that characteristics of the site provide reasons for delivery to be inappropriate, impractical or unviable.

5.19 The Housing Team have advised they are content with the the proposed housing mix shown on the revised plans and they consider that the housing mix will be broadly in line with the requirements of the Housing team and draft 2018 Local Plan Policy H3.

## AFFORDABLE HOUSING

5.20 Policy H10 of the draft 2018 Local Plan sets affordable housing thresholds. In this particular case, the site is a greenfield site where more than 15 units are proposed. As a result, the relevant threshold in this case is 30%. Given that the proposal is for 75.no units a 30% affordable housing provision would equate to 22.5 units.

5.21 The development will include the provision of 22.no affordable units. These would comprise of 1 no. one bed unit, 13 no. two bed units, 4 no. three bed units and 4 no. four bed unit. If the application is approved, 80% should be for social rent (17) and 20% will be Discount Sale (5), in accordance with the council's policy expectations. The homes would be transferred to a Registered Provider at a price which ensures that no additional public subsidy is required to deliver the affordable homes. If the application is approved, a commuted sum contribution calculated at 0.5 social rent units cost for a typical home on the site is required to be provided, via a Section 106 agreement.

5.22 Policy H10 requires that the affordable housing is indistinguishable from the open market dwellings. It is noted that recently submitted plans indicate that both the affordable housing and the open market housing use the same housing designs. The affordable housing is pepper potted throughout the development, and accords with Policy H10.

5.23 The provision of affordable units will make a contribution to the affordable housing stock within the city. It will be necessary to include provision of these units through an associated Section 106 agreement to ensure that they are delivered and set out the necessary frameworks and mechanisms for the units to be transferred to a suitable registered provider.

## VISUAL AMENITY AND CHARACTER

5.24 Chapter 12 of the NPPF gives advice on design, placing great importance to that design of the built environment. In particular, paragraph 130 of the NPPF states that planning decisions should ensure that development, inter alia, will add to the overall quality of the area, be visually attractive, sympathetic to local character and history and have a high standard of amenity for existing and future users. This advice is reflected in Draft Local Plan policies GP1 and GP9 of the 2005 Draft Local Plan and D1 and D2 of the 2018 Draft Local Plan and, therefore, these policies can be given moderate weight.

5.25 The triangular site is bounded by dwellings to the north. Views of the development from the east would be viewed in context of the existing dwellings, the east coast main line would create a visual barrier. The site is bounded by a road to the west, the visual impact of the development would be felt most keenly in relatively close proximity to the site on Moor Lane and views from the west.

5.26 The proposed development is considered to respect local character in terms of layout, scale and density. The proposed development consists of a mixture of 1,2, 3, and 4 bed dwellings, all of which are two storey units and predominantly detached or semi-detached, there is a single terrace of three units. The specification of external materials and finishes to be used in the development has not been detailed, in the event of planning permission being granted, it would be appropriate to attach a condition requiring details of exterior materials and finishes to be submitted for the approval by the local planning authority.

5.27 Para 131 of the NPPF requires that 'that new streets are tree-lined'(Unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate(footnote 50)). ..... that appropriate measures are in place to secure the long-term maintenance of newly-planted trees..... Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users'. The plans indicate a number of street trees within the front gardens of a number of dwellings. The applicant has advised that they would form part of the highway and would be offered for adoption. The Highways team have advised that as some of the street trees are within people's garden and between driveways it would not be obvious that the area is not private and they would need to be in a logical place to be maintained, and the trees would not be adopted. However the number of street trees is minimal compared to the number of trees within front gardens. It would provide the tree lined streets required by the NPPF a condition could be placed on the planning permission setting out that the trees cannot be removed with prior consent from the local planning authority.

5.28 An indicative proposed landscaping plan has been submitted. This will provide additional tree planting to be incorporated into the development which will add to the existing trees and vegetation which already provide a setting to the site. The proposed layout shows open space predominantly to the north-west. Further areas of green space have been incorporated into the layout of residential development. The children's play space sits within the larger area of open space. Details of the landscaping scheme can be secured via a suitably worded condition and its ongoing maintenance which would be carried out by a management company can be secured under the associated S106 agreement. In addition to this it would also be appropriate to condition that hedge protection measures are utilised during the construction phase of development to ensure that the western hedge to be retained is afforded suitable protection.

5.29 Overall, it is considered that the proposals would provide a suitable layout which facilitates development whilst also accommodating the more detailed constraints of the site. The proposals are therefore considered to accord with policies D1 and D2 of the 2018 draft Local Plan.

## RESIDENTIAL AMENITY

5.30 The NPPF seeks a good standard of amenity for all existing and future occupants, and that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are sympathetic to local character and history, including the surrounding built environment and landscape setting. Policy GP1 of the 2005 Development Control Draft Local Plan and policies D1 and ENV2 of the 2018 Draft Local Plan seek to ensure that development proposals do not unduly affect the amenity of nearby residents in terms of noise disturbance, overlooking, overshadowing or from

5.31 Given the separation distances that would be achieved to existing properties it is not considered that the proposals would give rise to issues of overlooking or overshadowing which could be detrimental to the residential amenity of the existing or future residents. The impact of the development will be felt most keenly by those properties along the northern and southern boundaries who will lose their current outlook of open fields. However suitable separation distances are achieved. It is considered that the proposals would not have an unduly overbearing impact upon existing properties.

5.32 The Council's Public Protection Team have reviewed the proposals and have not raised any objections. They have however requested that a series of conditions be attached to any planning permission. The east coast main line has the potential to give rise to noise disturbance that could impact upon future residents of the proposed development; for future residents the internal noise can be mitigated by robust construction and a high specification of glazing. External noise levels (from the railway line) for gardens are more difficult to achieve, therefore the worst noise affected gardens are proposed to be screened by the buildings. In addition it is considered necessary to ensure the development is built to withstand the vibration levels resulting from the proximity to the railway. Public Protection officers have agreed that the measures proposed are suitable and should be secured by condition.

5.33 Given the nature of the proposed development there will be a degree of disruption caused, particularly during the construction phase. It would therefore be necessary and appropriate to include conditions which seek to manage and mitigate the worst of those impacts in the interests of the residential amenity of the area. This includes the provision of a Construction Environmental Management Plan (CEMP) to manage and mitigate possible issues of construction noise, dust and vibration. An hours of construction condition is also recommended.

## BIODIVERSITY

5.34 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities to have regard, in the exercise of the functions, to the

purpose of conserving biodiversity. Paragraph 174 of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by, inter alia, minimising impacts on and providing net gains for biodiversity. The 2018 Draft Local Plan policies reflect this advice in relation to trees, protected species and habitats.

5.35 An Ecology survey has been submitted during the application process. The Ecology Officer is satisfied with the submitted ecology information and that there are no protected species on the site.

5.36 The NPPF and draft 2018 Local Plan policy both require that development results in net gains for biodiversity. The Environment Act 2021 which comes into force in November 2023 requires Biodiversity Net Gain at a minimum of 10%. Calculation of biodiversity net gain for the site has been undertaken using the Natural England Biodiversity Metric 4.0 and a gain of 14.5% was identified.

5.37 The Ecology Officer has requested a number of conditions including: the timing of works, Construction Environmental Management Plan (Biodiversity); Landscape and Ecological (or Biodiversity) Management Plan. These conditions are considered to be reasonable requirements.

5.38 The site lies close to Askham Bog Site of Special Scientific Interest (SSSI) albeit separated by the village of Copmanthorpe. The NPPF Section 15 'Conserving and enhancing the natural environment' requires that development on land within, or outside, a SSSI, and which is likely to have an adverse effect on it, should not normally be permitted. The applicant has submitted supporting information setting out that it is reasonable to conclude that in the absence of mitigation, there is the potential for very minor negative impacts to occur at Askham Bog SSSI, through increased recreational pressure caused by new residents at the proposed development. The supporting information proposed a financial contribution (through a S106 agreement) which would be ringfenced for exclusive use at Askham Bog SSSI; funding additional management and improvement works. This funding would be targeted at addressing damaging activities linked to aforementioned recreational pressure. This is considered to be mitigation that would overcome the harm from the increased recreational use. The level of financial contribution required would be proportionate to the risk of adverse effects. At the time of writing the report officers were awaiting information from developer as to whether they would agree to the £40,000 contribution required by Yorkshire Wildlife. This will be reported to committee.

## ARCHAEOLOGY

5.39 A desk-based assessment of the site was undertaken in 2014. The assessment concludes that there is the possibility of prehistoric features/deposits on the site should they have survived subsequent agricultural ploughing. There is also the small

possibility of remains of the Knights Templar preceptory existing on the site as its exact location within this area is unknown. Overall the site is of moderate potential. The extent and significance of any surviving archaeological features and deposits must be assessed. A geophysical report and a Written Scheme of Investigation has been submitted with the application. The Archaeology Officer considers that the rest of the evaluation can be sought via condition.

## DRAINAGE

5.40 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. Publication Draft York Local Plan (2018) Policy ENV5 Sustainable Drainage) advise discharge from new developments should not exceed the capacity of receptors and water run-off should, in relation to existing runoff rates, be reduced.

5.41 The Lead Local Flood Authority Engineer has advised that the principle of the revised drainage scheme is considered to be acceptable. It is considered necessary to condition the drainage scheme to ensure that the drainage scheme is implemented.

5.42 Amongst the objections received, concerns have been raised about the potential risk of flooding resulting from the development, also noting that the site itself floods. The site at present is greenfield (undeveloped) and as such does not benefit from any drainage infrastructure. Flooding in these areas is a result of the natural topography of the land – it is known from that the ability of the land to soakaway surface water is limited. Development of the site will include the provision of drainage infrastructure which should allow for the flows of surface water to be managed and directed.

## SUSTAINABILITY

5.43 The modified wording (January 2023) of draft 2018 Local Plan Policy CC2 'Sustainable Design and Construction of New Development' states developments should achieve high standards of sustainable design and construction by demonstrating: energy and carbon dioxide savings in accordance with the energy hierarchy; water efficiency; and consideration of good practise adaptation principles for climate resilience. All new residential development of 1 or more should achieve: on-site carbon emissions reduction of a minimum of 31% over and above the requirements of Building Regulations Part L (2013), of which at least 19 % should come from energy efficiency measures; and a water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations. Pending anticipated changes to Building Regulations, developments should further aim to achieve up to a 75% reduction in carbon emissions over and above the requirements of Building Regulations Part L (2013) unless it is demonstrated that such reductions would not be feasible or viable. Any higher level of reductions

required through Building Regulations or other legislation will supersede the above requirements. The applicant has advised they are willing to accept a condition requiring compliance with the requirements of Policy CC2. Policy CC2 has partially resolved objections and can be afforded limited weight.

## CRIME

5.44 Section 17 of the Crime and Disorder Act 1998 requires all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and do all they reasonably can to prevent crime and disorder". Paragraphs 92 and 130 of the NPPF require developments should create safe places and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. The Police Architectural Liaison Officer has advised they have no concerns and the development follows the Designing out Crime principles.

## REQUESTED S106 CONTRIBUTIONS

5.45 Policy DM1 of the 2018 Draft Local Plan states that the Council will seek financial contributions from developers to ensure that the necessary infrastructure is in place to support future development in York. The following considerations arise from this application:

- Education
- Open Space
- Healthcare facilities
- Highways
- Mitigation for the impact to Askham Bog
- Affordable Housing

## EDUCATION

5.46 In terms of education provision, the need arising from the development and how this would be accommodated is as follows:

- Early Years (10 Places) - £214,050. This would be for new or expanded nursery provision in Copmanthorpe preferable or within 5km if this is not feasible.
- Primary (17 Places) - £363,885. This would be for provision at Copmanthorpe Primary School or other schools in PPA5 if CPS not feasible.
- Secondary (5 Places) - £147,345. This would be for provision at Milthorpe Secondary School and/or Tadcaster.
- Transport costs to catchment Schools - £13,431



5.47 There is no safe walking route within the statutory maximum walking distance to a secondary school.

5.48 The secondary school yield reflects the shared catchment between Millthorpe and Tadcaster Grammar. The proposed s106 planning obligations are considered to be compliant with NPPF paragraphs 55 to 57 and the relevant CIL regulations.

## OPEN SPACE

5.49 All residential development proposals are expected to contribute to the provision of open space for recreation and amenity in line with 2018 Draft Local Plan Policy GI6. Each of the proposed dwellings would benefit from private amenity spaces.

5.50 A contribution towards off-site amenity, play, and sport is considered necessary. Based on the number of dwellings and number of bedrooms proposed the required contribution has been calculated as £159,020. The contribution would be intended to be used for community sports clubs at Copmanthorpe Recreation Centre or Bishopthorpe Football Club (Ashfield Pitches site), the play and amenity contribution would be forwarded to the parish council. At the time of writing the report Officers were awaiting agreement from the applicant

5.51 With regard to the future ongoing maintenance of the on-site open space it is understood that this could be carried out by a management company. This can also be secured through a Section 106 Agreement. The proposed s106 planning obligations are considered to be compliant with NPPF paragraphs 55 to 57 and the relevant CIL regulations.

## HEALTHCARE SERVICES

5.52 The NPPF sets out that decision should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. 2018 Draft Local Plan Policy HW5 'Healthcare Services' sets out that Improved, enlarged or additional primary or secondary healthcare facilities will may be required to support residential developments that place additional demands on services beyond their current capacity. Developer contributions will be required to support the increase in provision. Proposals which fail to protect existing primary care services, or involve the loss of services, will not be supported, unless it can be demonstrated the facilities are no longer required or that relocating facilities would better meet the community's needs. The draft policy currently has moderate weight. The Policy is subject to modification, although these changes provide clarity in policy wording rather than altering the nature/application of policy.

5.53 The Humber and North Yorkshire Health and Care Partnership under the North Yorkshire Integrated Care Board has responded setting out that the development will have an impact on the existing healthcare provision within the vicinity of the site. The existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development could give rise to a need for improvements to capacity, by way of improvements to, reconfiguration of, or extension of existing premises or providing additional resource for the benefit of the patients; a proportion of the cost of which would need to be met by the developer. NHSPS and HNYPC calculate the level of contribution required in this instance to be £92,690. Further information has been sought from the NHSPS as to what the contribution would specifically fund. This will be reported to committee. The request has been forwarded to the applicant and at the time of writing the report officers had not received a response.

## HIGHWAYS

5.54 The Highways team have requested a contribution towards the provision of a car club car in the village by providing an incentive for residents of the proposed development to use the vehicle located in the village. This will take the form of free membership and an initial free/discounted mileage offer to residents. The estimated cost is £80/dwelling (total £6000), to be offered to the first occupier. Together with a sustainable travel incentive - an initial intervention to encourage first occupiers to use public transport and/or cycle will be included in the Section 106 agreement in the form of a sustainable travel pack of a value of £180/dwelling (total £13,500).

5.55 A contribution is requested towards City of York Council Travel Plan support. This would be a minimum amount of £60 per dwelling per year is required to deliver meaningful travel planning interventions (total £22,500). This would need to be included as a budget for the Travel Plan for the first 5 year period, with an additional £11,640 to be invested in travel planning if the agreed target mode shift is not achieved within the first 5 years. In addition the Highway team have requested that Traffic Regulation Order is required to include works outside of the site including 20mph speed limit for the site (including Moor Lane) and any access and parking management measures required on or off site (this is likely to include parking management measures on Moor Lane as well as the junction with Station Road and Main Street).

5.56 The proposed s106 planning obligations are considered to be compliant with NPPF paragraphs 55 to 57 and the relevant CIL regulations. The applicant has agreed to the requested highway contributions.

## MITIGATION FOR THE IMPACT TO ASKHAM BOG

5.57 NPPF para 180 (b) sets out that development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either

individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest. Paragraph 180 (c) sets out that development resulting in the loss or deterioration of irreplaceable habitats should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. There is the potential for minor negative impacts to occur at Askham Bog SSSI, through increased recreational pressure caused by new residents. The supporting information from the application sets out that mitigation is required and this could be sought via a S106 agreement. The Yorkshire Wildlife Trust who manage Askham Bog have requested a contribution whilst they have requested flexibility in how this is spent, if this is not possible they have advised that the contribution goes towards formalising the car park at Askham Bog. Yorkshire Wildlife has requested a contribution of £40,000 to mitigate the impact from increased visitor pressure resulting from the proposed development. The existing car park is relatively informal and the formalising of the car park would prevent informal incremental increase of the car park resulting from parked cars and the increased use. The proposed s106 planning obligation is considered to be compliant with NPPF paragraphs 55 to 57 and the relevant CIL regulations.

## AFFORDABLE HOUSING

5.58 If the application is approved, a commuted sum contribution calculated at 0.5 social rent units cost for a typical home on the site is required to be secured through a s106 agreement. The provision of 22 affordable units and the mechanisms and frameworks by which they are delivered and then transferred to an appointed registered provider need to be secured within a S106 agreement. The proposed s106 planning obligation is considered to be compliant with NPPF paragraphs 55 to 57 and the relevant CIL regulations.

## ASSESSMENT OF VERY SPECIAL CIRCUMSTANCES

5.59 Paragraphs 147-148 of the NPPF advise that permission should be refused for inappropriate development in the Green Belt and should not be approved except in very special circumstances. 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.

5.60 The applicant contends that the development is appropriate development in the Green Belt. However the agent has put forward the following considerations in support of the application:

- The site is allocated for housing in the emerging Local Plan (2018). The site is considered to be suitable and deliverable.
- Given the location of the site at the edge of an existing settlement the site is sustainably located.
- Unmet housing need cannot be accommodated on deliverable sites on land that is outside of the general extent of Green Belt. In order to meet housing need – the site is identified to be excluded from the Green Belt as part of an expansion to Copmanthorpe Village.
- There is a need for housing and particularly affordable housing within the city.

5.61 Policy SS2 of the Draft Local Plan sets out the role of the York Green Belt. The boundary of the Green Belt is the consequence of decisions about which land serves a Green Belt purpose and which can be allocated for development. The Plan seeks to identify sufficient land to accommodate York's development needs across the plan period. In addition it provides additional development land to 2038 beyond the plan period. The purpose of which is to ensure that in defining the boundaries of the Green Belt they can then endure and support the primary purpose of the Green Belt of preserving the setting and special character of York.

5.62 The application site is a housing allocation within the emerging Local Plan which was defined as Green Belt in the 2005 DLP and forms part of the general extent of Green Belt as outlined in the saved RSS Key diagram. It is the role of the Local Plan to define the detailed Green Belt boundaries to ensure that the city can meet its development needs and allow permanence to the green belt boundaries beyond the plan period. The approach to this is set out within Topic Paper 1: Approach to defining Green Belt Addendum 2021. The Green Belt Addendum (2021) document provides a detailed explanation of how and where detailed inner and outer Green Belt boundaries have been defined to inform the emerging Local Plan. The detailed methodology, including defined criteria to inform the delineation of the detailed boundaries are set out within Section 5 of the Topic Paper Addendum. This methodology takes consideration of national guidance and, an appraisal of the essential characteristics of openness and permanence in York, including the context of the existing built environment and landscape against the relevant green belt purposes set out in the NPPF. The methodology also sets out the approach to strategic permanence and consistency with the local plan's spatial strategy (in line with NPPF para 85) to identify suitable locations for development to meet development needs which cannot be accommodated in the identified urban areas. It also establishes which sites have been considered as suitable for proposed development in this context.

5.63 The key role for defining the detailed boundaries is to establish long term development limits to the built up (urban) area, and other densely developed areas, to distinguish land that needs to be kept permanently open to meet the purposes of Green Belt. For York the primary purpose of the Green Belt is to safeguard the special character and setting of the historic city.

5.64 Copmanthorpe village is identified to be excluded from the Green Belt. Consideration of the detailed Green Belt boundaries around the village of Copmanthorpe is set out in Annex 4 (Other densely developed Areas in the General Extent of the Green Belt) to the 2021 addendum. A total of 5 boundaries are identified around the village. Boundary 2 runs along the southern extent of the village adjacent to the land that forms the subject of this application.

5.65 The detailed Green Belt assessment identified the location of Copmanthorpe as forming a freestanding village in the settlement pattern of villages outside of the York Outer Ring Road, physically separated from the surrounding development clusters. Key points from the analysis identified that allowing the village to grow significantly would take it out of proportion with the settlement pattern of York, an important feature identified in the Heritage Topic Paper. Also, that increasing the distance of residential areas away from the village core can cause harm to the compactness of the village. In Copmanthorpe, boundaries to the south and north east are particularly important in retaining separation with Bishopthorpe. All 5 boundaries have a role in keeping land open as part of the wider view of Copmanthorpe in rural landscape. However it was identified that there is potential for development in the open land surrounding the village in line with the Local Plan strategy.

5.66 In order to deliver long term permanence for the York Green Belt, it was determined that there is potential for the village of Copmanthorpe to grow within a sustainable pattern of development. Copmanthorpe is of an urbanised built up nature with a lack of openness and therefore offers an opportunity for focusing development towards an urban area within the Green Belt and which meets the requirements of the spatial strategy.

5.67 Whilst a number of proposed sites in and around the existing village were put forward as part of the Local Plan process only two have progressed to the examination: the site now known as H29 (Moor Lane); and ST31 (planning permission 18/00680/OUTM for 158 dwellings approved 28.04.2023 following committee meeting 10.07.2022) and the application site was included in the Local Plan as Housing Allocations. The application site was identified for development as part of a development strategy which looks to preserve the character and setting of the historic City and, acknowledging unmet housing need, the plan allocates the site for development.

5.68 In defining a clear and defensible boundary, the GB Addendum (2021) recommends that, with the proposed allocation and this parcel of land inset from the GB, the site is contained on three sides by built development, the railway line and Moor Lane. In defining a clear and defensible boundary, it is recommended that the existing boundaries are strengthened as part of the masterplanning of the site (for example through the creation of landscape buffers) in order to create a boundary,

which acts as a defined and recognisable urban edge which will be permanent in the long term.

5.69 The Council has concluded that changes to the general extent of the York Green Belt are required to meet the development needs for housing, employment land and education, which cannot be solely provided for in urban areas or villages (outside of the Green Belt) or by other means. It is recognised that an undersupply of homes or employment land would exacerbate housing affordability issues, increase unsustainable commuting patterns and adversely impact on building a strong, competitive economy. Site H29 is proposed to be allocated to help meet the overall needs of the city within the general extent of the Green Belt following an extensive exercise to identify suitable sites which minimise harm on York's environmental assets and the purposes of the Green Belt. The provision of 30% affordable housing on the site is considered to be a substantial benefit of the scheme.

5.70 Site H29 is allocated for development through Policy H1 in the 2018 Draft Local Plan. A number of main modifications are proposed to this policy. Given this, the policy as a whole can carry only limited weight in decision making. However, it should be noted that most of the modifications to Policy H1 do not impact directly upon site H29. Furthermore the evidence upon which the allocation relies is material and can be afforded significant weight. The site selection process is well documented through the Strategic Housing Land Availability Assessment (SHLAA) and Local Plan viability work.

5.71 The application site is located within the general extent of the York Green Belt and serves at least three of the Green Belt purposes set out in the NPPF. In addition to the harm to the Green Belt by reason of inappropriateness, it is considered that the proposal would have a harmful effect on the openness of the Green Belt when one of the most important attributes of Green Belts are their openness, and that the proposal would undermine the Green Belt purposes. Substantial weight is attached to the harm that the proposal would cause to the Green Belt. There are outstanding objections to the removal of land from the general extent of the Green Belt and the delineation of the detailed Green Belt boundaries. Such objections reduce the weight that can be attributed to the relevant draft policy SS2. However, even taking this into account and recognising that it is a matter of planning judgement and attaching substantial weight to the harm to the Green Belt, it is considered that cumulatively there are very special circumstances which, as is required by the NPPF, clearly outweigh the harm to the Green Belt and any other harm as a result of development. It is considered that very special circumstances exist to justify the development

WHETHER PREMATURITY IS GROUNDS TO REFUSE THE APPLICATION

5.72 Paragraph 49 of the NPPF states that “in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

- The development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location, or phasing of new development that are central to the emerging plan; and
- The emerging plan is at an advanced stage but is not yet formally part of the development plan for the area”.

5.73 Paragraph 50 of the NPPF states: “Refusal of planning permission on the grounds of prematurity will seldom be justified where a draft local plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on the grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan making process”.

5.74 It is considered that to grant planning permission for this scheme would not undermine the plan-making process because the Council’s assessment of the Green Belt to inform the emerging plan (as detailed within Topic Paper 1: Approach to defining the Green Belt Addendum 2021) concluded that the site could be excluded from the Green Belt to enable development needs to be met in line with the spatial strategy. Given the scale of the development proposed (75 dwellings); that the site is required to meet development needs and will be excluded from the Green Belt; and as the emerging Local Plan has been through examination and promotes this as a housing site, to be delivered within the short to medium term (1-10 years) of the plan, there are no clear grounds (as is required by the NPPF) to refuse this particular application on the basis that it would prejudice the plan-making process.

## PUBLIC SECTOR EQUALITIES DUTY

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

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

5.76 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 that 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.

5.77 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.

5.78 Officers have given due regard to the equality implications of the proposals in making its recommendation. There is no indication or evidence (including from consultation on this application) that any equality matters are raised that would outweigh the material planning considerations.

## **6.0 CONCLUSION**

6.1 The application site is located within the general extent of the York Green Belt and serves a number Green Belt purposes. As such it falls to be considered under paragraph 143 of the NPPF which states inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, are clearly outweighed by other considerations. National planning policy dictates that substantial weight should be given to any harm to the Green Belt.

6.2 In addition to the harm to the Green Belt by reason of inappropriateness, it is considered that the proposal would have a harmful effect on the openness of the Green Belt when one of the most importance attributes of Green Belts are their openness and the proposal would undermine at least three of the five Green Belt purposes. Substantial weight is attached to the harm that the proposal would cause to the Green Belt.

6.3 It is considered that the points identified in paragraphs 5.60 to 5.73 above are considered to amount cumulatively to ‘very special circumstances’ that clearly outweigh the definitional harm to the green belt, the harm to the openness and permanence of the green belt [] arising from the proposed development.



6.4 Approval is recommended subject to the referral of the application to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2021 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 proposed 6348.43 sqm of floorspace would be in excess of the 1000 sqm threshold set out in the Direction.

**7.0 RECOMMENDATION:** That delegated authority to be given to the Head of Development Services to :

i. Refer the application to the Secretary of State for Communities and Local Government under the requirements of Section 77 of the Town and Country Planning Act 1990, and should the application not be called in by the Secretary of State, then APPROVE the application subject to

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

- The provision of affordable housing units and a commuted sum contribution calculated at 0.5 social rent units cost
- Landscape management plan
- Open Space: £159,020 towards play, amenity, and off site sports provision.
- Highways: Car Club £6,000; sustainable travel pack £13,500; Travel Plan £34,140; and Traffic Regulation Order for off-site works
- Education £738,711 toward the provision of Early Years, Primary and Secondary school places.
- Askham Bog £40,000 towards the resurfacing of the car park as mitigation measures for increased recreational impacts on Askham Bog SSSI
- Primary Health Care: £92,690 towards improvements to, reconfiguration of, or extension of existing premises or providing additional resource for the benefit of the patients

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

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

1 TIME2 Development start within three years

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

TBC

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

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

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

Reason: So as to achieve a visually cohesive appearance.

4 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 (see <http://iaqm.co.uk/guidance/>) 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 first agreed in writing by the Local Planning Authority.

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

For vibration details should be provided on any activities which may results in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. Ideally all monitoring results should be recorded and include what was found and mitigation measures employed (if any).

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](mailto:public.protection@york.gov.uk) and [planning.enforcement@york.gov.uk](mailto:planning.enforcement@york.gov.uk)

Reason: To protect the amenity of the locality

5 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

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

Authority prior to development. The report of the findings must include:

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

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

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

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

8 Prior to first occupation or use, the approved remediation scheme shall be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out shall be 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.

9 In the event that unexpected contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. No further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried until an investigation and risk assessment has been undertaken and where remediation is necessary a remediation scheme has been submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and agreed 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, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10 A programme of post-determination archaeological evaluation is required on this site. The archaeological scheme comprises 3-4 stages of work. Each stage shall be completed and agreed by the Local Planning Authority (LPA) before it can be approved.

A) The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the approved Written Scheme of Investigation (MAP 2019) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

B) 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.

C) 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.

D) No development shall take place until:

- details in D have been approved and implemented on site
- provision has been made for analysis, dissemination of results and archive deposition has been secured
- a copy of a report on the archaeological works detailed in Part D should be deposited with City of York Historic Environment Record within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: The site lies within an area of archaeological 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. This condition is imposed in accordance with Section 16 of NPPF.

11 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.

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

- i) the flow control device manhole, means by which the surface water discharge rate shall not exceed 3.5 (three point five) litres per second (l/sec), and the pumped rate shall not exceed 4.75 l/sec,
- ii) the means by which the surface water attenuation up to the 1 in 100 year event with a 30% climate change allowance shall be achieved,
- iii) a topographical survey showing the existing and proposed foul and surface water drainage invert and cover levels, ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties, and
- iv) the future management and maintenance of the proposed drainage scheme.

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

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

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

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

14 Prior to the development commencing full detailed drawings showing the design and materials for roads, footways, and other highway areas (and which shall comply with the requirements set out in the NYCC Residential Design Guide and Specification - second edition) shall be submitted to and approved in writing by the Local Planning Authority. Such roads, footways and other highway areas shall be constructed in accordance with such approved drawings prior to the occupation of any dwelling which requires access from or along that highway.

Informative: Submitted information should include: include the design of tree pits/root barriers for trees shown in private areas but near the adopted highway and street lighting as well as tactile paving and crossing points, etc

Reason: In the interests of good planning and road safety.

15 No part of the development shall be occupied until an updated Full Travel Plan including updated targets has been submitted to 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 the Travel Plan as so approved.

Once 50% occupation is reached a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of annual travel surveys carried out over a period of 5 years (+ 2 years if targets not reached) from the first survey shall then be submitted annually to the authority's travel plan officer for approval in writing.

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

16 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. 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;
- the routing for construction traffic that will be promoted;
- management of traffic on Moor Lane and through village;
- the safe routing of pedestrians around the site;
- the extent and programming of any road /footway closures;
- a scheme for signing the promoted construction traffic routing;
- an outline programme/ schedule for deliveries to site
- hours of work/access;
- where contractors will park; and
- where materials will be stored within the site.

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

Informative: Please contact [development.adoption@york.gov.uk](mailto:development.adoption@york.gov.uk) to arrange joint dilapidation survey. Please contact [highway.regulation@york.gov.uk](mailto:highway.regulation@york.gov.uk) to discuss Temporary Traffic Regulation Orders.

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.

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

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

18 Prior to the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall retained as such and shall not be used for any purpose other than the parking of cycles.

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



19 No development shall take place (including ground works and vegetation removal) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The development shall be carried out with the CEMP: Biodiversity as approved. The CEMP: Biodiversity shall include the following:

- a) Risk assessment of potentially damaging construction activities
- b) Identification of 'biodiversity protection zones'
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialist ecologists need to be present on site to oversee works
- f) Responsible persons and lines of communication
- g) The roles and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
- h) Use of protective fences, exclusion barriers and warning signs

Reason: To facilitate the protection of notable/sensitive habitats within the local area.

20 Prior to the installation of any new external lighting, a 'lighting design plan' shall be submitted to and approved in writing by the local planning authority.

The plan shall:

- o Demonstrate that required external lighting has been selected in-line with current guidance - Bat Conservation Trust (2018) Bats and artificial lighting in the UK.

<https://cdn.bats.org.uk/pdf/Resources/ilp-guidance-note-8-bats-and-artificial-lighting-compressed.pdf?mtime=20181113114229&focal=none>

- o Show how and where external lighting will be installed, so that it can be clearly demonstrated that areas to be lit will not disturb light-sensitive wildlife, such as bats.

The lighting scheme shall be implemented in full accordance with the approved plan.

Reason: To maintain the favourable conservation status of bats and ensure the site remains attractive to other light sensitive species.

21 The residential development must be designed to ensure the following vibration levels stated in BS6472:2008 Evaluation of human exposure to vibration in buildings (1Hz to 80 Hz) are not exceeded.

Place Vibration dose values - Low probability of adverse comment (m/s<sup>1.75</sup>)

Residential buildings 16 h day 0.2 to 0.4

Residential buildings 8 h night 0.1 to 0.2

The applicant shall submit evidence that the above standard will be met, for approval by the Local Planning Authority.

Reason: To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of excess vibration from transportation sources

242 All the sound attenuation measures detailed in the noise assessment supplied [SLR Consulting Limited dated 1/9/23] shall fully implemented prior to the occupation of the development and permanently retained thereafter.

Reason: To protect the amenity of people living in the new property from externally generated noise and in accordance with the National Planning Policy Framework.

23 Prior to the commencement of development, a complete and detailed Arboricultural Method Statement regarding protection measures for existing trees and hedges within and adjacent to the application site shown to be retained on the approved drawings, shall be submitted to and approved in writing by the Local Planning Authority. Amongst other information, this statement shall include details and locations of protective fencing, ground protection, a schedule of tree/hedge works if applicable, site rules and prohibitions, phasing of works, means of installing utilities and fencing, and location of site compound. The development shall be carried out in accordance with approved Arboricultural Method Statement. A copy of the document shall be available for reference and inspection on site at all times.

Reason: To protect existing trees and hedges which are considered to make a significant contribution to the amenity of this area and/or development.

24 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed landscape scheme which shall include the species, stock size, density (spacing), and position of trees, shrubs, bulbs and other plants; seeding mix, sowing rate and mowing regimes where applicable. It will also include details of tree pits and ground preparation. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which die, are removed or become seriously damaged or diseased within the lifetime of the development, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

Reason: So that the Local Planning Authority may be satisfied with the variety,

suitability and disposition of species within the entire site, since the landscape scheme is integral to the amenity and open space provision of the development.

25 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority all tree and hedge planting details, to include: means of support, protection, and irrigation; maintenance regime, and responsibilities; soil volumes and structural soil cell systems where applicable, and the corresponding paving detail, and locations of underground utilities. Where trees and/or hedges are to be located within paved areas or very restricted beds, the surface area of soil cell systems, soil volumes, and tree species, and any utilities shall also be shown on a tree planting plan. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which die, are removed or become seriously damaged or diseased within the lifetime of the development, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

Reason: Suitable detailing and maintenance will encourage the proposed trees to survive and thrive since they are a critical element of the approved landscape and setting of the development.

26 The trees and hedges shown as being retained Drawing Number TBC in particular to the west site boundaries shall not be removed. If in the circumstances that a tree/s or part of the hedge is removed details illustrating the number, species, height and position of the replacement trees and/or shrubs shall be submitted to and approved in writing by the Local Planning Authority. This replacement planting shall be completed within a period of six months of the original removal of the tree/s and/or hedge.

Reason: In the interests of the visual amenity of the area, the ecology of the area.

27 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), development of the type described in Classes D and F of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 2015. To ensure there the minimum size of parking space is retained. In the interests of visual amenity.

28 Prior to commencement of development details/specification of the hard landscaping scheme including: gates and fences; ground surface finishes for

driveways/parking, paths etc shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.

Subsequent to these approved details and notwithstanding the provisions of Article 3 of the Town and Country Planning (General Development Order 2015), (or any Order revoking or re-enacting that Order), no fences, gates, walls or other means of enclosure shall be erected.

Reason: So that the Local Planning Authority may be satisfied with these details. In the interests of the character, appearance, and special interests of the area and the heritage assets.

29 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), the garages shown on the approved drawings shall be retained as shown and shall not be converted to living accommodation without the prior written consent of the local planning authority.

Reason: To ensure that adequate storage space is retained for cycles, vehicles, and refuse bins etc.

30 The development hereby permitted shall achieve on-site carbon emissions reduction of a minimum of 31% over and above the requirements of Building Regulations Part L (2013), of which at least 19 % should come from energy efficiency measures; and, ii. a water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations).

Pending anticipated changes to Building Regulations, developments should further aim to achieve up to a 75% reduction in carbon emissions over and above the requirements of Building Regulations Part L (2013) unless it is demonstrated that such reductions would not be feasible or viable.

Prior to commencement of construction, details of the measures undertaken to secure compliance with this condition shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

## **8.0 INFORMATIVES: Notes to Applicant**

Application Reference Number: 19/00602/FULM

Item No: 4a

## 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 revised plans
- Requested additional information
- Use of conditions

## 2. INFORMATIVE:

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

Works in the highway - Section 171 - Vehicle Crossing - Section 184 - Highway Adoption and S278 (01904) 551550 - [streetworks@york.gov.uk](mailto:streetworks@york.gov.uk)

## 3. Informative regarding Electric Vehicle (EV) charge points

In line with paragraph 112 of the National Planning Policy Framework, developments should be designed to 'enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations'.

In line with Building Regulations, Electric Vehicle (EV) charge point provision ('active provision') is required for all residential developments in York, unless the development has no parking. To prepare for increased demand for charging points in future years, appropriate cable routes ('passive provision') should also be included in the scheme design and development.

Approved Document S: infrastructure for charging electric vehicles outlines the required standards and provides technical guidance regarding the provision of EV charge points and cable routes.

From 15th June 2022, Approved Document S applies to new residential and non-residential buildings; buildings undergoing a material change of use to dwellings; residential and non-residential buildings undergoing major renovation; and mixed-use buildings that are either new or undergoing major renovation.

CYC Building Control should be consulted on all proposals for EV charge point provision (active and passive) to ensure compliance with current Building Regulations.

#### 4. Informative note: Drainage

- 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 surface water to the public sewer network.
- iii) The applicant should be advised that the York Consortium of Drainage Board's prior consent is required (outside and 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.

5. Under the Land Drainage Act 1991 and the Boards' byelaws, the Board's prior written consent (outside of the planning process) is needed for:-

- a. any connection into a Board maintained watercourse, or any ordinary watercourse in the Board's district.
- b. any discharge, or change in the rate of discharge, into a Board maintained watercourse, or any ordinary watercourse in the Board's district. This applies whether the discharge enters the watercourse either directly or indirectly (i.e. via a third party asset such as a mains sewer).
- c. works within or over a Board maintained watercourse, or any ordinary watercourse in the Board's district - for example, land drainage, an outfall structure, bridges, culverting etc.
- d. any construction, fencing or planting within 9 metres of the top of the embankment of a Board maintained watercourse

Please note that the Board does not, generally, own any watercourses and the requirement for you to obtain the Board's consent is in addition to you obtaining consent from any land owner or other authority to carry out the relevant works. Full details of the Consent process can be found on our website:-

6. If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), they should contact our Developer Services Team (telephone 03451 208 482, email: [technical.sewerage@yorkshirewater.co.uk](mailto:technical.sewerage@yorkshirewater.co.uk)) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Code for Adoption - a design and construction guide for developers' as supplemented by Yorkshire Water's requirements.

7. Informative - Hedgehogs: As stated in sections 95 to 98 (Hedgehogs) of the PEA, the application site is likely used by 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 hedgehog.

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>

8. Informative - Invasive Non-Native Species: As noted in section 105 to 109 (Invasive Non-Native Species) of the PEA cotoneaster has previously been identified on site. The applicant is reminded that some species of cotoneaster are listed on Schedule 9 of The Wildlife and Countryside Act 1981 (as amended) making it an offence to "introduce, plant or cause to grow wild" this species. It is therefore recommended that continual monitoring of this species is undertaken and where necessary steps should be taken to prevent further spread of the plant.

9. Informative to use a Landscape architect

It is recommended that the services of a landscape architect are employed to produce a landscape scheme and to oversee the landscape contract on site in order to ensure that the ground preparation and planting are carried out to a satisfactory standard and are in strict accordance with the approved drawings. The developer is also advised to inform the local authority of when the planting is complete so that the local authority can monitor the planting within the ten year period and hence continue to ensure that the requirements of this condition are met; and so there is no discrepancy as to when the requirements of the planning condition cease.

10. Network Rail Informative

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or

plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

### Excavations/Earthworks

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

accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken.

Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or

vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.

### Security of Mutual Boundary

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

### Armco Safety Barriers

An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway. This is in accord with the new guidance for road/rail vehicle incursion NR/LV/CIV/00012 following on from DfT advice issued in 2003, now updated to include risk of incursion from private land/roadways.

### Fencing

Although the existing NR fence is adequate in preventing trespass there will inevitably be pressure from the new residents to soften or even attempt to alter its



appearance. It should be noted that our fence should not be altered or moved in any way and nothing should be put in place to prevent us from maintaining our boundary fence as we are obliged to do so in law. It is our experience that most developments seek to provide their own boundary enclosure so as to avoid such future problems. It would also help to reduce the impact of railway noise. We would advise that the developer should provide a trespass proof fence adjacent to Network Rail's boundary (minimum 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

#### Method Statements/Fail Safe/Possessions

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

#### OPE

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

#### Vibro-impact Machinery

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement

#### Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

## Two Metre Boundary

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's

boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

## ENCROACHMENT

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

## Noise/Soundproofing

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

## Trees/Shrubs/Landscaping

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

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

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

Not Acceptable: *Acer (Acer pseudoplatanus)*, Aspen - Poplar (*Populus*), Small-leaved Lime (*Tilia Cordata*), Sycamore – Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), Ash (*Fraxinus excelsior*), Black poplar (*Populus nigra var, betulifolia*), Lombardy Poplar (*Populus nigra var, italica*), Large-leaved lime (*Tilia platyphyllos*), Common lime (*Tilia x europea*)

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

## Lighting

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

## Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. Network Rail is required to recover all reasonable costs associated with facilitating these works.

### 11. INFORMATIVE:

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

### 12. AVOIDING DAMAGE TO THE HIGHWAY GRASS VERGE

Applicants/Developers are reminded that great care should be taken to ensure that

no damage to the surface or structure of the public highway is caused, by activities relating directly to the approved development (e.g. delivery of building materials via HGV's). The Council is particularly concerned at the increasing impacts and damage occurring to grass verges. This is detrimental to residential amenity, can present safety issues and places an unreasonable financial burden on the Council, if repairs are subsequently deemed necessary. Therefore, applicants/developers are strongly advised to work proactively with their appointed contractors and delivery companies to ensure that their vehicles avoid both parking and manoeuvring on areas of the public highway (grass verges) which are susceptible to damage. The council wishes to remind applicants that legislation (Highways Act 1980) is available to the authority to recover any costs (incurred in making good damage) from persons who can be shown to have damaged the highway, including verges. If the development is likely to require the temporary storage of building materials on the highway, then it is necessary to apply for a licence to do so. In the first instance please email [highway.regulation@york.gov.uk](mailto:highway.regulation@york.gov.uk), with details of the site location, planning application reference, anticipated materials, timelines and volume. Please refer to the Council website for further details, associated fees and the application form.

**Contact details:**

**Case Officer:** Victoria Bell

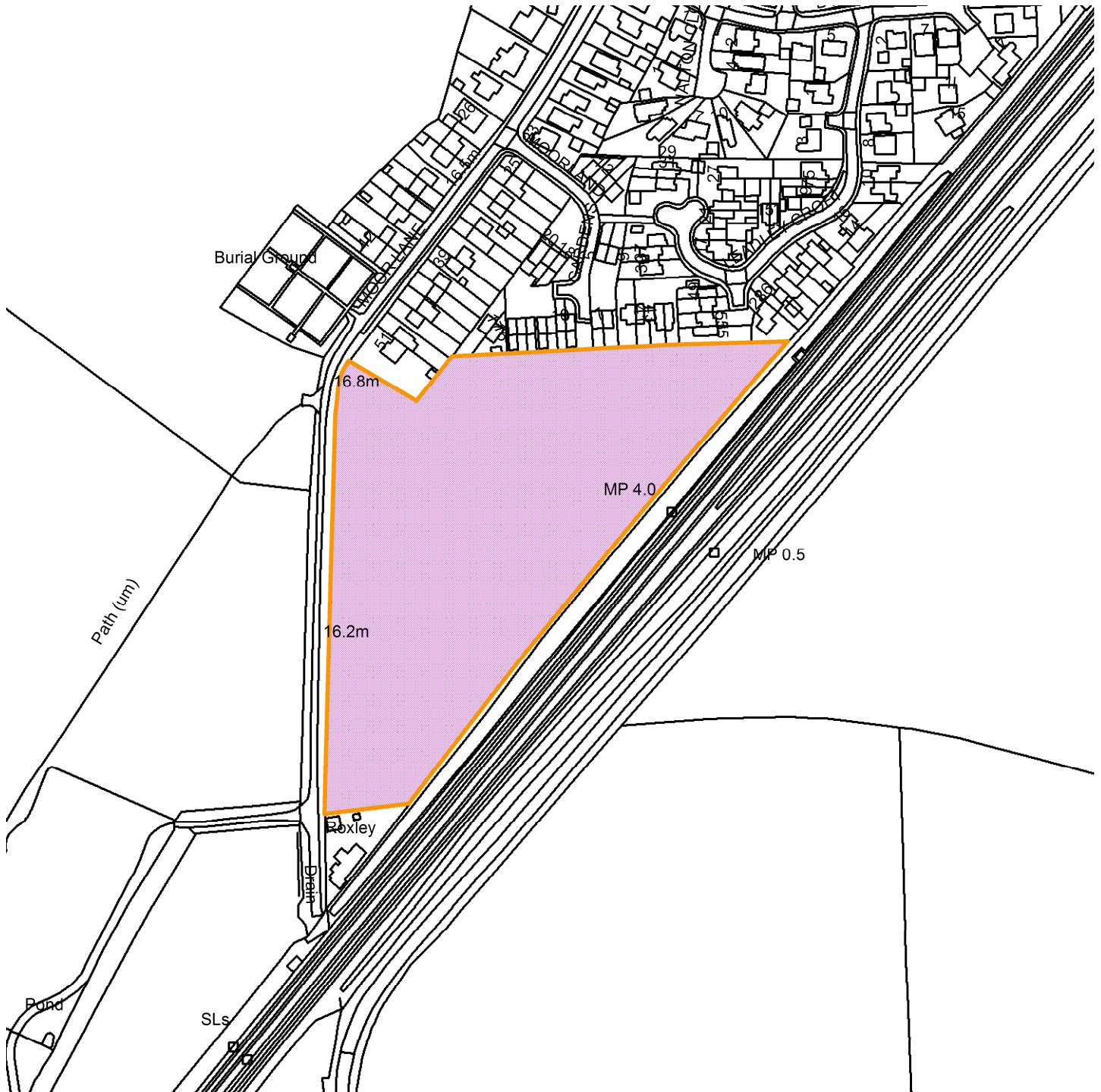
**Tel No:** 01904 551347

# Land to SE of 51 Moor Lane, Copmanthorpe

19/00602/FULM



GIS by ESRI (UK)



Scale : 1:2706

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<b>Organisation</b>	City of York Council
<b>Department</b>	Directorate of Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	26 September 2023
<b>SLA Number</b>	Not Set

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# Planning Committee A

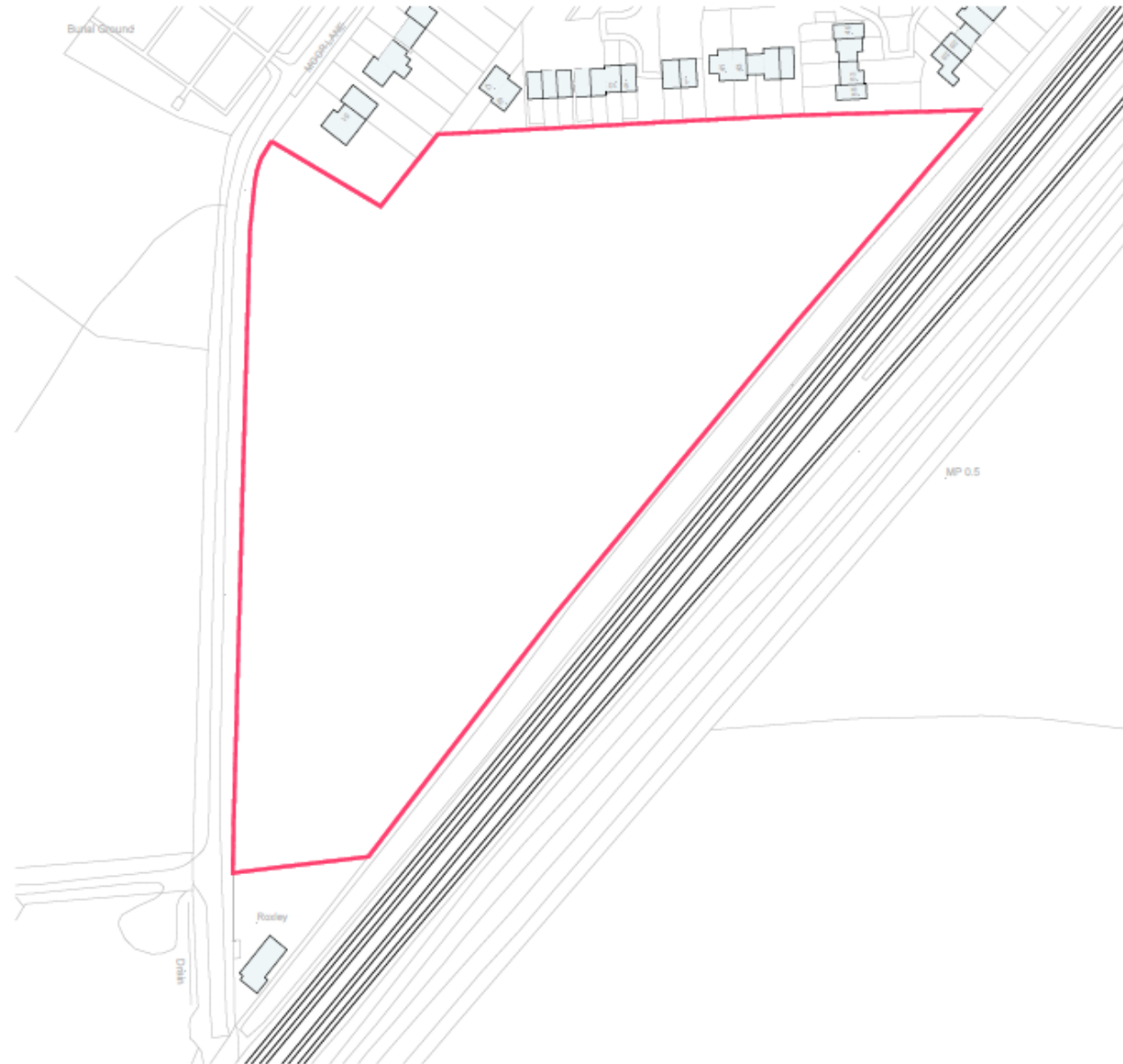
To be held on 5<sup>th</sup> October 2023

# 19/00602/FULM - Land To The South East Of 51 Moor Lane, Copmanthorpe, York

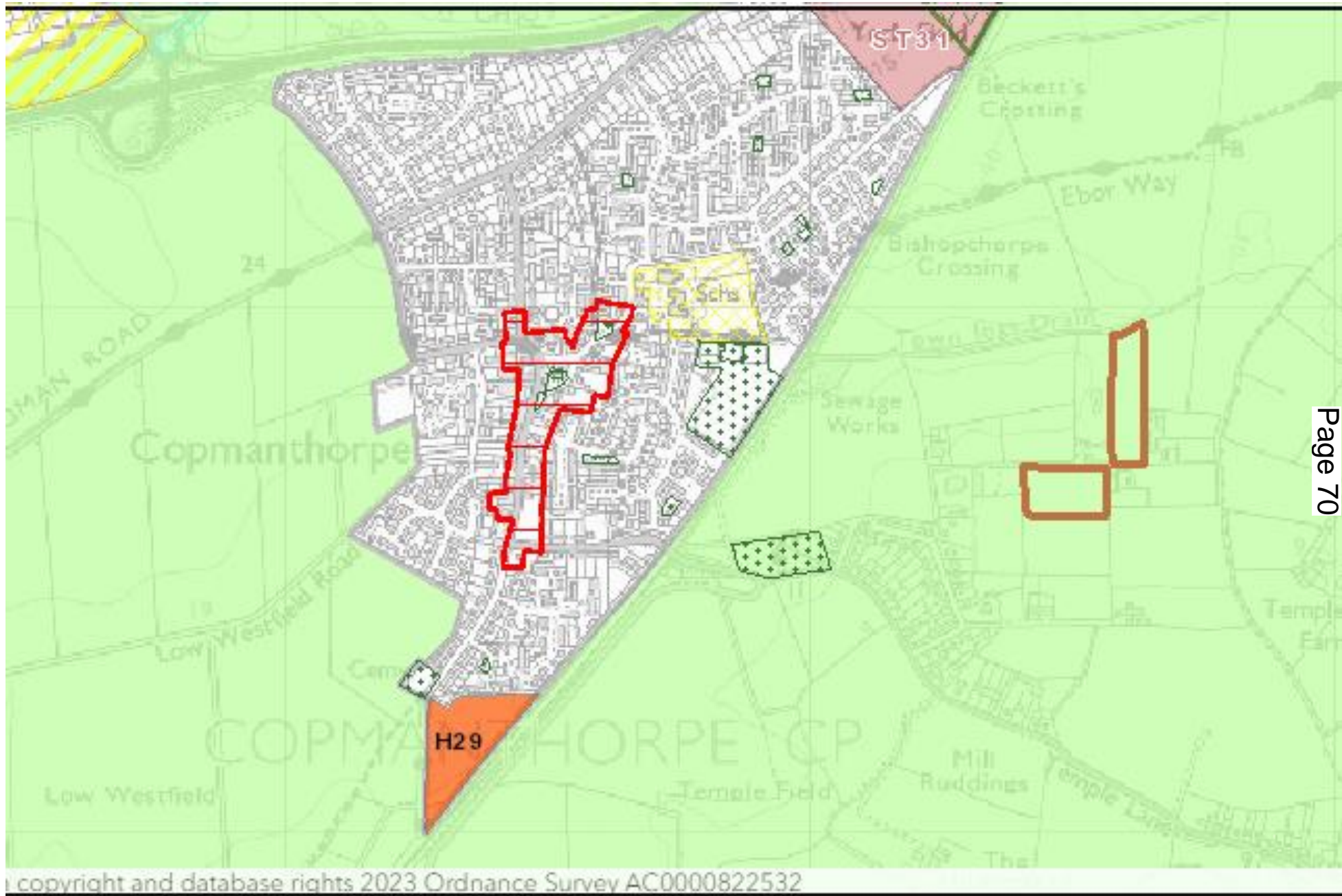
Erection of 75 dwellings, landscaping, public open space and associated infrastructure.



# Site Location Plan (Extract)



Draft Local Plan  
Proposals Map  
Extract – H29  
Housing Allocation



Existing dwelling at  
No.51 Moor Lane



Moor Lane



Page 72

Neighbouring  
properties to the  
North of the site



Page 73

Neighbouring  
Properties to the  
North





Site Boundary with Railway Line



Page 75

View towards Railway Line from within the site

Site viewed from  
opposite side of  
Railway Line



Page 76



Site viewed from  
Public Right of Way  
to the West



Page 77

# Proposed Site Layout Plan



SCHEDULE OF ACCOMMODATION:			PLANNING LAYOUT LAYERS KEY:	
AFFORDABLE UNITS	HOUSE TYPE	AMOUNT		
	2 BED HOUSE	180	180mm TIMBER TYPING	
	2 BED HOUSE	180	600mm METAL RAILINGS	
	2 BED HOUSE	180	600mm KNEE HIGH RAIL	
	2 BED HOUSE	180	BOLLARDS	
	2 BED HOUSE	180	REAR ACCESS GATES (LOCABLE)	
	2 BED HOUSE	180	CYCLE SHED BIN STORAGE	
	2 BED HOUSE	180	PLOTS WITH A GARAGES WILL STORE CYCLES WITHIN THEM	
	2 BED HOUSE	180	STREET TREES SET WITH TREES	
	2 BED HOUSE	180	AFFORDABLE UNITS	
	2 BED HOUSE	180	BLOCK PAVING	

**SALES AREA PLAN**

**RADEIGH - 19% NOISEBY DM - 6%**

**OPEN MARKET TEMPLATES TAKEN FROM - Barrill 2016 Range - Rev W1 - 01 04 HOLLYWELL / MATLOCK / KENNISHAM TEMPLATE TAKEN FROM - Barrill Cat 11 Only and Cat 2-NDSS - First Release - (06.03.22) (1)**

**MARTHAM TEMPLATE TAKEN FROM - BARRATT\_CAT 1+NDSS\_100mm (X) - Fr (17.02.23) (2)**

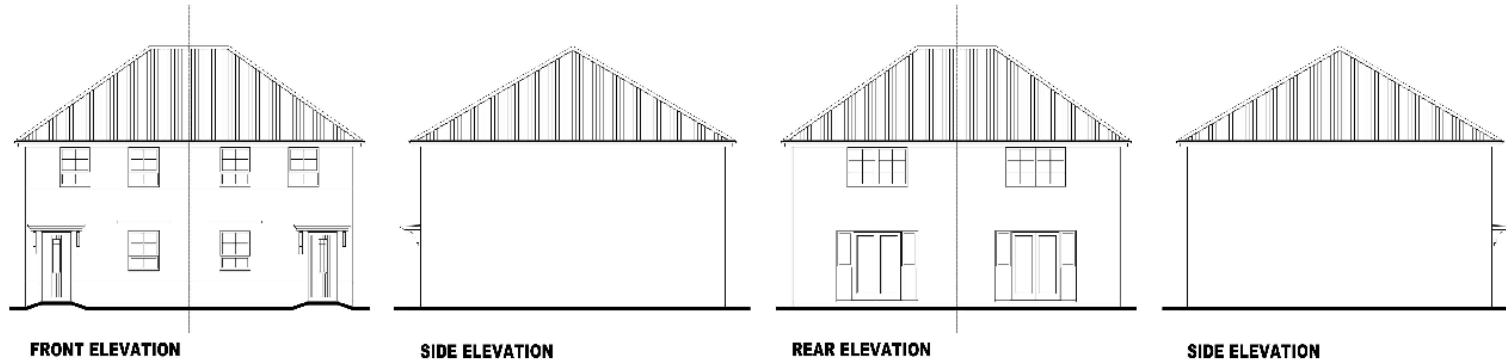
**ORCHARD T11UP TEMPLATE TAKEN FROM - SHTS 580 YE NDSS (dwg)**

**HANBY / LEISTON TEMPLATE TAKEN FROM - BDW-STD-F-3238 - HANBY LEIS (GABLE) (AS) NDSS CAT M-3 (dwg)**

REV	DATE	DESCRIPTION	BY	CHECK
M	28.04.20	ISSUE FOR TENDER AND COMMENCEMENT OF CONSTRUCTION		
L	08.02.22	REVISION TO THE PLAN TO REFLECT THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES		
K	02.02.22	REVISION TO THE PLAN TO REFLECT THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES		
J	07.02.22	REVISION TO THE PLAN TO REFLECT THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES		
I	01.12.21	REVISION TO THE PLAN TO REFLECT THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES		
H	04.12.21	REVISION TO THE PLAN TO REFLECT THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES		
G	28.08.21	REVISION TO THE PLAN TO REFLECT THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES		
F	18.02.22	REVISION TO THE PLAN TO REFLECT THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES		
E	08.02.22	REVISION TO THE PLAN TO REFLECT THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES		
D	04.02.22	REVISION TO THE PLAN TO REFLECT THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES		
C	20.02.22	REVISION TO THE PLAN TO REFLECT THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES		
B	23.02.22	REVISION TO THE PLAN TO REFLECT THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES		
A	24.02.22	REVISION TO THE PLAN TO REFLECT THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES		
N	04.02.22	REVISION TO THE PLAN TO REFLECT THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES		
M	07.02.22	REVISION TO THE PLAN TO REFLECT THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES		
L	08.02.22	REVISION TO THE PLAN TO REFLECT THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES		
K	09.02.22	REVISION TO THE PLAN TO REFLECT THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES		
J	10.02.22	REVISION TO THE PLAN TO REFLECT THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES		
I	11.02.22	REVISION TO THE PLAN TO REFLECT THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES		
H	12.02.22	REVISION TO THE PLAN TO REFLECT THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES		
G	13.02.22	REVISION TO THE PLAN TO REFLECT THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES		
F	14.02.22	REVISION TO THE PLAN TO REFLECT THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES		
E	15.02.22	REVISION TO THE PLAN TO REFLECT THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES		
D	16.02.22	REVISION TO THE PLAN TO REFLECT THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES		
C	17.02.22	REVISION TO THE PLAN TO REFLECT THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES		
B	18.02.22	REVISION TO THE PLAN TO REFLECT THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES		
A	19.02.22	REVISION TO THE PLAN TO REFLECT THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES AND THE NEW DESIGN OF THE HOUSES		



# Denford AFF Housetype – 2 Bed

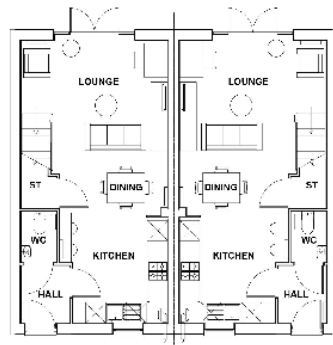


FRONT ELEVATION

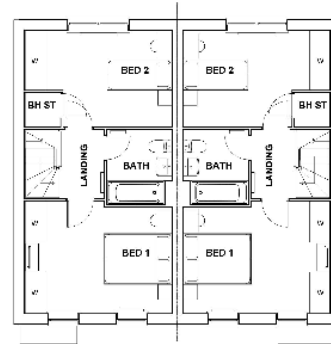
SIDE ELEVATION

REAR ELEVATION

SIDE ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN



## DENFORD AFF (AS-OP)

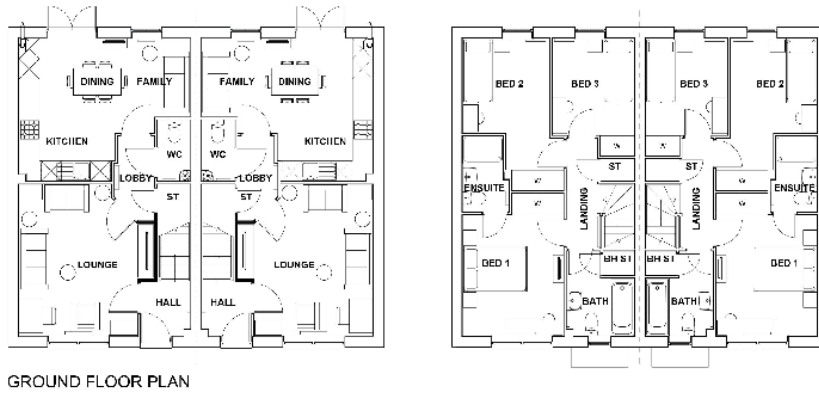
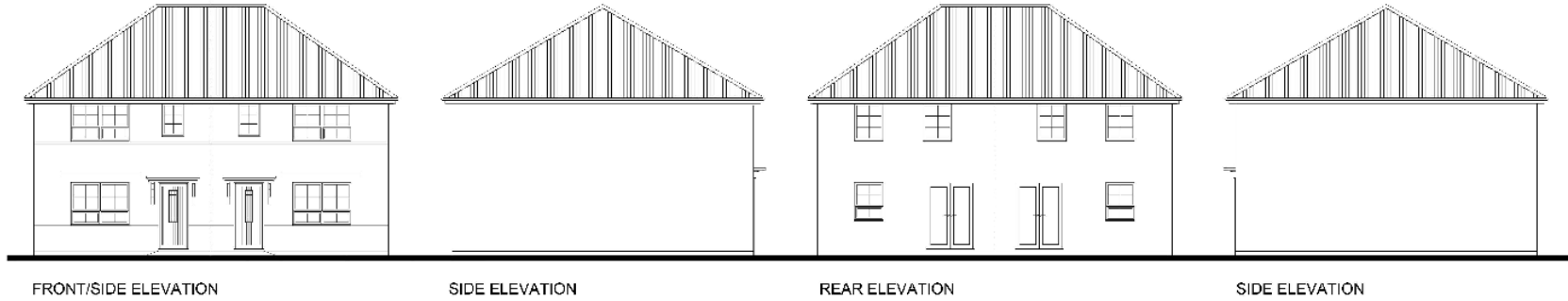
BDW-STD-HT-5052



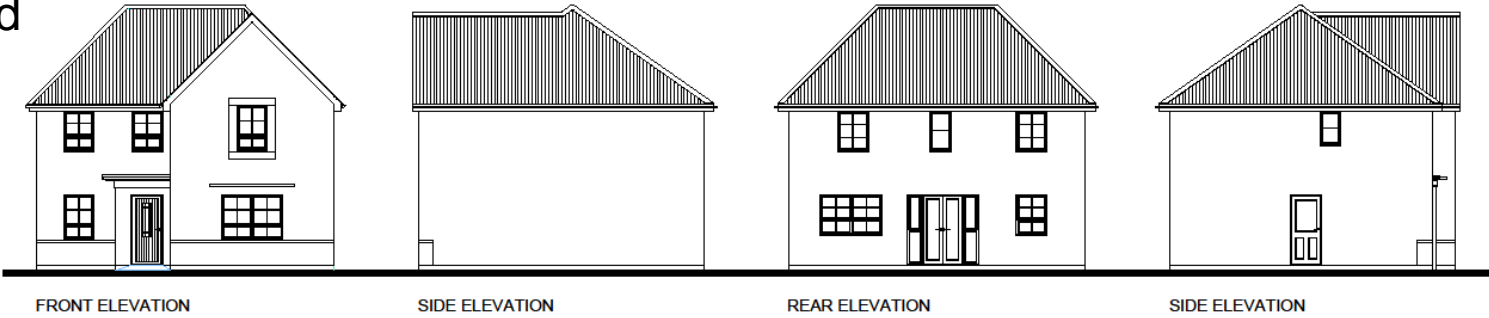
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CLIENT: BARRATT & DAV'S WILSON HOMES  
 SCALE @ A2: 1:100  
 DATE: MAR 23  
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 01924 383322 | WWW.JRPA.CO.UK | INFO@JRPA.CO.UK  
 jrpaco.uk

# Hallcroft AFF Housetype – 3 Bed



# Radleigh Housetype – 4 Bed

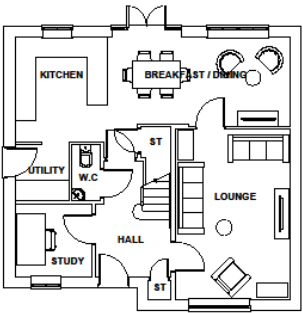


FRONT ELEVATION

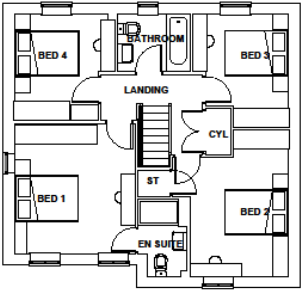
SIDE ELEVATION

REAR ELEVATION

SIDE ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN



**RADLEIGH (AS)**

**BDW-STD-HT-3197**



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# Windermere Housetype – 4 Bed

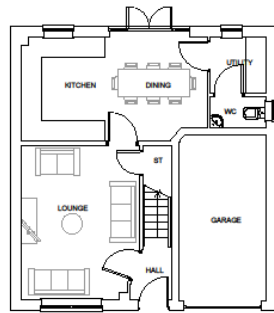


FRONT ELEVATION

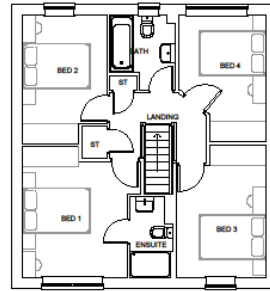
SIDE ELEVATION

REAR ELEVATION

SIDE ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN



WINDERMERE (OP)

City of York Council Planning Committee Meeting - 5th October 2023

BDW-STD-HT-3192



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# Landscape Masterplan



**LANDSCAPE MASTERPLAN KEY**

**DISTINGUISHING HEDGES**

- Symbol 1: Hedged Area (Hedged Area)
- Symbol 2: Hedged Area (Hedged Area)

**PROPOSED TREES**

- Symbol 3: Semi-mature Tree (20-25m Girth)
- Symbol 4: Semi-mature Tree (10-20m Girth)
- Symbol 5: Semi-mature Tree (5-10m Girth)
- Symbol 6: Mature Tree (10-20m Girth)

**BIODIVERSITY ENHANCEMENTS**

- Symbol 7: Hedged Area (Hedged Area)
- Symbol 8: Hedged Area (Hedged Area)
- Symbol 9: Hedged Area (Hedged Area)

**PROPOSED GRASS AREAS**

- Symbol 10: Grass Area (Grass Area)
- Symbol 11: Grass Area (Grass Area)
- Symbol 12: Grass Area (Grass Area)

**LANDSCAPE DESIGN STRATEGY**

The landscape strategy for the site aims to achieve the following:

- Ratios and enhance existing hedges and trees to site boundaries.
- Provide mitigation for the loss of vegetation through the planting of new hedges, specimen trees and individual trees.
- Provide protection and enhancement for wildlife by providing green corridors, hedge, tree and woodland planting.
- Provide a green and blue infrastructure for residents through the use of permeable tree, hedge and shrub planting on road verges and in front gardens.

**PLAY AREA DETAIL TO BE DESIGNED BY OTHERS**

**LANDSCAPE TREATMENTS**

**TREE PLANTING**

Enhance planting of semi-mature and mature trees alongside the site to the maximum extent possible. The planting of mature trees to the maximum extent possible. The planting of mature trees to the maximum extent possible.

**SHED PLANTING**

Planting of mature trees to the maximum extent possible. The planting of mature trees to the maximum extent possible.

**ORIENTATIONAL HEDGE PLANTING**

Planting of mature trees to the maximum extent possible. The planting of mature trees to the maximum extent possible.

**NATIVE HEDGE PLANTING**

Planting of mature trees to the maximum extent possible. The planting of mature trees to the maximum extent possible.

**GRASS TREATMENTS**

Planting of mature trees to the maximum extent possible. The planting of mature trees to the maximum extent possible.

Page 83

REV	DATE	DESCRIPTION	BY	CHECK
G	26.08.23	LANDSCAPE PROPOSALS UPDATED IN ACCORDANCE WITH LB VS		
F	20.08.23	LANDSCAPE PROPOSALS UPDATED IN ACCORDANCE WITH LB VS		
E	20.08.23	LANDSCAPE PROPOSALS UPDATED IN ACCORDANCE WITH LB VS		
D	15.08.23	LANDSCAPE PROPOSALS UPDATED IN ACCORDANCE WITH LB VS		
C	14.07.23	PARKING ARRANGEMENTS TO ALL PRIVATE DRIVES ADJUSTED TO GIVE A CLEAR 6m BERING EACH SPACE DRIVE FOR VEHICLE MANOEUVRE. PLOTS 1, 2 & 3 ADJUSTED TO GIVE A CLEAR 6m BERING EACH SPACE DRIVE FOR VEHICLE MANOEUVRE. PLOTS 4-6 ADJUSTED TO GIVE A CLEAR 6m BERING EACH SPACE DRIVE FOR VEHICLE MANOEUVRE. PLOTS 7-9 ADJUSTED TO GIVE A CLEAR 6m BERING EACH SPACE DRIVE FOR VEHICLE MANOEUVRE. PLOTS 10-12 ADJUSTED TO GIVE A CLEAR 6m BERING EACH SPACE DRIVE FOR VEHICLE MANOEUVRE. PLOTS 13-15 ADJUSTED TO GIVE A CLEAR 6m BERING EACH SPACE DRIVE FOR VEHICLE MANOEUVRE. PLOTS 16-18 ADJUSTED TO GIVE A CLEAR 6m BERING EACH SPACE DRIVE FOR VEHICLE MANOEUVRE. PLOTS 19-21 ADJUSTED TO GIVE A CLEAR 6m BERING EACH SPACE DRIVE FOR VEHICLE MANOEUVRE. PLOTS 22-24 ADJUSTED TO GIVE A CLEAR 6m BERING EACH SPACE DRIVE FOR VEHICLE MANOEUVRE. PLOTS 25-27 ADJUSTED TO GIVE A CLEAR 6m BERING EACH SPACE DRIVE FOR VEHICLE MANOEUVRE. PLOTS 28-30 ADJUSTED TO GIVE A CLEAR 6m BERING EACH SPACE DRIVE FOR VEHICLE MANOEUVRE. PLOTS 31-33 ADJUSTED TO GIVE A CLEAR 6m BERING EACH SPACE DRIVE FOR VEHICLE MANOEUVRE. PLOTS 34-36 ADJUSTED TO GIVE A CLEAR 6m BERING EACH SPACE DRIVE FOR VEHICLE MANOEUVRE. PLOTS 37-39 ADJUSTED TO GIVE A CLEAR 6m BERING EACH SPACE DRIVE FOR VEHICLE MANOEUVRE. PLOTS 40-42 ADJUSTED TO GIVE A CLEAR 6m BERING EACH SPACE DRIVE FOR VEHICLE MANOEUVRE. PLOTS 43-45 ADJUSTED TO GIVE A CLEAR 6m BERING EACH SPACE DRIVE FOR VEHICLE MANOEUVRE. PLOTS 46-48 ADJUSTED TO GIVE A CLEAR 6m BERING EACH SPACE DRIVE FOR VEHICLE MANOEUVRE. PLOTS 49-51 ADJUSTED TO GIVE A CLEAR 6m BERING EACH SPACE DRIVE FOR VEHICLE MANOEUVRE. PLOTS 52-54 ADJUSTED TO GIVE A CLEAR 6m BERING EACH SPACE DRIVE FOR VEHICLE MANOEUVRE. PLOTS 55-57 ADJUSTED TO GIVE A CLEAR 6m BERING EACH SPACE DRIVE FOR VEHICLE MANOEUVRE. PLOTS 58-60 ADJUSTED TO GIVE A CLEAR 6m BERING EACH SPACE DRIVE FOR VEHICLE MANOEUVRE.		
B	09.07.23	PLOTS 1-6 HAVE BEEN REDESIGNED FROM PROPOSED 4 TO 2 TO GIVE A CLEAR 6m BERING EACH SPACE DRIVE FOR VEHICLE MANOEUVRE. PLOTS 7-9 ADJUSTED TO GIVE A CLEAR 6m BERING EACH SPACE DRIVE FOR VEHICLE MANOEUVRE. PLOTS 10-12 ADJUSTED TO GIVE A CLEAR 6m BERING EACH SPACE DRIVE FOR VEHICLE MANOEUVRE. PLOTS 13-15 ADJUSTED TO GIVE A CLEAR 6m BERING EACH SPACE DRIVE FOR VEHICLE MANOEUVRE. PLOTS 16-18 ADJUSTED TO GIVE A CLEAR 6m BERING EACH SPACE DRIVE FOR VEHICLE MANOEUVRE. PLOTS 19-21 ADJUSTED TO GIVE A CLEAR 6m BERING EACH SPACE DRIVE FOR VEHICLE MANOEUVRE. PLOTS 22-24 ADJUSTED TO GIVE A CLEAR 6m BERING EACH SPACE DRIVE FOR VEHICLE MANOEUVRE. PLOTS 25-27 ADJUSTED TO GIVE A CLEAR 6m BERING EACH SPACE DRIVE FOR VEHICLE MANOEUVRE. PLOTS 28-30 ADJUSTED TO GIVE A CLEAR 6m BERING EACH SPACE DRIVE FOR VEHICLE MANOEUVRE. PLOTS 31-33 ADJUSTED TO GIVE A CLEAR 6m BERING EACH SPACE DRIVE FOR VEHICLE MANOEUVRE. PLOTS 34-36 ADJUSTED TO GIVE A CLEAR 6m BERING EACH SPACE DRIVE FOR VEHICLE MANOEUVRE. PLOTS 37-39 ADJUSTED TO GIVE A CLEAR 6m BERING EACH SPACE DRIVE FOR VEHICLE MANOEUVRE. PLOTS 40-42 ADJUSTED TO GIVE A CLEAR 6m BERING EACH SPACE DRIVE FOR VEHICLE MANOEUVRE. PLOTS 43-45 ADJUSTED TO GIVE A CLEAR 6m BERING EACH SPACE DRIVE FOR VEHICLE MANOEUVRE. PLOTS 46-48 ADJUSTED TO GIVE A CLEAR 6m BERING EACH SPACE DRIVE FOR VEHICLE MANOEUVRE. PLOTS 49-51 ADJUSTED TO GIVE A CLEAR 6m BERING EACH SPACE DRIVE FOR VEHICLE MANOEUVRE. PLOTS 52-54 ADJUSTED TO GIVE A CLEAR 6m BERING EACH SPACE DRIVE FOR VEHICLE MANOEUVRE. PLOTS 55-57 ADJUSTED TO GIVE A CLEAR 6m BERING EACH SPACE DRIVE FOR VEHICLE MANOEUVRE. PLOTS 58-60 ADJUSTED TO GIVE A CLEAR 6m BERING EACH SPACE DRIVE FOR VEHICLE MANOEUVRE.		
A	01.07.23	LANDSCAPE PROPOSALS UPDATED IN ACCORDANCE WITH LB VS		



**jrpa** ARCHITECTURE | PLANNING | LANDSCAPE

CLIENT: BARRATT YORKSHIRE EAST DRAWING NUMBER: 18.5213.150

PROJECT: MOOR LANE, COPMANTHORPE SCALE @ A1: 1:500

DRAWING: LANDSCAPE MASTERPLAN DRAWN: LB DATE: MAR 21

CHECKED: VS DATE: MAR 21

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**COMMITTEE REPORT****Date:** 5 October 2023**Ward:** Rural West York**Team:** West Area**Parish:** Askham Bryan Parish  
Council**Reference:** 22/01074/FULM**Application at:** Pikehills Golf Club Tadcaster Road Copmanthorpe York  
YO23 3UW**For:** Redevelopment of the Pike Hills Golf Course involving  
importation and grading of soils**By:** Mr Richard Lord**Application Type:** Major Full Application**Target Date:** 12 September 2023**Recommendation:** Approve**1.0 PROPOSAL**

1.1 Pike Hills Golf Club comprises a 2.3-hectare 18-hole golf course originating from the late 1940s within the general extent of the York Green Belt to the north of Copmanthorpe village and to the west of the City. It is accessed from the eastbound carriage way of the A64. The Askham Bog SSSI and designated Ancient Woodland lies adjacent to the east and is partially surrounded by the golf course. Planning permission is sought for the partial re-development of the course through the provision of an additional three holes in an area previously permitted for a golf course extension to the to the northwest. Notwithstanding an approval of details required by condition in 2017 in respect of drainage, landscaping, archaeology and fertiliser specification, the work was never commenced and so the permission has lapsed. 352,125 cubic metres of screened and inert soils would also be imported to re-profile and re-landscape the remaining area to improve drainage and usability both of the course itself and the practise area to the north and west. The work would be undertaken over four phases with Phase 1A 13,656 cubic metres, Phase 1B 139,518 cubic metres, Phase 1C 144,389 cubic metres and Phase 1D 54,562 cubic metres. Overall levels would be raised by up to 4.5 metres both within the area of the existing course and the extension. The scheme has been amended since

submission to address concerns in terms of impacts upon drainage, ecology and landscape.

1.2 Since submission of the proposal infiltration testing has been undertaken at the site in respect of the three proposed attenuation basins designed as part of the measures to secure the surface water drainage of the course whilst maintaining the flow of water to secure the hydrology of the SSSI.

### **Environmental Impact Assessment**

1.3 The proposal has been accompanied by an Environmental Impact Assessment under the 2017 Environmental Impact Assessment Regulations. The following topics are specifically covered, and the detailed mitigations are outlined below:

- Ecology and Nature Conservation
- Noise and Vibration
- Air Quality
- Hydrogeology, flooding and drainage.
- Landscape and Visual.

Remaining topics such as cultural heritage have been scoped out.

### **Relevant Planning History:**

1.4 04/01638/FULM Change of Use of 7.7 Hectares of Agricultural Land to Form Golf Course Extension to the northwest. Approved

1.5 14/00113/FULM Change of Use of 7.7 Hectares of Agricultural Land to Form Golf Course Extension to the northwest. Approved

1.6 AOD/17/00017 Approval of Details required under Conditions 2, 3, 4, 5 and 6 to Planning Permission 14/00113/FULM (Drainage, Landscaping, Archaeology and Fertiliser Specification) . Approved.

1.7 18/02687/OUTM Erection of 516 Dwellings with ancillary facilities on land at Moor Lane Woodthorpe. Appeal Dismissed

## **2.0 POLICY CONTEXT**

## 2.1 Draft City of York Local Plan (2018) Policies:

- SS2 The Role of York's Green Belt
- EC5 Rural Economy
- HW7 Healthy Places
- D2 Landscape and Setting
- GI2 Biodiversity and Access to Nature
- GI4 Trees and Hedgerows
- GB1 Development in Green Belt
- ENV2 Managing Environmental Quality
- T1 Sustainable Access

## 3.0 CONSULTATIONS

### INTERNAL

#### Public Protection

3.1 Raise no objection in principle to the proposal subject to the development being undertaken in strict accordance with the submitted CEMP (Construction Environmental Management Plan), there being no evidence of earlier land contamination and any planning permission being conditioned to restrict construction hours in the interests of neighbouring amenity.

#### Highway Network Management

3.2 Raise no objection to the proposal subject to any planning permission being conditioned to require the submission and prior approval of a method of works statement in respect of the temporary construction site works access and to secure details of the layout and geometry of the access itself.

#### Flood Risk Management Team

3.3 Following further discussion of the role of the attenuation basin serving Phase 1A, its proximity to the Askham Bog Drain and its potential role in feeding a constant water flow to the Bog, the previous objection to the proposal has been withdrawn and it is recommended that any permission be conditioned to require the submission and prior approval of a surface water drainage scheme at an agreed discharge rate of 1.4 litres per second.

Design, Conservation and Sustainable Development (Archaeology)

3.4 Raise no objection to the proposal subject to any permission being conditioned to require a written scheme of investigation in respect of the golf club extension (phase 1A).

Design, Conservation and Sustainable Development(Landscape)

3.5 Raise no objection in principle to the proposal but raise concern in respect of the significant short-term harm caused to local landscape character caused by the loss of existing mature trees and landscaping and the creation of a manufactured landscape in a what is at present a gently rolling agricultural landscape. This harm would be however largely mitigated in the longer term by the relationship of the new tree planting as it matures to the new area of earth works both of which have been amended in the revised details to take account of earlier concerns.

Design, Conservation and Sustainable Development (Ecology)

3.6 Raise no objection in principle to the proposal subject to any permission being conditioned to require the submission and prior determination of a LEMP (Local Ecological Management Plan), including the development demonstrating a 10% Biodiversity Net Gain. Conditions covering the soil import specifications together with a water management plan should be included as part of any permission in order to secure the health of the SSSI.

EXTERNAL

Askham Bryan Parish Council

3.7 Raise no objection to the proposal subject to the development not giving rise to any harm to the adjacent SSSI.

Environment Agency

3.8 Raise no objection to the proposal subject to the delivery of 10% Biodiversity Net Gain.

National Highways

3.9 Raise no objection to the proposal subject to any permission being conditioned to require submission and approval of a CEMP/Method of Works Statement set a maximum of 12 two ways trips by HGVs in peak hours.

National Planning Case Work Unit

3.10 Wish to make no comments in respect of the proposal.

Natural England

3.11 Raise no objection to the proposal subject to the development being undertaken in strict accordance with the details of the submitted CEMP and the submission and prior approval of a detailed water management plan as part of any permission containing provisions to prevent additional flooding/draw down from the area of the proposed works.

Ainsty (2008) Internal Drainage Board

3.12 Raise no objection to the proposal subject to the revised Site Specific Flood Risk Assessment incorporating the creation of two amenity ponds each with a flow control device controlling discharges to 1.4 litres per second, the diversion of the Askham Bog Drain to incorporate a two stage channel to act as a flood storage area within the surrounding raised levels, the formation of a lined infiltration basin to cover the catchment areas of Phases 1A and 1B and the construction of suitable outfall structures. The works together should be secured by condition as part of any permission.

Yorkshire Wildlife Trust

3.13 Initially objected to the proposal but following on from the revision of the surface water drainage scheme and greater clarity in terms of impact upon the hydrology of the Askham Bog SSSI raise no objection subject to any permission being conditioned to require submission and prior approval of a CEMP, the Materials Specification, a Water Management Plan and a mechanism for monitoring and reporting incidents relating to the Bog during the construction phase of the scheme.

3.14 In terms of the infiltration testing and the potential lining of the agreed attenuation basins, lining of Basin A is objected to on the basis that the flow of water towards the Bog may be impeded.

## 4.0 REPRESENTATIONS

4.1 The proposal was publicised by Site Notice in accordance with the 2017 Environmental Impact Assessment Regulations on 27<sup>th</sup> July 2022 and again in respect of the revised details on 8<sup>th</sup> February 2023. The proposal was also publicised by press notice on 28<sup>th</sup> June 2022 and in respect of the revised details on 3 February 2023. Two letters of representation have been received in respect of the proposal raising the following issues:

- Objection to the potential impact of the proposed land reconfiguration on the drainage of adjoining agricultural land
- Concern that insufficient work has been undertaken to secure 10% Biodiversity Net Gain.

Councillor Ann Hook

4.2 Objects to major development in such close proximity to the Askham Bog SSSI without sufficient re-assurance that the hydrology and associated biodiversity of the Bog will be safeguarded.

## 5.0 APPRAISAL

### KEY CONSIDERATIONS

#### 5.1 KEY CONSIDERATIONS INCLUDE:

- Principle of the Development
- Impact upon the Open Character and Purposes of Designation of the York Green Belt
- Ecology and Biodiversity Value of the Askham Bog SSSI and Ancient Woodland and the Site Itself
- Hydrology, Drainage and Flood Risk Pattern of the Askham Bog SSSI and Ancient Woodland and Surrounding Areas.
- Landscape and Visual Character of the Surrounding Area
- Local Air Quality
- Noise and Vibration in the Surrounding Area.
- Safety and Convenience of Highway Users.

## DEVELOPMENT PLAN

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

## NPPF

5.3 The revised National Planning Policy Framework was published on 5 September 2023 (NPPF) and its planning policies are material to the determination of this planning application.

## LOCAL PLAN

5.4 The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. It has now been subject to full examination. Modifications were consulted on in February 2023 following full examination. It is expected the plan will be adopted in late 2023. The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the

## PRINCIPLE OF DEVELOPMENT

5.5 The application site comprises a 2.3-hectare (playing area) parkland golf course with substantial landscaped areas established in 1946 with 800 members with a separate practice area and club house. Planning permission has been given twice in the past twenty years for a substantial extension to the northwest to provide an additional three holes and also to improve the practice area. These permissions have not however been implemented notwithstanding an approval of details required to be discharged by condition in 2017.

5.6 The site lies directly adjacent to the Askham Bog SSSI and designated Ancient Woodland and it partially drains into the Bog. The underlying drift geology is largely impermeable which creates significant issues of waterlogging at particular times of year leading to significant sections of the course particularly to the north and east

becoming unplayable for long periods. The degree of waterlogging that takes place is clearly illustrated in the application documents.

5.7 The proposal seeks to fully implement the development of the previously approved extension to the north and northwest. At the same time holes 9 to 18 would be remodelled. 352,000 metres of soils would be brought in to undertake wider landscape reprofiling with new areas of woodland planting to the north and west and new waterbodies to assist in maintaining stable surface water drainage as well as providing wetland habitat. The development would take place in four phases with the majority of work being undertaken in the second and third phases. The existing vehicular access to the site is via the A64 and dates from shortly after the establishment of the Club. It is sub-standard in terms of its width, gradient and proximity to the principal road when seen against Modern standards. A temporary access for the construction operation is envisaged from the A1237 Outer Ring Road to the northwest with traffic entering and leaving from the southbound carriageway which has the clearest visibility.

#### IMPACT UPON THE OPEN CHARACTER AND PURPOSES OF DESIGNATION OF THE YORK GREEN BELT

5.8 The application site lies within the general extent of the York Green Belt. Central Government Policy as outlined in paragraph 147 of the NPPF indicates that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 150 of the NPPF outlines a number of forms of development which are not inappropriate in the Green Belt providing they preserve its openness and do not conflict with the purposes of including land within it. At bullet point e) this specifically includes material changes in the use of land specifically for outdoor sport and recreation. Policy GB1 of the 2018 Draft Plan indicates that within the Green Belt planning permission will only be granted where the scale and location of the development would not detract from the openness of the Green Belt, it would not conflict with the purposes of including land within the Green Belt and it would not prejudice those elements which contribute to the special character and setting of York.

5.9 The application site lies within the Green Belt following on from its inclusion within the key diagram of the 2012 Yorkshire and Humber Regional Spatial Strategy. Saved Policies YH9(C) and Y1 (C1 and C2) of the Strategy provide a policy context for the designation of a Green Belt around York to safeguard its historic setting and



to preclude coalescence with surrounding settlements prior to the adoption of an up-to-date Local Plan.

5.10 Its location at a visually prominent “gateway site” close to the settlements of Askham Bryan and Copmanthorpe and adjacent to the principal approach to the City from the south west means that it is highly desirable for the land to be kept open. This is accentuated by the close physical proximity of the site to the Askham Bog SSSI. In terms of the five Green Belt purposes set out within paragraph 138 of the NPPF it is important for safeguarding the setting of the Historic City and partially bisects a long-distance view of the Minster and is important for preventing the coalescence of the suburb of Acomb with the neighbouring villages of Copmanthorpe and Askham Bryan. As such it has been shown as retained within the Green Belt in the proposals map to the 2018 Plan and there has been no change to that position following progression of the Local Plan process.

5.11 The proposal envisages the importation of material to reprofile the landscape and improve the utility of the golf course. There would be no built structures beyond the temporary construction site compound as such. Significant areas of tree and other landscape planting are proposed to ensure that the works blend into the surrounding landscape. There would be some short-term detrimental impact upon the local landscape character as the proposed landscape planting is maturing and the ground re-profiling works appear raw. This would be particularly noticeable in views from the public right of way to the north and in longer distance glimpsed views from the path network in the Bog to the east and southeast.

5.12 This is however primarily a landscape impact and not an impact upon the openness of the Green Belt as such. In the longer term the nature of the expanded site would again appear largely natural in form. The works result in the creation of a form of “designed landscape “for the purposes of sport and recreation. Indeed, the type of golf course involved is intended to retain a high degree of openness in order to properly function. As such bullet point e) of paragraph 150 to the Framework applies.

5.13 In terms of the five purposes of designation of the Green Belt the development is not specifically urban in character and would not lead to an encroachment into open countryside or a spread of urban sprawl as a golf course is an intrinsically rural use. At the same time the proposal would not harm the setting of the Historic City.

5.14 The development is therefore be seen as acceptable in Green Belt terms as it satisfies the requirements of paragraph 150 of the Framework, it preserves

openness as a core function of its purpose, and it does not give rise to any conflict with Green Belt purposes.

#### IMPACT UPON THE ECOLOGY AND BIODIVERSITY VALUE OF THE ASKHAM BOG SSSI AND ANCIENT WOODLAND AND THE SITE ITSELF.

5.15 Central Government Planning Policy as outlined in paragraph 180a) of the NPPF indicates that if significant harm to biodiversity cannot be avoided, adequately mitigated or as a last resorted compensated for then planning permission should be refused. Paragraph 180b) further indicates that development on land outside of SSSI but likely to have an adverse effect on it should not normally be permitted. Policy GI2 of the 2018 Draft Plan indicates that development should avoid significant harm to or loss of Sites of Importance for Nature Conservation. In view of the lack of substantive objection this is a Policy which should be afforded moderate weight in the planning balance.

5.16 The proposal falls with Schedule 2 to the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 and an Environmental Impact Statement highlighting a series of particular impacts in relation to the ecology and biodiversity of the adjacent SSSI and Ancient Woodland has been submitted to support the application. The Bog is a relict raised bog with a fen community grading to fen woodland including birch, alder and willow carr. A SINC (Site of Interest for Nature Conservation) known as Ring Road Pond lies outside of but in close proximity to both the application site and the SSSI and forms part of the wider newt habitat.

5.17 Prominent amongst the identified impacts is in respect of Great Crested Newts which surveys in 2017 found to be present in all four ponds within the application site with eggs suggesting a breeding population. These form part of the wider population in the adjacent raised bog. Harm may occur to the newt habitat during construction by virtue of the soil stripping and topographical changes disrupting the newt's foraging habitat. The hydrology of pond 4 would also be impacted disrupting its utility as a breeding pond through an increase in size and change in topography. The works will require a Natural England species licence to allow for local translocation of the breeding population.

5.18 Surveys also indicate the presence of five protected species of bat within the wider locality (including common pipistrelle, soprano pipistrelle, noctule whiskered Brandt's bat and brown long eared bat) forming part of the wider population associated with the SSSI/Ancient Woodland. Impacts as with breeding birds involve the loss of roosting habitat through vegetation clearance. Works involving clearing

vegetation will need to avoid the bird breeding season together with additional surveys to pinpoint features associated with bat roosting. In the event of features being found then Natural England species translocation licences will again be required.

5.19 In terms of the adjoining woodland habitat within the SSSI the immature plantation habitat provides functional linkages with the wider landscape. Potential effects include transfer of dust from the imported material into the wider landscape particularly the bog. This is addressed through the provision of silt fencing as requested by Natural England together with location of the material storage areas away from sensitive locations with regular monitoring of the material piles as they are worked. In the event of an incident occurring the surrounding area would be damped down in order to prevent spread of dust to sensitive areas.

5.20 Further potential risks involve the inadvertent introduction of invasive species through either contractor's equipment or through the imported material. The imported material is to be screened on arrival and would be rejected in the event of species being identified. In terms of contractors' plant detailed biosecurity measures would be put in place upon entry and exit from the application site to prevent contamination. The imported material is separately subject to the Environmental Permitting Regime by the Environment Agency under the Environment Act 2021.

5.21 In respect of risks to the water environment a detailed drainage system designed in collaboration with the Ainsty IDB including the formation of attenuation ponds which would reduce risks of siltation and pollution. Measures are including in the CEMP to deal with risks at the construction stage.

5.22 In terms of mitigations over and above those outlined the application site boundaries would be securely fenced and the root protection areas of trees to be retained protected from storage of materials, vehicles or equipment. The new wetland areas would provide additional and enhanced breeding habitat for the Great Crested Newt population. The removal of the golf course extension area from intensive agriculture and the creation of a network of new landscape planting would provide a corridor for wildlife to transfer into and out of the SSSI into the wider landscape.

5.23 The City Ecologist initially expressed concern in respect of the impact of the proposals upon the hydrology of the Bog, impacts upon the Great Crested Newt Habitat and the ability of the scheme to provide the minimum 10% Biodiversity Net Gain. Following on from the submission of further detail in respect of those aspects

those concerns have now been satisfactorily addressed and appropriate conditions recommended particularly in respect of a Local Ecological Management Plan.

5.24 The additional planting together with the wetland habitat which have been fully outlined in the amended scheme would satisfy the requirement for 10% Biodiversity Net Gain and would provide a satisfactory standard of mitigation in terms of the identified environmental effect. To avoid any conflict with Policy it is recommended that the mitigations be secured by conditions on any planning permission covering the Construction Environmental Management Plan (CEMP) and a complementary Local Ecological Management Plan (LEMP). With such measures in place the requirements of paragraph 180a) and b) of the NPPF would be complied with.

#### IMPACT UPON THE HYDROLOGY, DRAINAGE AND FLOOD RISK PATTERN OF ASKHAM BOG AND THE SURROUNDING AREA

5.25 Askham Bog comprises a lowland wetland habitat lying between two ridges of glacial moraine formed by the progressive infilling of a glacial lake with deposits of peat which were intermittently exploited in the Middle Ages. The outer edges of the Bog comprise a base rich fen woodland with the central area an acidic raised bog with a predominance of sphagnum. Water in the Bog comes from natural rainfall and from overflow from the Pike Hills Drain and from the Askham Bog drain. The presence of impermeable strata lead to conditions of perched ground water within the Bog. Previous periods of significant dessication within the Bog have led to a review of measures to retain water within the Bog and the disconnection of the network of internal water courses to both the Pike Hills and Askham Bog Drains.

5.26 Water flows from out of the Bog are ultimately removed to the Holgate Beck by means of the Moor Lane Pumping Station maintained by the IDB and incidents of flooding of the Bog in 2000 and 2007 occurred as a direct result of technical failure of the Pumping Station.

5.27 The submitted EIA identifies that there are no harmful issues in terms of water chemistry generally within the Bog other than in two localised areas to the south where chemicals associated with road gritting of the A64 are intermittently present and to the north and north west where significant levels of nitrates associated with the use of fertilizer in the area of proposed phase 1a) of the scheme and the Askham Bog drain can be noted. This may be properly mitigated by the careful implementation of the Phase 1a) works.

5.28 Risks in terms of the development include reductions in water flows into the strata below the bog responsible for maintaining its dampness. There are also risks associated with potential leeching of contaminated flows into catchment during or

after construction and/or adverse changes in soil chemistry. In a severe rainfall event suspended solids from either the stored material or construction equipment could enter the catchment leading to potential pollution or reductions in flows. That would be mitigated against by the creation of contained working areas and suitable standoff areas and silt fencing identified in section 10 of the submitted CEMP.

5.29 To maintain even flow of water into the Bog it is envisaged to create three attenuation basins whose purpose is to regulate the flow of water from the area of the development to the SSSI. Two would be lined with material compatible with the existing sub-surface geology and the third (that associated with phase 1a) would remain unlined. This is to ensure a continued flow of surface water to the sub-surface strata responsible for maintaining the level of water in the Bog.

5.30 Objection had initially been made by Front Line Flood Risk Management to the third attenuation basin covering phase 1A being left unlined following the undertaking of infiltration tests which showed an inhibited performance in terms of water draining away. However, following further detailed discussion and the receipt of expert advice in respect of hydrology supplied to the Yorkshire Wildlife Trust as manager of the SSSI it is felt that the basin has an important function in feeding water via the Askham Bog Drain through to the SSSI and should therefore be left unlined.

5.31 The package of measures are intended as part of a wider package to secure a better ecological connection with areas surrounding the Bog whilst seeking to arrest the drying out of its central area by securing a more regular level of water flow.

5.32 Both Natural England and the Yorkshire Wildlife Trust as bodies responsible for managing the SSSI accept the premise behind the drainage design for the scheme and its impact upon the Bog. In order to safeguard the hydrology of the Bog and so its biodiversity they ask for a number of specific conditions as part of the planning permission, which have been recommended below. These cover a materials specification for the material brought in, to minimise risk of pollution. Also recommended are a water management plan which would secure the continued flow of a chemically balanced supply into the bog without risk of drying out or flooding. With the proposed mitigations in place together with associated planning conditions the proposal is felt to be acceptable in terms of its impact upon hydrology.

## IMPACT UPON THE LANDSCAPE AND VISUAL CHARACTER OF THE SURROUNDING AREA

5.33 Central Government Planning Policy as outlined in paragraph 130c) of the NPPF indicates that planning decisions should create developments which are

sympathetic to local character and history including the surrounding built environment and landscape setting. Policy D2 of the 2018 Draft Plan indicates that developments would be supported where they conserve and enhance landscape quality and character. The Policy has not been subject to substantive objection through the Local Plan process and so should be afforded moderate weight in the planning balance.

5.34 The re-profiling would increase levels locally by up to 4.5 metres both in the area of the proposed extension and the existing course. The submitted scheme has been supported by a LVIA or Landscape and Visual Impact Assessment subject to the appropriate methodology.

5.35 The proposed works would involve the stripping of existing soils and some areas of semi-mature landscape planting within the area of the existing course and the field boundaries of the arable land in the extension area. The existing landscape profile is gently rolling with large areas of relatively flat landscape. The proposed scheme would result in a more visually varied and undulating landform with significant effects in the short to medium term with the newly re-profiled landscape appearing raw until the new areas of planting have had chance to mature. This would be particularly prominent in short and medium distance views from the public footpath running parallel with the site to the north in the vicinity of Eastfield Farm. Longer distance views from Moor Lane Acomb to the northeast and from within the publicly accessible areas of the SSSI to the east would be less significant with the intervening topography and vegetation giving a greater degree of protection.

5.36 A concern, taking account of the relatively remote countryside location is the siting of the construction site compound with associated fencing and security lighting. The submitted CEMP contains protocols restricting the impact of the compound upon the visual amenity of the surrounding area together with measures to limit the effect of the associated security lighting. In order to further mitigate harm it is recommended that any permission be conditioned to require the submission and prior approval of full details of the proposed compound including location, layout, duration, fencing and any lighting.

5.37 The landscaping of the scheme has been re-designed since submission of the application in order to enhance the level of mitigation with a change to areas of planting and areas of earthworks to blend in more noticeably around the boundaries of the site. In the longer term the nature of the golf club and its environs would however appear to be manufactured in contrast to the existing more naturalistic farmed landscape. In the longer-term harm would diminish as the landscaping matures and the earthworks visually bed in. It would still however appear as a

“designed landscape” albeit not to the extent that there would be material harm to wider landscape character. Similarly, the loss of areas of tree planting within the existing golf course would cause some locally significant harm to the wider landscape. However, in the longer term that harm would diminish as the new planting matures with significant new areas of planting around the scheme boundaries.

5.38 The nature of the proposed works would clearly give rise to some short-term harm in terms of landscape character which would be locally significant. The proposed replacement planting over the longer term provides an acceptable standard of mitigation which can be secured by means of condition securing a landscape scheme on any permission. On balance when fully implemented it is felt that the proposal would comply with the requirements of paragraph 130c) of the NPPF and Policy D2 of the 2018 Draft Plan.

#### IMPACT UPON LOCAL AIR QUALITY

5.39 Impacts to local air quality have been identified as a particular issue with the development specifically in respect of dust generation which may cause harm to both the functional operation of the golf course which would continue to operate on a reduced level over the duration of the works as each phase and also the sensitive environment of the adjacent Bog. There are no residential properties within the direct vicinity. The nearest property not connected with the Golf Course is some 327 metres away at its closest point.

5.40 Dust emissions have the potential to introduce pollutants both chemical and biological to the SSSI as well as altering its pH in local areas and if left unchecked leading to localised drying. The submitted CEMP contains a number of detailed measures to address the potential generation of dust both in respect of the transport and storage of the material to be used for the re-grading and landscaping work and also in terms of the activity of the plant undertaking the work.

5.41 Mitigation measures are proposed in terms of storage of material on site. Only the material required to be used for a day’s activities on site would be transported and stored. Individual stockpile heights would be minimised as would drop heights when material is unloaded. Each of these measures would minimise the risk of accidental dispersion into the surrounding area. When dust is seen to be present within the working area the stockpiles and working surfaces will be dampened down regularly. Any material to be left on site for a prolonged period would be seeded or otherwise conditioned. In terms of working processes only the area to be worked on at a particular day would be stripped with material deposited being compacted as

soon as possible after placement. Internal haul roads would be given a hard-core surface and would be clearly marked with regular maintenance and damping down in the event of prolonged dry weather.

5.42 In the event of dust being found to be migrating out of the site an action plan would be put into operation. This is covered within the submitted CEMP which is then secured by means of a recommended condition. That involves the temporary reduction or cessation of operations together with the damping down or otherwise treatment of source areas. Visual examination would take place at the site boundary to determine the nature and extent of any overspill with operational practises modified in order to prevent any likely recurrence.

5.43 Public Protection are supportive of the proposed measures in respect of air quality although they question the potential for previous land contamination to have taken place. The land in question is presently agricultural land predominantly in arable cultivation. The end land use is also defined as being less vulnerable in terms of harm from land contamination. The need for further examination of potential contamination is not therefore felt to be necessary.

5.44 It is felt that that the mitigation measures contained within the submitted CEMP are acceptable in order to address the issue and may be secured by means of condition as part of any planning permission. These would in turn parallel any similar requirements of the Environmental Permit issued by the Environment Agency.

#### IMPACT UPON NOISE AND VIBRATION IN THE LOCALITY.

5.45 Central Government Planning Policy as outlined in paragraph 130f) of the NPPF indicates that planning decisions should create places with a high standard of amenity for all existing and future users. Policy ENV2 of the 2018 Draft Plan indicates that development proposals for uses which are likely to have an environmental impact upon the amenity of the surrounding area including residential amenity, open countryside, local character and distinctiveness must be accompanied by evidence that the impacts have been evaluated and that the proposal would not result in any loss of character, amenity or damage to human health. This policy is not subject to outstanding objection and can therefore be afforded moderate weight in the planning balance.

5.46 The submitted EIA considers both noise and vibration effects from the proposed works through surveys and associated modelling during likely operating hours. Effects can include the sound of material being tipped and compacted together with the movement of equipment through the site. As a result of the distances involved no impacts in terms of vibration have been identified or are



envisaged in respect of neighbouring properties during the duration of works. In terms of noise levels very modest increases are identified at locations to the south and southeast during the later phases of the work. The small impacts can be effectively mitigated for by means of a condition attached to any planning permission restricting operating hours to standard times. The submitted CEMP also allows for the erection of acoustic fencing close to the boundary of the site with the A64 during works relating to the later phases of the works to lessen the risk of cumulative impacts on properties to the south and southeast. 5.47 Public Protection have indicated previously that subject to a condition restricting the timing of “noisy work” then the proposals are felt to be acceptable in terms of noise impacts.

5.48 The proposed mitigations are considered to be acceptable, and the proposal therefore complies with the requirements of paragraph 130f) of the NPPF and Policy ENV2 of the 2018 Draft Plan.

#### IMPACT UPON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS

5.49 Central Government Planning Policy as outlined in paragraph 111 of the NPPF indicates that development should only be prevented or refused on highway grounds if there would be an unacceptable impact upon highway safety or the residual cumulative impacts on the road network would be severe. Policy T1 of the 2018 Draft Plan indicates that development will be supported where it minimises the need to travel and provides safe, suitable and convenient access to all transport users to and within it.

5.50 The application site is presently accessed via the A64 by means of an access which dates from the establishment of the Club in the late 1940s and which falls significantly below modern standards in terms of its width configuration and gradient and is unsuitable for the reception of HGVs. A temporary construction site access is therefore envisaged taking traffic from the A1237 to the northwest for each phase of the development. This is recommended to be conditioned in terms of its design and layout together with details of its reinstatement following completion of the development. A detailed Transport Statement has been submitted to outline and provide justification for the proposed arrangements.

5.51 The submitted Transport Statement envisaged the formation of a separate access for each phase with a peripatetic site compound associated with it. The scheme has however been amended to create a single construction site access for the duration of the development. Concerns have previously been expressed by Highway Network Management in respect of the capacity of the access design to be able to accept the likely types of HGV entering and leaving simultaneously. The

revised design now allows for construction traffic to enter and leave the site from the A1237, taking account of its characteristics without harming other road users.

5.52 In terms of likely traffic flows it is envisaged that there would be four staff based on site to operate reception of the tipped material and to undertake the reconstruction work at any one time. This would generate some 12 vehicle movements per day. In terms of HGV movements, it is envisaged that the majority of movements would take place during phase 1a) when the golf course extension is being implemented. Modelling suggests that an additional 60 HGV arrivals per day would be generated rising to 120 at peak times of construction. At peak times this would equate to 12 two-way movements or an additional HGV every 5 minutes. The A64 /A1237 junction and its associated slip roads can come under particular pressure at peak times and National Highways are keen to ensure that that movements do not exceed the modelled figure. A restriction on the level of construction traffic entering and leaving the site at peak times in order to minimise the risk of conflict with vehicles using the slip road on to the A64 is included as part of the Method of Works condition to the planning permission.

5.53 Subject to any permission being conditioned to secure the access design and an appropriate Method of Works Statement then the proposal is considered to be appropriate in Highway terms and the requirements of paragraph 111 of the NPPF and Policy T1 of the 2018 Draft Plan have been complied with.

## **6.0 CONCLUSION**

6.1 The proposal seeks to remedy existing difficulties in terms of provision of facilities and the quality of surface water drainage at the existing golf course by building upon an earlier consent from 2014 which has not been fully implemented. This involves the full implementation of the previously approved extension and the importation of approximately 350,000 cubic metres of inert soils which together with new landscape planting would re-profile the existing playing surface. The proposed development would not be inappropriate in Green Belt terms. If conditioned in detail as part of any planning permission the proposed construction site access from the A1237 is felt to be appropriate. The submitted details within the EIA and supplementary information demonstrate that the biodiversity value and hydrology of the adjacent SSSI and Ancient Woodland can be safeguarded. Notwithstanding short-term harm it is felt that the impact of the proposal upon the landscape and visual character of the wider area once the new tree planting is mature would be acceptable. It is felt that the requirements of paragraphs 180a) and b) of the NPPF in respect of development and areas of biodiversity value would be complied with.

6.2 The proposal is subject to an Environmental Impact Assessment under Schedule 2 of the 2017 Environmental Impact Assessment. Impacts in respect of

ecology and nature conservation, noise and vibration, air quality, hydrogeology, flooding and drainage and landscape and visual appearance are all covered in the associated Environmental Impact Statement. With the appropriate mitigations outlined together with associated draft conditions the proposal is felt to be acceptable in planning terms and approval is recommended.

**7.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

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

Drawing Refs :2134-01-ATR01 SWEPT PATHS  
P22-132-3E-XX-XX-DR-C-5000-P03 SECTION 278 LAYOUT  
P22-132-3E-XX-XX-DR-C-5100-P02 VEHICLE TRACKING  
GGD-254-2951B CROSS SECTIONS 1  
GGD-254-2950B CROSS SECTIONS 2  
GGD-254-2946G EARTHWORKS PLAN  
GGD-254-2789F ISOPACHYTE PLAN  
GGD-254-2787H LANDSCAPE PLAN  
GGD-254-2945 1A D PHASE 1A PLAN  
GGD-254-2945 1B D PHASE 1B PLAN  
GGD-254-2945 1C D PHASE 1C PLAN  
GGD-254-2945 1D PHASE 1D PLAN  
GGD-254-2782 G SURFACE WATER MANAGMENT PLAN  
GGD-254-2709 M SITE MASTER PLAN  
J000031-SK03 JUNCTION WITH A1237 GENERAL LAYOUT

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

3 Construction vehicle access shall be from the A1237 and details of the design of this access, together with associated sightlines, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety.

4 Prior to the development coming into use, the initial 10m of the vehicular access, measured from the back of the public highway, shall be surfaced, sealed and positively drained within the site. Elsewhere within the site all areas used by vehicles shall be surfaced and drained prior to their first use, in accordance with details that shall be first submitted to and approved in writing by the Local Planning

Authority.

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

5 Prior to the commencement of the use hereby approved, provision shall be made within the site for accommodation of delivery/service vehicles in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

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

6 A three stage road safety audit carried out in line with advice set out in GG119 Road safety audit (formerly HD 19/15), and guidance issued by the Council, will be required for the junction for the proposed temporary access off the A1237 York Outer Ring Road. Reports for Stages 1 and 2 must be submitted to and agreed in writing by the Local Planning Authority prior to works commencing on site. The Stage 3 report must be submitted to and agreed in writing by the LPA Local Planning Authority prior to occupation.

Reason: To minimise the road safety risks associated with the changes imposed by the development.

7 A construction traffic management plan (CTMP) / detailed method of works (MoW) 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. This may be submitted either as a discrete section of a Construction Environmental Management Plan or as a standalone document. The approved CTMP/MoW shall be adhered to throughout the construction period. The CTMP/MoW shall include at least the following information:

- measures to prevent the egress of mud and other detritus onto the adjacent public highway, and measures to remove any such from the highway if deposited thereon.
- a dilapidation survey jointly undertaken with the local highway authority.
- expected traffic movements (vehicle types and numbers per day) for construction traffic
- the routing for construction traffic that will be promoted.
- a scheme for signing the promoted construction traffic routing
- where contractors will park.
- where materials will be stored within the site.
- contact details of the site contractor in the event of complaint and
- mechanism for review at the end of each construction phase.
- a maximum of 12 two-way trips by HGVs into and out of the site at peak hours

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

8 The hours of operation of construction shall be confined to 8am to 6pm Mondays to Fridays, 9am to 1pm Saturdays, and no working on construction on Sundays and Bank Holidays.

Reason: To safeguard the amenities of adjoining occupants.

9 The development hereby authorised shall be undertaken in strict accordance with the mitigation measures contained within the Pike Hills Golf Club Improvements Construction Environment Management Plan Vs3 Dated February 2023.

Reason: To safeguard the amenity of neighbouring properties and to safeguard the biodiversity of the Askham Bog SSSI and Ancient Woodland in accordance with paragraph 180 of the NPPF

10 In respect of Phase 1A of the development hereby authorised a programme of post-determination archaeological evaluation is required on this site.

The archaeological scheme comprises 3-5 stages of work. Each stage shall be completed and agreed by the Local Planning Authority (LPA) before it can be approved.

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

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

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

D) Where archaeological features and deposits are identified proposals for the

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

E) No development shall take place until:

- details in D have been approved and implemented on site
- provision has been made for analysis, dissemination of results and archive deposition has been secured
- a copy of a report on the archaeological works detailed in Part D should be deposited with City of York Historic Environment Record within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: The site lies within an area of archaeological 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.

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

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.

12 Vegetation clearance and re-profiling works within phases 1B, 1C and 1D of the construction works shall not in any circumstances commence unless the local planning authority has been first 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 Great crested newt Mitigation Class licence (formally Low Impact Class Licence) issued by Natural England; or
- d) a countersigned IACPC certificate issued by Natural England, stating the site is eligible for District Level Licencing.

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).

13 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 approved LEMP will be implemented in accordance with the approved details and all the measures shall thereafter be permanently retained if required. The content of the LEMP shall include if required :-

- i) Framework for the monitoring of ecological features, target condition and remedial measures.
- ii) Ecological trends and constraints on site that might influence management.
- iii) Aims and objectives of management.
- iv) Appropriate management options for achieving aims and objectives.
- v) Prescriptions for management actions.
- vi) Preparation of a work schedule.
- vii) Details of ongoing monitoring, reporting and remedial measures.
- viii) Details of the body or organisation responsible for implementation of the plan.
- ix) Ongoing monitoring and remedial measures.
- x) Details of the legal and funding mechanisms in place to secure long term monitoring and management for a period not less than 30 years.
- xi) Establish BNG monitoring and reporting programme. As a minimum, the monitoring programme should include:
  - a) Confirmation of the number of Biodiversity Units present based on a survey at an appropriate time of year and how this compares to the target units.
  - b) Where target conditions for units are not yet met, the provision of an assessment of time to target condition for each habitat and any changes to management that are required.

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.

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

14 Prior to the commencement of the development hereby authorised a scheme for regular monitoring of the materials imported for the re-grading works hereby authorised including their content and pH shall be submitted to and approved in

writing by the Local Planning Authority. In the event of invasive species or significant variations in pH being identified works in respect of the affected area shall immediately cease and remediation be undertaken of the harm identified to the written satisfaction of the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the scheme thereby approved for its entire duration.

Reason: To safeguard the biodiversity of the Askham Bog SSSI and Ancient Woodland and to secure compliance with paragraph 180 of the NPPF

15 Prior to the commencement of the development hereby authorised a detailed water management plan demonstrating how surface water from the development site will be discharged through Askham Bog including points of discharge, monitoring of water pH, flow rate and the means to prevent additional flooding/draw down of polluted water from the area of the approved works, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details approved and maintained as such thereafter.

Reason: To safeguard the biodiversity of Askham Bog SSSI and Ancient Woodland and to secure compliance with paragraph 180 of the NPPF.

16 Prior to the commencement of development on site beyond site clearance works full details of the construction site compound including its location relative to adjacent mature landscaping, servicing, fencing, lighting, location of parking and storage areas, duration on site and programme of restoration shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason: To safeguard the character of the surrounding landscape and to secure compliance with Policy GI4 of the Draft City of York Local Plan (2018)

17 Prior to the commencement of the development beyond site clearance works a detailed surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented to the written satisfaction of the Local Planning Authority before the development is first brought into use.

The following criteria should be considered in respect of the disposal of surface water:

- i) The suitability of soakaways as a means of surface water disposal should first be ascertained in accordance with BRE Digest 365 or other suitable methodology
- ii) If soakaways are not suitable then discharge of surface water to a water course



directly or indirectly may be considered.

iii) Discharge would be taken at the "greenfield" rate of 1.4 litres per second per hectare.

iv) Storage volumes should accommodate a 1 in 30-year event with no surface flooding and no overland discharge in a 1 in 100-year event. A 30% allowance for climate change should be included in all calculations. A range of durations should be used to establish the worst-case scenario.

Reason: To ensure that the site is provided with satisfactory means of drainage and to reduce the risk of flooding.

18 A flat strip of land 9 metres wide adjacent to the top of the embankment of the watercourse known as the Askham Bogs Drain (which is maintained by the Ainsty (2008) Internal Drainage Board under the 1991 Land Drainage Act) shall be kept clear of all new walls, buildings, fencing or planting unless first agreed in writing by the Local Planning Authority.

Reason: To maintain access to the watercourse for maintenance and improvement purposes.

19 The development shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of 15 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

20 Before the commencement of development (including any excavations e.g., for related utilities), a complete and detailed Arboricultural Method Statement (AMS) and a corresponding Tree Protection Plan (TPP) regarding protection measures for existing trees within and adjacent to the application site shown to be retained on the approved drawings, shall be submitted to and approved in writing by the Local Planning Authority. Amongst other information, this statement shall include details and locations of protective fencing, phasing of protection measures, ground protection, a schedule of tree works if applicable, site rules and prohibitions, specialist installation and construction techniques, parking arrangements for site vehicles, locations for stored materials, and means of moving materials around the

site, locations and means of installing utilities, location of site compound. The document shall also include methodology and construction details where a change in surface material and edging is proposed within the root protection area of existing trees.

The document shall include a scheme of arboricultural supervision to ensure that a suitably qualified arboriculture consultant shall supervise site investigations, and specialist excavations, installation and construction techniques where these are located within the recommended root protection areas of the existing trees shown to be retained on the approved plans. Before works start on site, the contact details of the appointed arboriculture consultant shall be submitted in writing to the local planning authority.

The content of the approved AMS and TPP document shall be strictly adhered to throughout development operations. A copy of the document will be available for reference and inspection on site at all times.

Reason: To ensure every effort and reasonable duty of care is exercised during the development process to protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of this area and/or development.

21 Prior to the commencement of the development hereby authorised full details of a monitoring and reporting scheme in respect of incidents impacting upon the management of the Askham Bog SSSI during the process of construction shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason: To safeguard the biodiversity value of the Askham Bog SSSI and to secure compliance with paragraph 180 of the NPPF.

## **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:

i) Sought amendment of the temporary access layout with the A1237 to ensure that vehicles can safely enter and leave in a forward gear.

ii) Sought to the provision of appropriate dust fencing to prevent imported material drifting on to the adjacent SSSI

iii) Sought submission of a surface water drainage scheme that would secure the through put of surface water into the adjacent SSSI without damaging its delicate ecology.

iv) Sought appropriate boundary planting to ensure that the new golf course areas properly blend into the surrounding countryside.

## 2. HIGHWAY WORKS:

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

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

- Works in the highway (Section 171) - streetworks@york.gov.uk

- Temporary highway closure (Road Traffic Regulation Act 1984, Section 14)  
highway.regulation@york.gov.uk

## 3. CONTACT UTILITIES:

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

## 4. 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. Suitable habitat is likely to contain nesting birds between 1st March and 31st August inclusive. As such 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 the nesting bird activity on site during this period and has shown it is certain that nesting birds are not present.

## 5. ASKHAM BOG DRAIN:

The development lies within the area of responsibility of the Ainsty (2008) Internal

Drainage Board. The Askham Bogs Drain is maintained by the Board under the permissive powers conferred by the 1991 Land Drainage Act. The responsibility for the maintenance of the watercourse and its banks ultimately rests with the riparian owner.

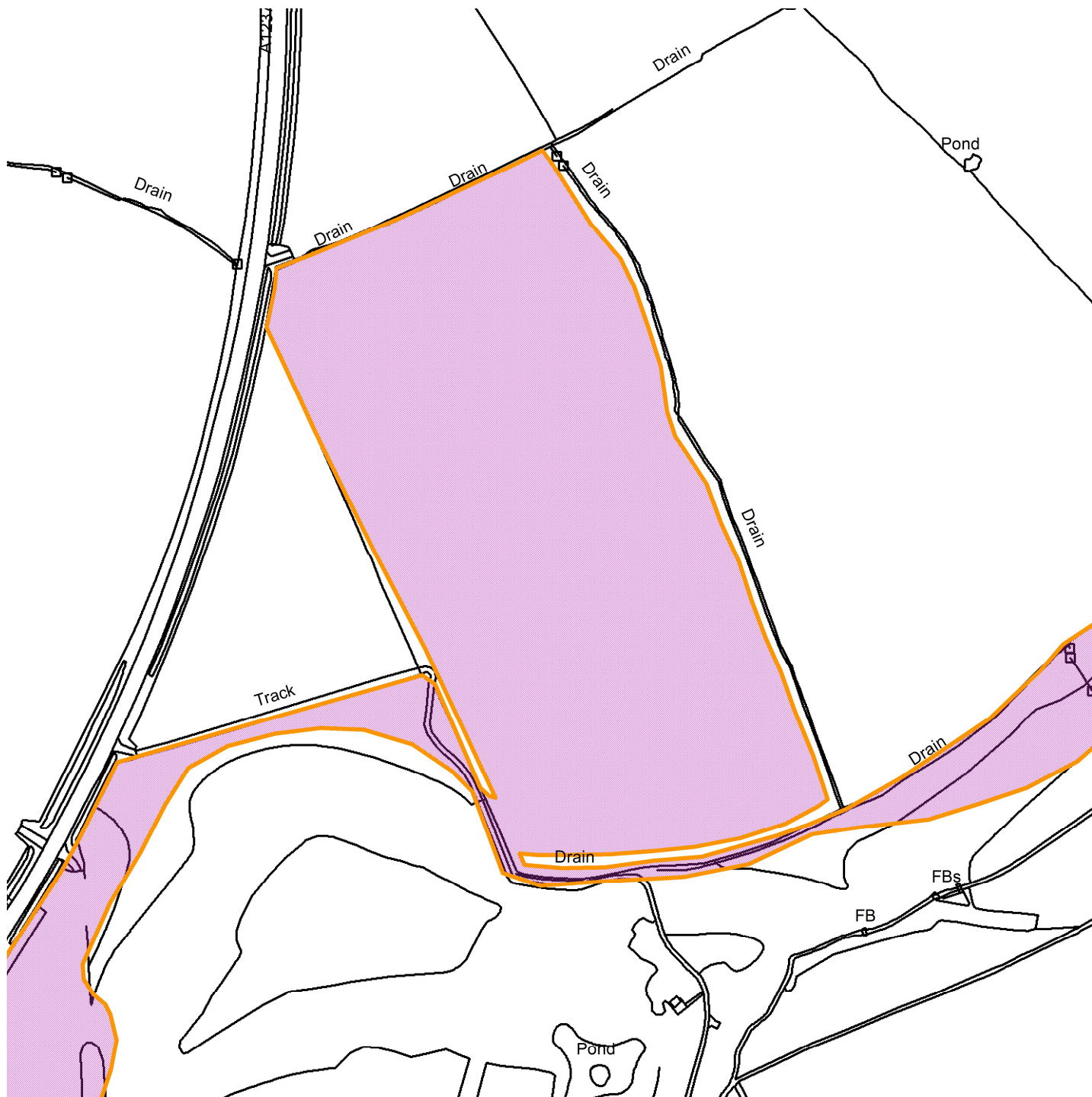
**Contact details:**

**Case Officer:** Erik Matthews

**Tel No:** 01904 551416

# Pikehills Golf Club, Tadcaster Road, Copmanthorpe

22/01074/FULM



Scale : 1:3247

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<b>Organisation</b>	City of York Council
<b>Department</b>	Directorate of Place
<b>Comments</b>	Site Location Plan North
<b>Date</b>	26 September 2023
<b>SLA Number</b>	Not Set

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# Pikehills Golf Club, Tadcaster Road, Copmanthorpe

22/01074/FULM



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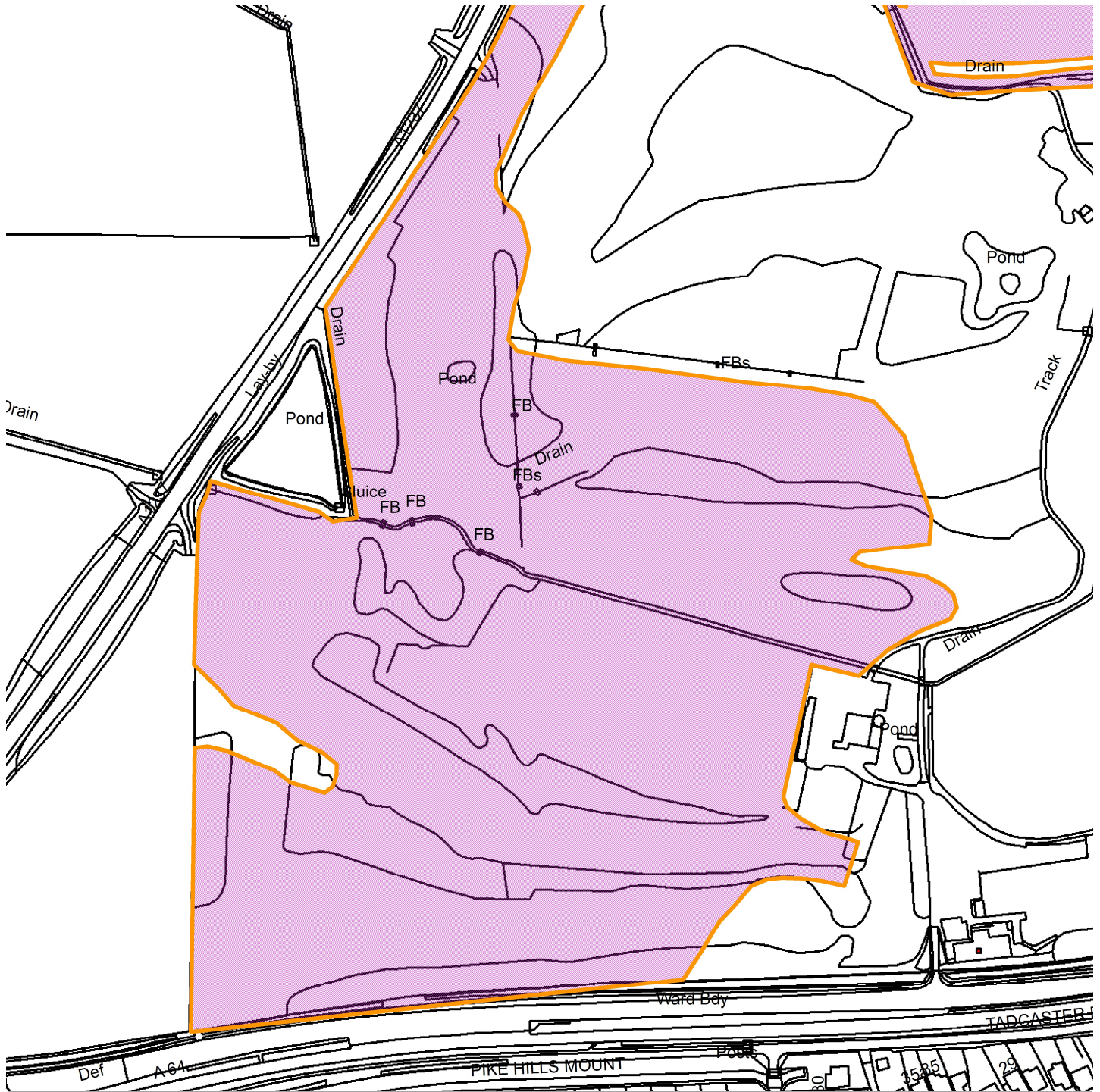
<b>Organisation</b>	City of York Council
<b>Department</b>	Directorate of Place
<b>Comments</b>	Site Location Plan East
<b>Date</b>	26 September 2023
<b>SLA Number</b>	Not Set

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# Pikehills Golf Club, Tadcaster Road, Copmanthorpe

22/01074/FULM



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<b>Organisation</b>	City of York Council
<b>Department</b>	Directorate of Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	26 September 2023
<b>SLA Number</b>	Not Set

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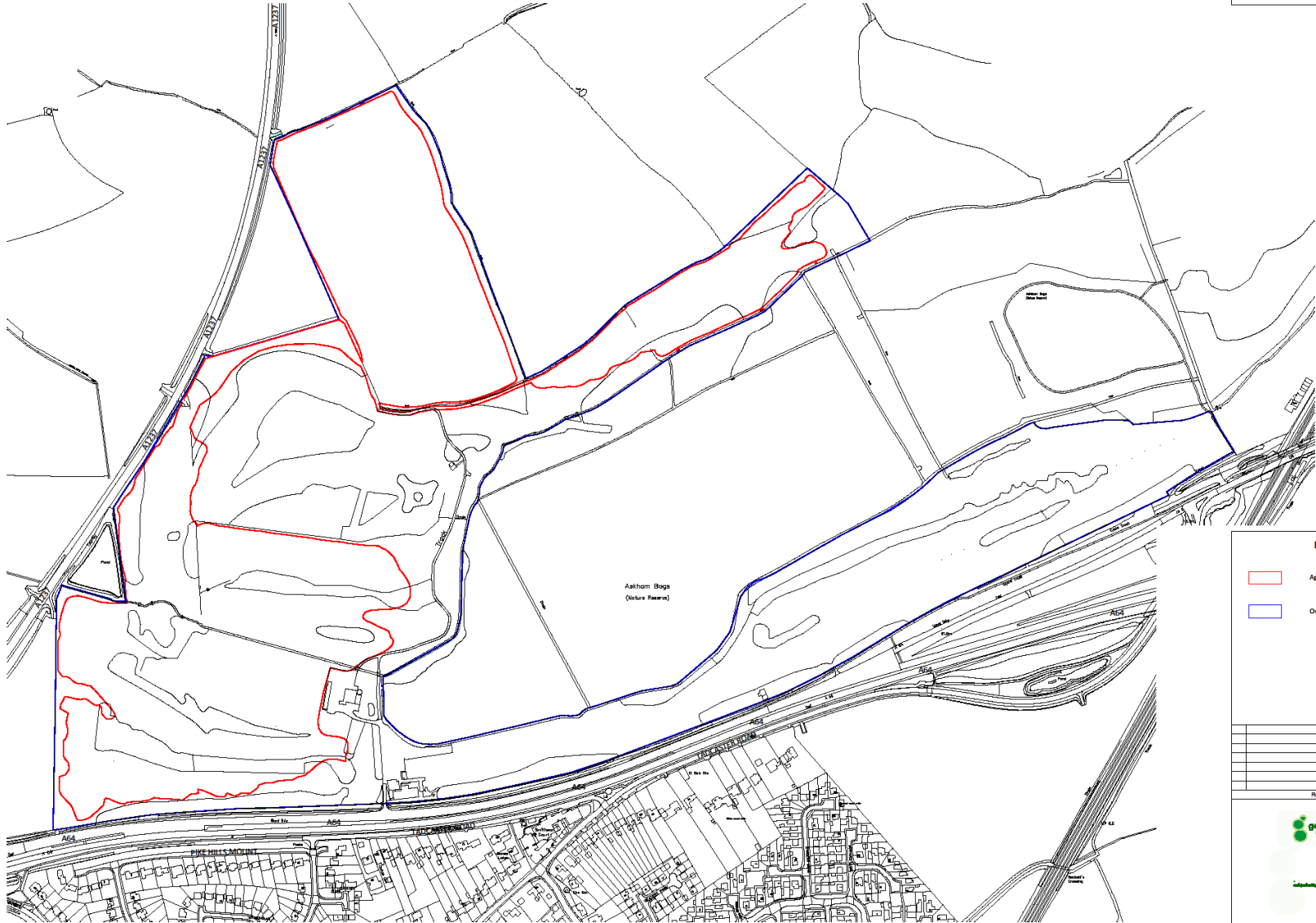
# Planning Committee A

To be held on 5<sup>th</sup> October 2023

# 22/01074/FULM – Pikehills Golf Club, Tadcaster Road, Copmanthorpe, York

Redevelopment of the Pike Hills Golf Course involving importation  
and grading of soils

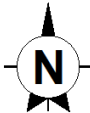
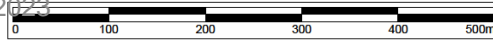
# Site Location Plan



Legend:

	Application Boundary (231632 m <sup>2</sup> )
	Ownership Boundary (492550 m <sup>2</sup> )

Revision History	



Client:	Pike Hills Golf Club		
Project:	Course Improvements		
Drawing:	Location Plan		
Drawn By:	G.P.	Drawn Date:	4th Sept 2018
Scale:	1:25000:0A1	Revised:	1st April 2022
Drawing No.:	GDP-256-2824	Revision:	C 1 of 1



### Askham Bog Outer Area



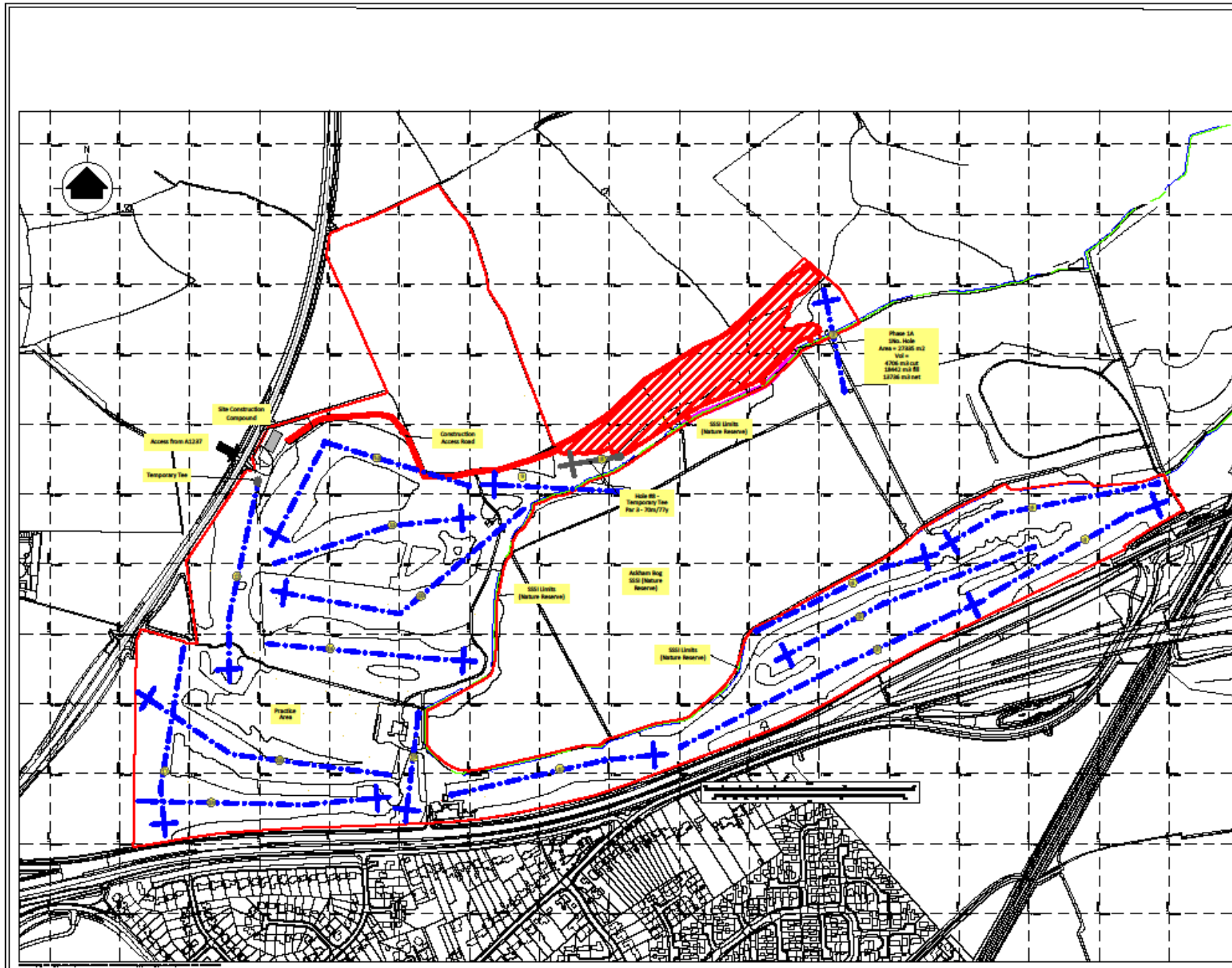


Existing Fairway



Waterlogging at Hole 4

# Phase 1A Plan



**Legend:**

- Reshaped green surrounds
- New/reshaped green
- New/reshaped bunker
- New/reshaped pond
- New/reshaped fairway
- Woodland man
- Tree planting
- Cartpath
- Hole No.
- New Centreline
- New tee

**Legend temporary course layout:**

- Hole play line (existing)
- Hole play line (temporary)

Revision History

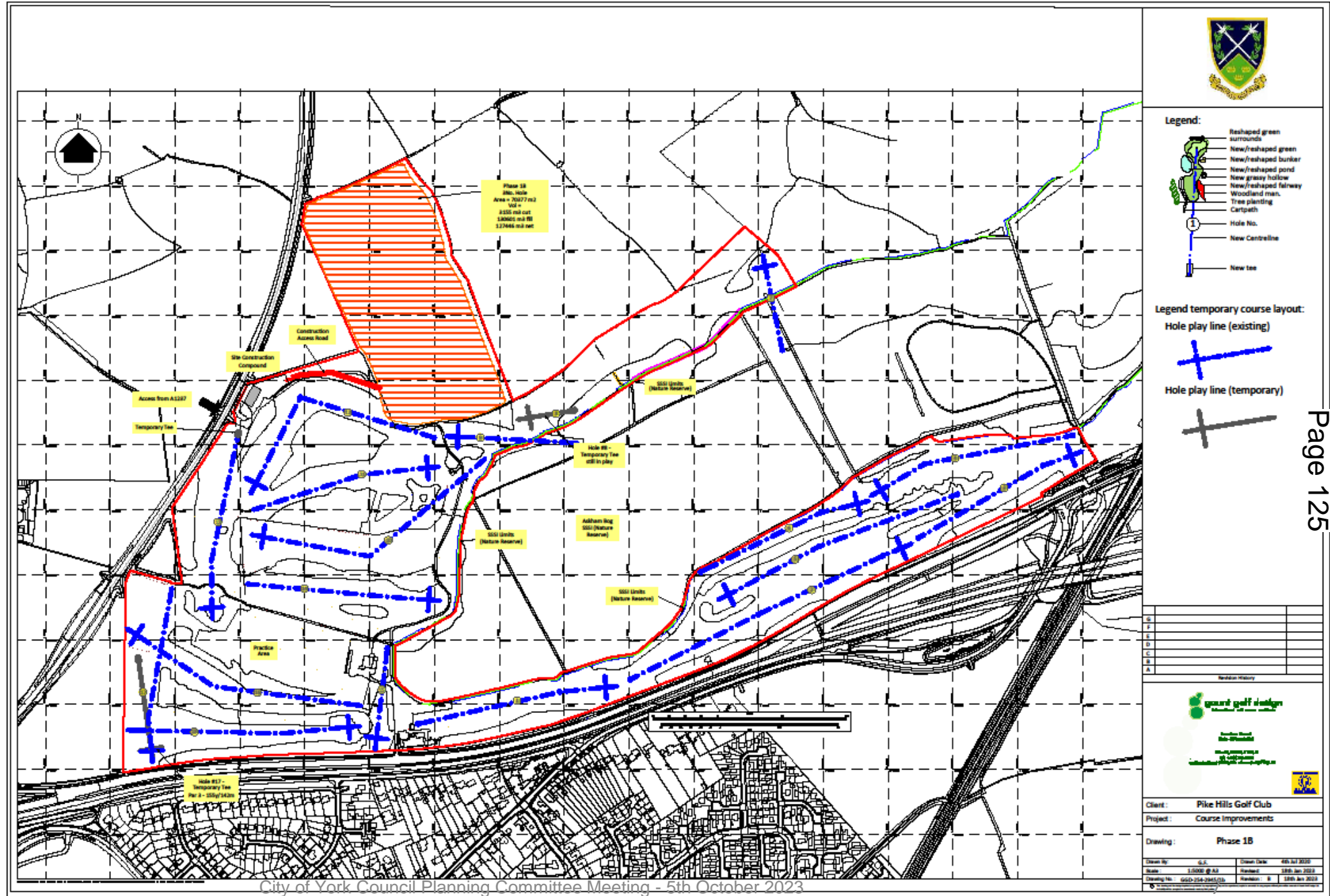
**ground golf design**  
Golf Course Design & Construction

Client: Pike Hills Golf Club  
Project: Course Improvements  
Drawing: Phase 1A

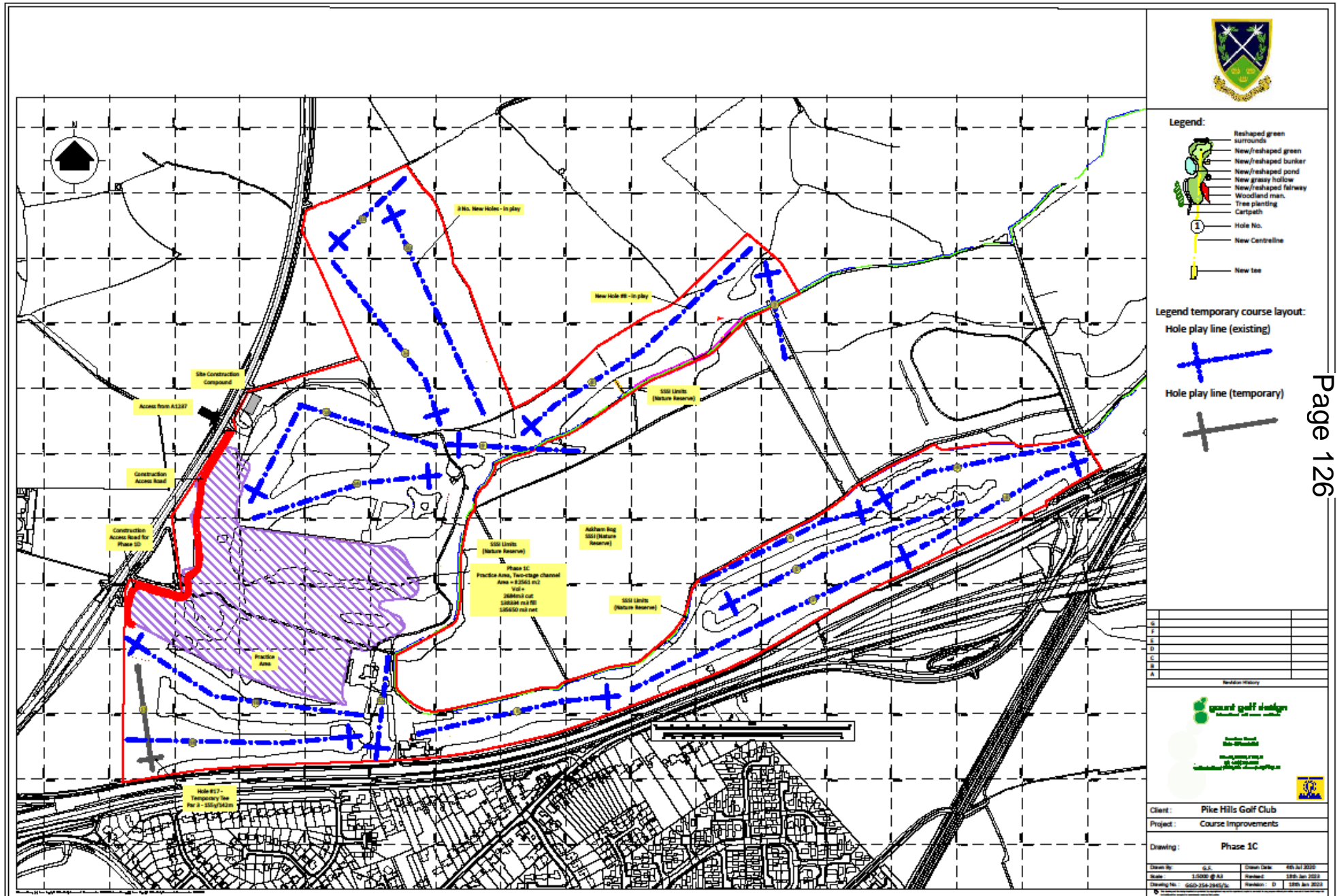
Drawn By: G.S.	Check Date: 04/11/2022
Scale: 1:5000 @ A3	Revised: 18/10/2023
Printing No: 0400-224-2462/24	Revision: 0
	10th Oct 2023



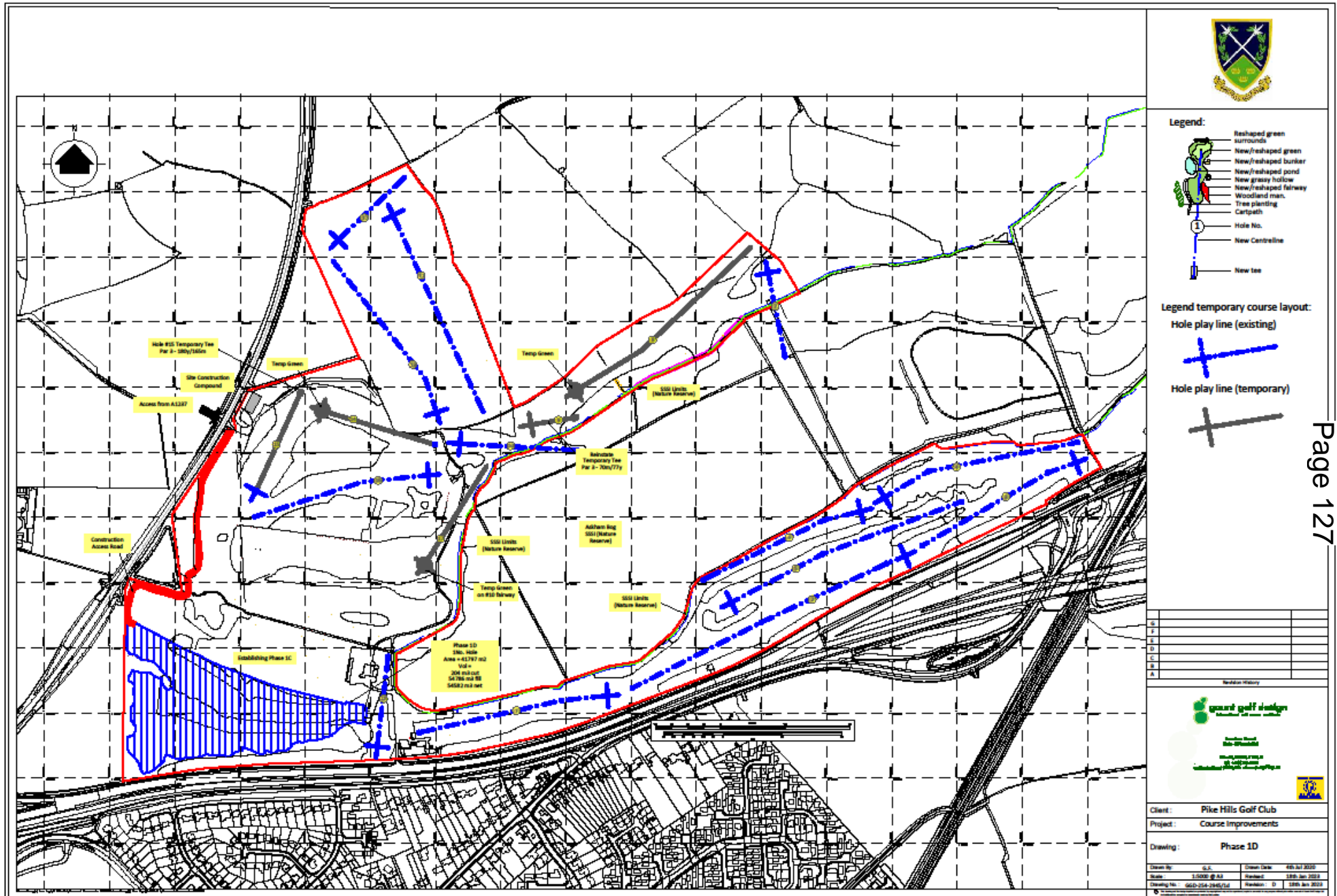
# Phase 1B Plan



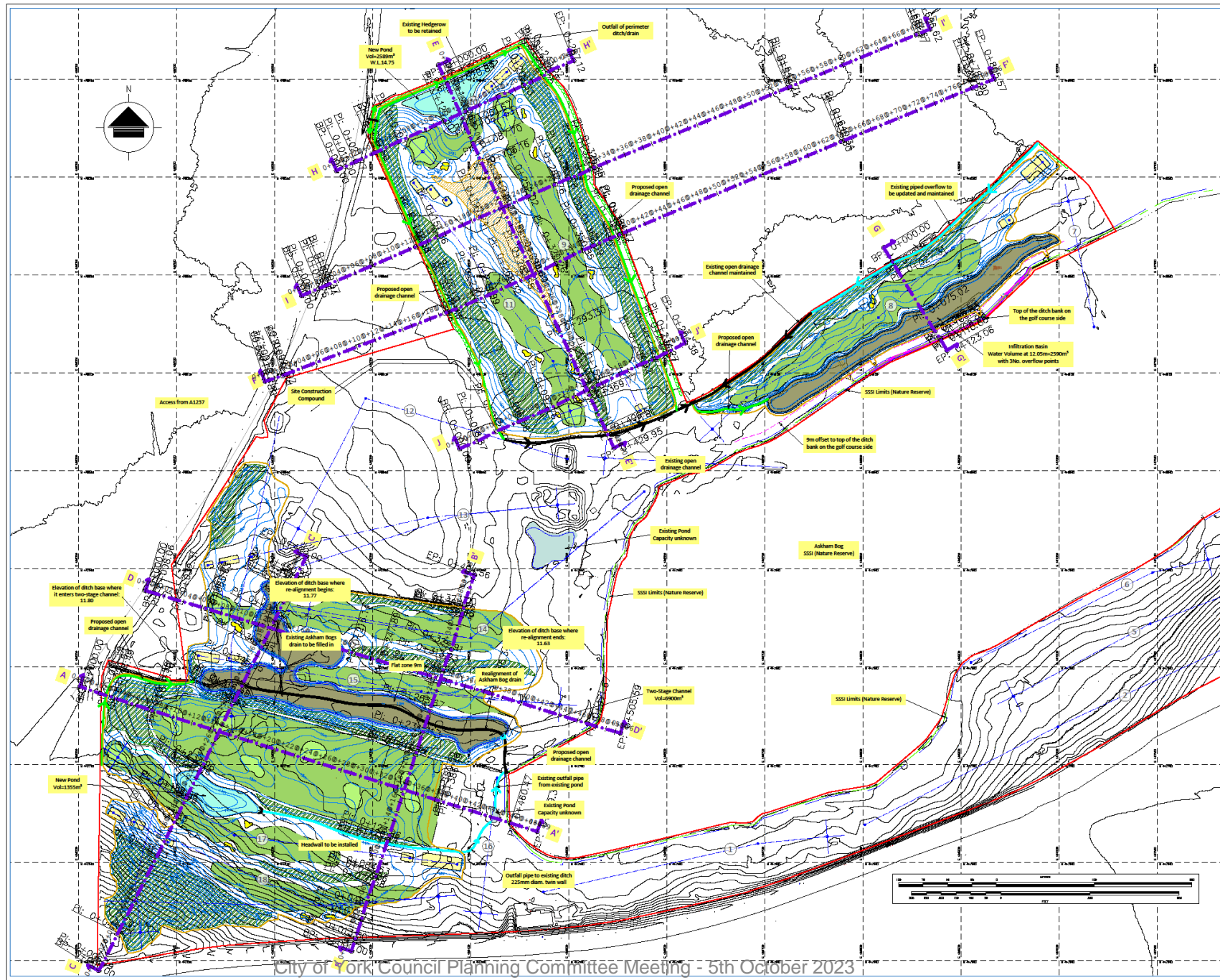
# Phase 1C Plan



# Phase 1D Plan



# Earth Works Plan



- Legend:**
- Reshaped green surrounds
  - New/reshaped green
  - New/reshaped bunker
  - New/reshaped pond
  - New grassy hollow
  - New/reshaped fairway
  - Woodland man
  - Tree planting
  - Cartpath
  - Hole No.
  - New Centreline
  - New Tee

- Cross section lines
- Top of the ditch bank on the golf course side
- Extent of earthworks
- Existing open drainage channels
- Proposed open drainage channels
- Proposed Contours
- Direction of surface water flow
- Piped Outfall
- Headwall

Revision	Description	Date
G	Revised planting	18.01.2023
F	Revised cross sections F-F' and I-I'	06.01.2023
E	New cross sections	09.11.2022
D	Contour design amendments, added tree survey	14.11.2022
C	Contour design & Phasing amendment	28.03.2022
B	Contour design amendment	26.07.2020
A	Phasing sequence changed	01.07.2020



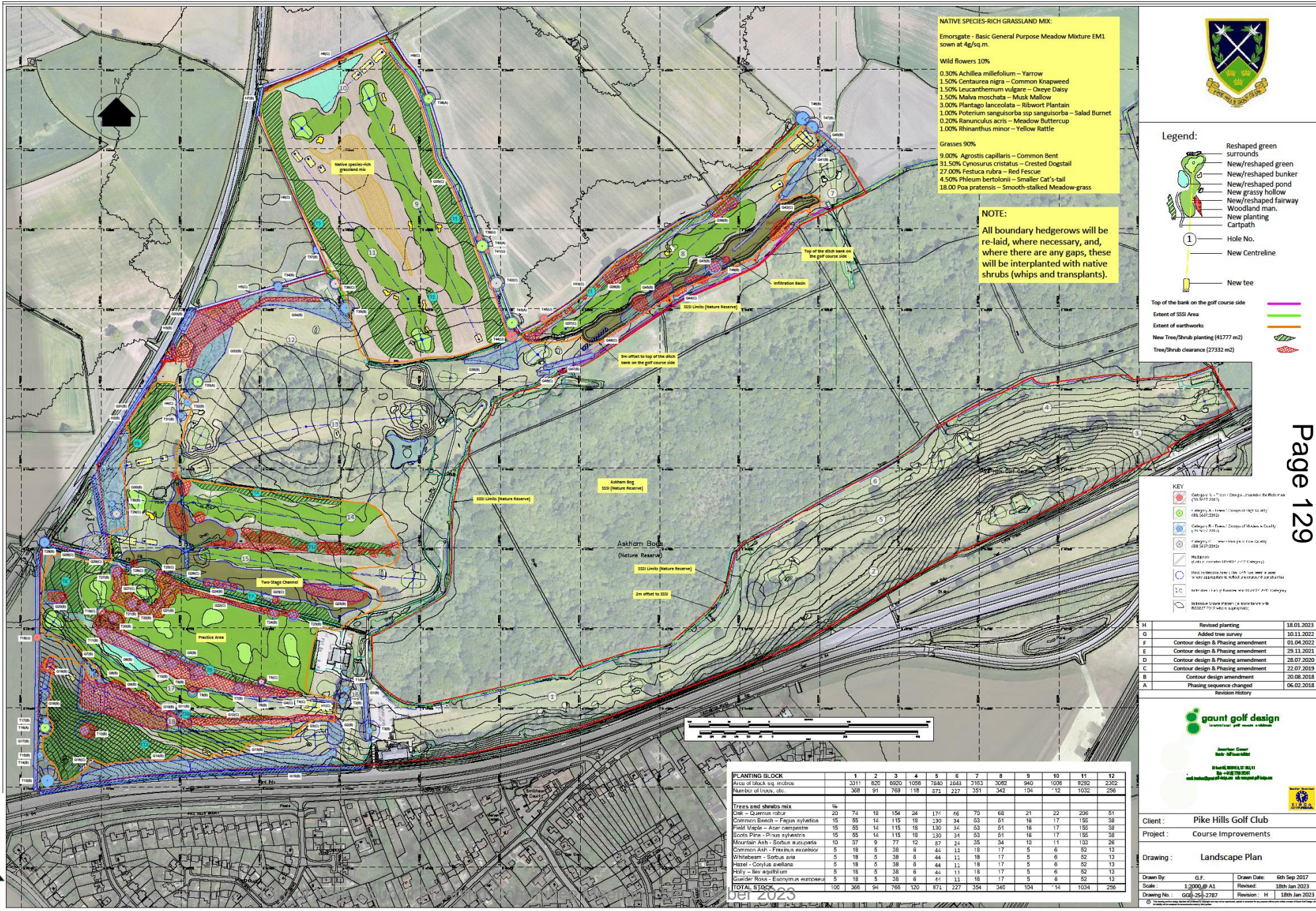
Client : Pike Hills Golf Club  
Project : Course Improvements

Drawing : Earthworks Plan

Drawn By : G.F.	Drawn Date : 6th Sep 2017
Scale : 1:1750 @ A1	Revised : 18th Jan 2023
Drawing No. : G00-2023-2946	Revision : G 18th Jan 2023



# Landscape Plan



**NATIVE SPECIES-RICH GRASSLAND MIX:**  
 Emorsgate - Basic General Purpose Meadow Mixture EMI sown at 4g/sq. m.

**Wild flowers 10%**  
 0.30% Achillea millefolium – Yarrow  
 1.50% Centaurea nigra – Common Knapweed  
 1.50% Leucanthemum vulgare – Oxeye Daisy  
 1.50% Malva moschata – Musk Mallow  
 3.00% Plantago lanceolata – Ribwort Plantain  
 1.00% Poterium sanguisorba ssp sanguisorba – Salad Burnet  
 0.20% Ranunculus acris – Meadow Buttercup  
 1.00% Rhinanthus minor – Yellow Rattle

**Grasses 90%**  
 31.50% Cynosurus cristatus – Crested Dogtail  
 27.00% Festuca rubra – Red Fescue  
 4.50% Phleum bertolonii – Smaller Cat's-tail  
 18.00% Poa pratensis – Smooth-stalked Meadow-grass

**NOTE:**  
 All boundary hedgerows will be re-laid, where necessary, and, where there are any gaps, these will be interplanted with native shrubs (whips and transplants).

- Legend:**
- Reshaped green surrounds
  - New/reshaped green
  - New/reshaped bunker
  - New/reshaped pond
  - New grassy hollow
  - New/reshaped fairway
  - Woodland man.
  - New planting
  - Cartpath
  - Hole No.
  - New Centreline
  - New tee
- Top of the bank on the golf course side
- Extent of SSSI Area
- Extent of earthworks
- New Tree/Shrub planting (41777 m<sup>2</sup>)
- Tree/Shrub clearance (27332 m<sup>2</sup>)

- KEY**
- Category L - Local Category - Standards for the Environment (1975-2018)
  - Category A - Lower Category (High to low) (1975-2018)
  - Category B - Lower Category of Medium Quality (1975-2018)
  - Category C - Lower Category of Low Quality (1975-2018)
  - Category D - Lower Category of Very Low Quality (1975-2018)
  - Category E - Lower Category of Very Low Quality (1975-2018)
  - Category F - Lower Category of Very Low Quality (1975-2018)
  - Category G - Lower Category of Very Low Quality (1975-2018)
  - Category H - Lower Category of Very Low Quality (1975-2018)
  - Category I - Lower Category of Very Low Quality (1975-2018)
  - Category J - Lower Category of Very Low Quality (1975-2018)
  - Category K - Lower Category of Very Low Quality (1975-2018)
  - Category L - Lower Category of Very Low Quality (1975-2018)
  - Category M - Lower Category of Very Low Quality (1975-2018)
  - Category N - Lower Category of Very Low Quality (1975-2018)
  - Category O - Lower Category of Very Low Quality (1975-2018)
  - Category P - Lower Category of Very Low Quality (1975-2018)
  - Category Q - Lower Category of Very Low Quality (1975-2018)
  - Category R - Lower Category of Very Low Quality (1975-2018)
  - Category S - Lower Category of Very Low Quality (1975-2018)
  - Category T - Lower Category of Very Low Quality (1975-2018)
  - Category U - Lower Category of Very Low Quality (1975-2018)
  - Category V - Lower Category of Very Low Quality (1975-2018)
  - Category W - Lower Category of Very Low Quality (1975-2018)
  - Category X - Lower Category of Very Low Quality (1975-2018)
  - Category Y - Lower Category of Very Low Quality (1975-2018)
  - Category Z - Lower Category of Very Low Quality (1975-2018)

Revision	Description	Date
H	Revised planting	18.01.2023
G	Added tree survey	10.11.2022
F	Contour design & Phasing amendment	01.04.2022
E	Contour design & Phasing amendment	29.11.2021
D	Contour design & Phasing amendment	28.07.2020
C	Contour design & Phasing amendment	22.07.2019
B	Contour design amendment	20.08.2018
A	Phasing sequence changed	06.02.2018



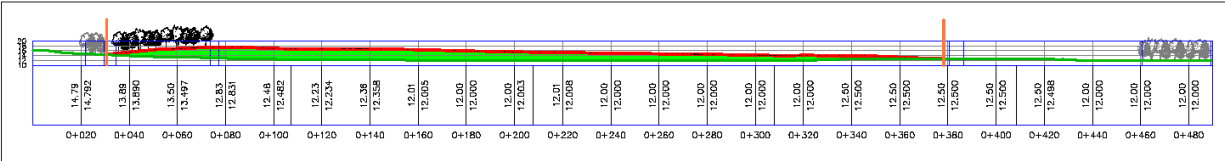
Client: **Pike Hills Golf Club**  
 Project: **Course Improvements**  
 Drawing: **Landscape Plan**  
 Drawn By: **G.F.** Drawn Date: **6th Sep 2017**  
 Scale: **1:2000 @ A3** Revised: **18th Jan 2023**  
 Drawing No.: **001-2017-017** Revision: **H** 18th Jan 2023

PLANTING BLOCK	1	2	3	4	5	6	7	8	9	10	11	12
Area of block sq. metres	3311	820	8920	1058	7840	2643	3163	3082	940	1008	9282	2352
Number of trees, etc.	368	91	768	118	371	227	351	342	104	12	1032	258
<b>Trees and shrubs mix</b>												
Oak - Quercus robur	20	74	18	154	24	177	46	70	68	21	22	208
Common Birch - Fraxus sylvatica	15	56	14	115	18	230	34	53	51	16	17	155
Field Maple - Acer campestre	15	55	14	115	18	130	34	53	51	16	17	155
Scots Pine - Pinus sylvestris	15	55	14	115	18	130	34	53	51	16	17	155
Maritime Ash - Fraxus maritima	10	37	9	77	12	87	24	35	34	10	11	103
Common Ash - Fraxinus excelsior	5	18	5	38	6	44	11	18	17	5	6	52
Whitebeam - Sorbus aria	5	18	5	38	6	44	11	18	17	5	6	52
Hazel - Corylus avellana	5	18	5	38	6	44	11	18	17	5	6	52
Holly - Ilex aquifolium	5	18	5	38	6	44	11	18	17	5	6	52
Guelder Rose - Eonymus europaeus	5	18	5	38	6	44	11	18	17	5	6	52
<b>TOTAL STOCK</b>	100	368	94	768	120	871	227	354	340	104	14	1034

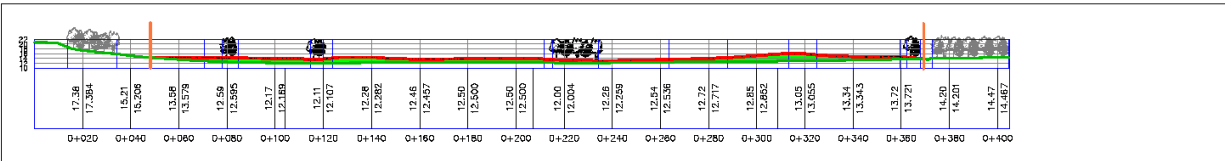


# Cross Sections (1)

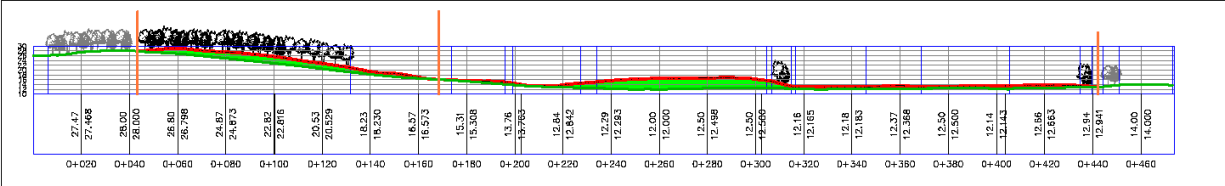
Cross Section A-A' Scale 1:1000@A1



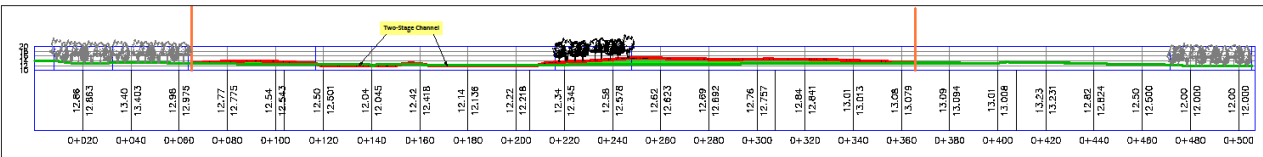
Cross Section B-B' Scale 1:1000@A1



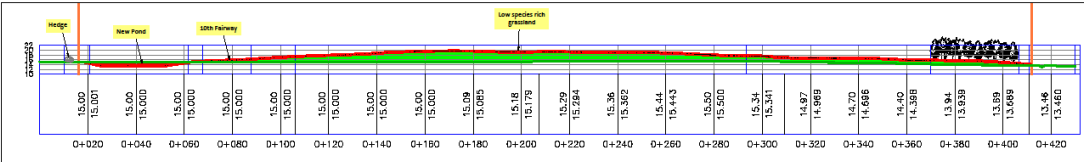
Cross Section C-C' Scale 1:1000@A1



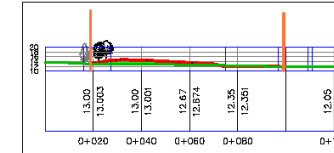
Cross Section D-D' Scale 1:1000@A1



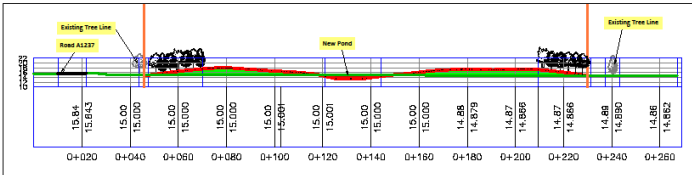
Cross Section E-E' Scale 1:1000@A1



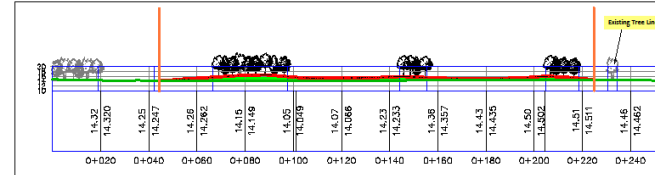
Cross Section G-G' Scale 1:1000@A1



Cross Section H-H' Scale 1:1000@A1



Cross Section J-J' Scale 1:1000@A1



Legend:

- Reshaped green surrounds
- New/reshaped green
- New/reshaped bunker
- New/reshaped pond
- New grassy hollow
- New/reshaped fairway
- Woodland man.
- Tree planting
- Cartpath
- Hole No.
- New Centreline
- New tree

- Existing Profile
- Proposed Profile
- Area of Fill
- Area of Cut
- Existing Woodland
- Proposed Woodland
- Extent of earthworks

NOTE:  
Cross Sections Scale 1H:1V

NOTE:  
Cross Sections F-F' and I-I' on drawing No. GGD 254-2950

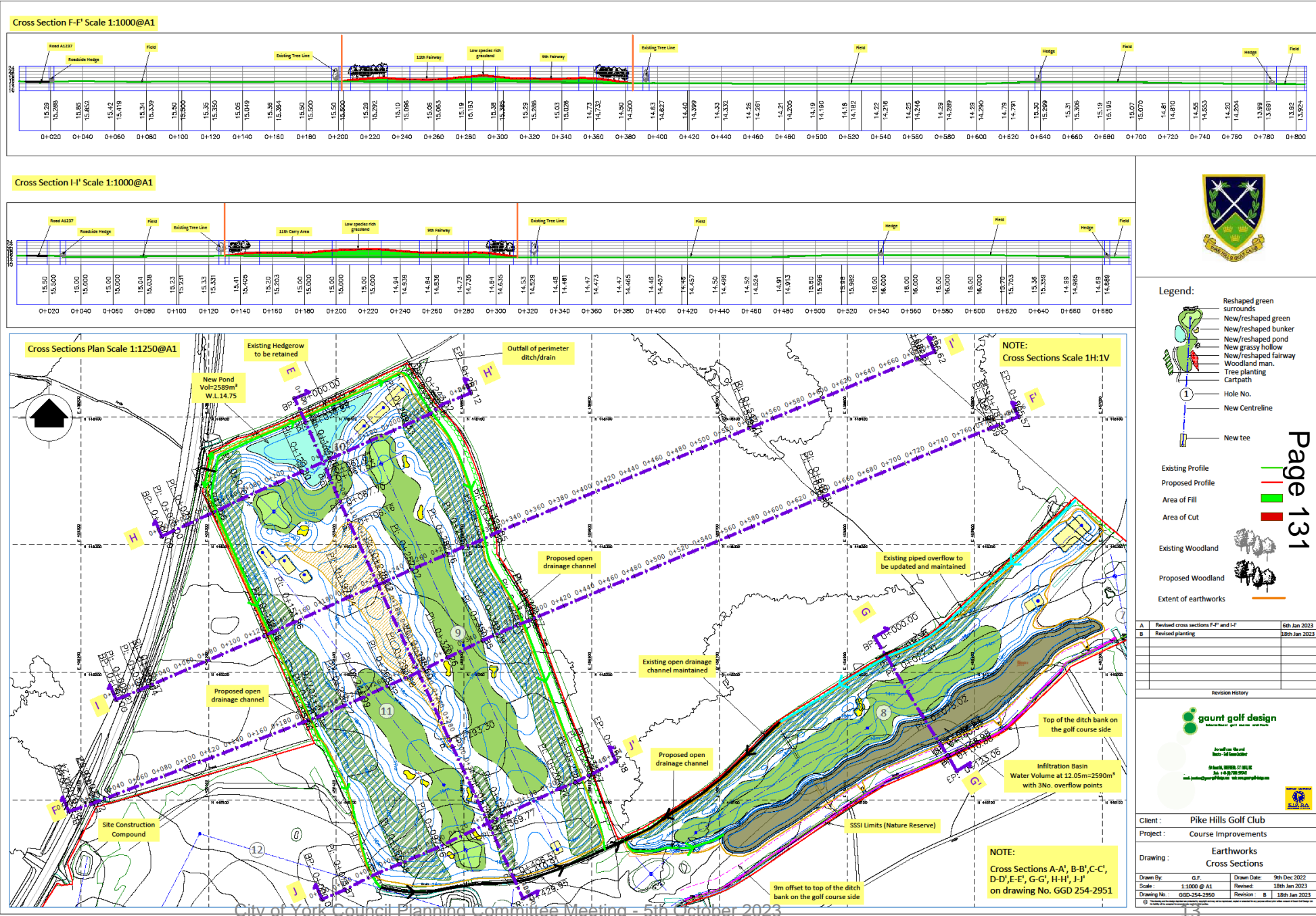
A	Revised cross sections	6th Jan 2023
B	Revised planting	18th Jan 2023
Revision History		



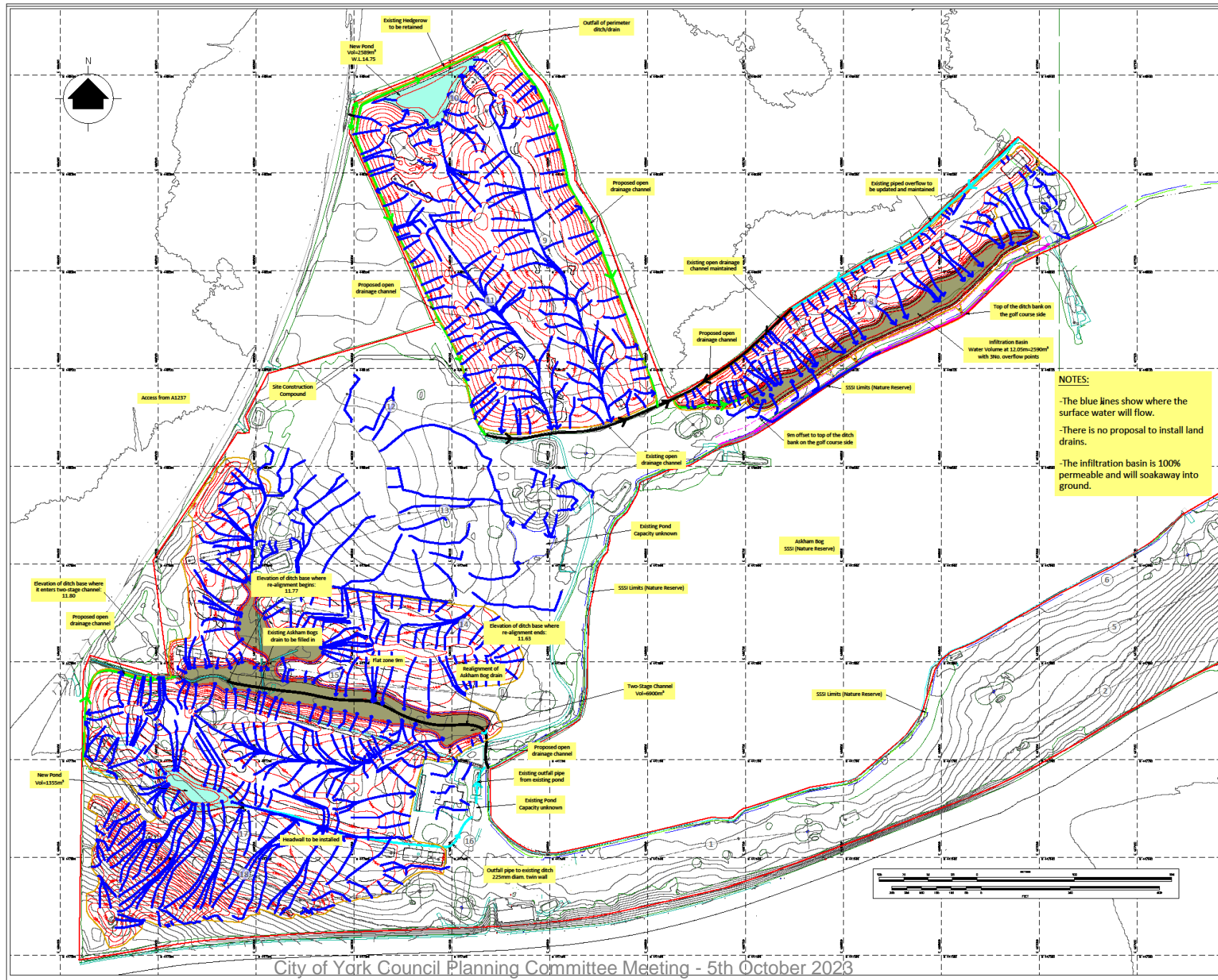
Client :	Pike Hills Golf Club
Project :	Course Improvements
Drawing :	Earthworks Cross Sections
Drawn By :	G.F.
Scale :	1:1000@ A1
Drawing No. :	GGD-254-2951
Drawn Date :	9th Dec 2022
Revised :	18th Jan 2023
Revision :	B 18th Jan 2023



# Cross Sections (2)



# Surface Water Management Plan



**NOTES:**

- The blue lines show where the surface water will flow.
- There is no proposal to install land drains.
- The infiltration basin is 100% permeable and will soakaway into ground.

- Legend:**
- Reshaped green surrounds
  - New/reshaped green
  - New/reshaped bunker
  - New/reshaped pond
  - New/grassy hollow
  - New/reshaped fairway
  - Woodland man.
  - Tree planting
  - Cartpath
  - Hole No.
  - New Centreline
  - New tree

- Top of the ditch bank on the golf course side
- Extent of earthworks
- Existing open drainage channels
- Proposed open drainage channels
- Proposed Contours
- Direction of surface water flow
- Piped Outfall
- Headwall

Revision	Description	Date
G	Revised earthworks	20.01.2023
F	Revised proposed ditch	21.12.2022
E	Revised earthworks	11.11.2022
D	Contour design & phasing amendment	28.03.2022
C	Updated phasing/earthworks	26.07.2020
B	Updated phasing/earthworks	26.07.2018
A	Revised areas and contours	20.08.2018



Client : Pike Hills Golf Club  
 Project : Course Improvements  
 Drawing : Surface Water Analysis Plan  
 Drawn By : G.F. Drawn Date : 6th Feb 2018  
 Scale : 1:1750 @ A1 Revised : 20th Jan 2023  
 Drawing No. : G00-256-2782 Revision : G 20th Jan 2023





**COMMITTEE REPORT**

**Date:** 5 October 2023      **Ward:** Strensall  
**Team:** East Area      **Parish:** Strensall With Towthorpe  
Parish Council

**Reference:** 22/01032/FUL  
**Application at:** BHE Self Storage Self Storage Facility Lambshill  
Towthorpe Moor Lane Strensall  
**For:** Change of use of agricultural land to the siting of 118  
storage containers (use class B8) - retrospective  
**By:** Mr Simon Dunn  
**Application Type:** Full Application  
**Target Date:** 26 January 2023  
**Recommendation:** Refuse

**1.0 PROPOSAL**

1.1 Planning permission is sought for the siting of 118 storage containers for use of the site as a self storage facility. The application is retrospective. The application is the result of a Planning Enforcement investigation.

1.2 The site falls within/adjacent to Strensall Common. Access to the site is from Towthorpe Moor Lane. The site has been used as a farm in the past and it appears that some agricultural activities are still ongoing. The site is surrounding by fields. There are dwellings to the north west and there is public access to the land to the north.

1.3 There is no consent for the large amount of hardstanding on site. It is intended that the storage containers would rest on this hardstanding. Officers are aware that the hardstanding was on site in 2015 as such it is outside the 4 year time period for enforcement action. From the site visit it appears that a number of vehicles, caravans etc were also being stored on site.

1.4 The sites is within the general extent of the City of York Green Belt. The site is adjacent to: a Site Of Special Scientific Interest; Special Area of Conservation; Priority Habitat for Lowland Heathland . The site is within the impact zones for Strensall Common Special Area of Conservation (SAC). The site is within Flood Zone 1.

1.5 Former Cllr Doughty has requested that the application be considered by committee when he was a ward Cllr. The request is made on the basis that Government policy has been encouraging diversification in farming. There was a previous planning approval for change of use for storage containers and the applicant should be given the opportunity to state their case for very special circumstances.

1.6 The proposed development does not comprise 'Schedule 1' or 'Schedule 2' 'Schedule 2' development of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

1.7 During the application process revised plans were received proposing a 2.1 metre high timber fence to the north and east boundaries and proposed tree and shrub planting to the north and east boundaries of the site.

### 1.8 RELEVANT PLANNING HISTORY

17/02175/FUL - Change of use of existing farm building to a secure, self-storage facility for 22 self-storage containers – Approved

17/01690/FUL - Change of use of part of farmyard to self storage facility with 22no. self storage containers – Withdrawn

15/00542/FUL - Erection of agricultural livestock building (resubmission) – Finally Disposed of

14/01468/FUL - Erection of agricultural livestock building – Refused on residential amenity and drainage grounds

11/02872/FUL - Extension to rear of existing farm building – Approved

11/00035/AGNOT - Extension to existing agricultural building – Refused

10/01466/FUL - Agricultural livestock building – Approved

10/01190/AGNOT - Agricultural building - Refused

### 1.9 RELEVANT APPEAL

22/00939/FUL - Land To The North East Of Roundabout, Wigginton Road, Wigginton, York YO32 2RH - Use of land for a self-storage use with the siting of containers in connection with this use (retrospective) – Refused.

Appeal APP/C2741/W/22/3311678 was dismissed, The Planning Inspector considered that the proposal would be inappropriate development in the Green Belt

and there would be harm to the character and appearance of the area and there were no 'very special circumstances' that outweighed the harm to the Green Belt.

## **2.0 POLICY CONTEXT**

2.1 The Publication Draft York Local Plan (2018)

SS2 The Role of York's Green Belt

D1 Placemaking

D2 Landscape and Setting

GI2 Biodiversity and Access to Nature

G12a Strensall Common Special Area of Conservation (SAC)

GB1 Development in the Green Belt

ENV5 Sustainable Drainage

T1 Sustainable Access

2.2 Please see the Appraisal Section (5.0) of this report for national and local policy context.

## **3.0 CONSULTATIONS**

### INTERNAL CONSULTATIONS

#### HIGHWAY NETWORK MANAGEMENT

3.1 No objections, seek following conditions: provision of customer parking; details of vehicle access, design, and sightlines; required all areas to be used by vehicles to be positively sealed and drained; Access to be improved; turning areas to be provided in accordance with approved plans; method of works statement.

#### DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ECOLOGY OFFICER)

3.2 The development will be required to provide biodiversity enhancements; 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.

3.3 The Block Plan indicates new tree and shrub planting along the north and north east boundaries of the site. It is considered that this new planting would address the requirement for biodiversity enhancements. However, it is unclear whether this planting has yet been undertaken. As this is a retrospective planning application and the majority of the storage facilities are now in place and in use, it is considered that the proposed enhancements should already have been provided in accordance with

Paragraph 174 (d) of the NPPF (2021). Evidence of the proposed planting is therefore required in support of this application.

3.4 Furthermore, as alterations to the central agricultural building have already been carried out, it is unclear if protected species, such as nesting birds, have been impacted. It is therefore recommended that bird nesting boxes and bat roosting boxes are provided within the site boundary. This should include, but not be limited to, four wall mounted nesting boxes suitable for birds that often make use of agricultural buildings – swallows and martins. A further two general purpose bat roosting boxes should be installed in mature trees within the site boundary.

3.5 It is unclear from the information provided whether additional lighting has been installed. It is recommended that the existing and proposed tree lines around the boundaries of the site are left 'dark zones' to ensure they remain attractive to light sensitive species, such as bats. All new bat and bird boxes should not be illuminated by external lighting, to increase the likelihood of use.

3.6 Satisfied with the submitted Habitats Regulations assessment.

#### DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ARCHAEOLOGY)

3.7 No comments, do not consider any significant archaeological deposits have been impacted by this change of use.

#### LEAD LOCAL FLOOD AUTHORITY

3.8 It is not clear how the existing hard paved area is/was drained, therefore prior to determination of the application we require a plan showing the existing and proposed surface material, together with details of the existing and proposed surface water drainage arrangements.

#### PUBLIC PROTECTION

3.9 A change of use to light commercial use can result in various different activities taking place that may have a greater impact than the proposal of a storage facility. Request following condition: restricted to self-storage facility only. This application is for significantly more units than originally applied for and as during winter the evenings get darker earlier and this site is within a site of special scientific interest, which would mean lighting should be minimal. Request following condition: If external lighting is installed a full Lighting Impact Assessment should be submitted

3.10 Request following condition: hours of operation restricted to 08.00 to 18.00

## EXTERNAL CONSULTATIONS

### STRENSALL AND TOWTHORPE PARISH COUNCIL

3.11 Object, inappropriate development in the greenbelt, which affects the openness of the greenbelt and there are no special circumstances to justify exemption . In light of the decision to refuse 22/00939/FUL dated 21 July 2022 for thirty- eight containers and the reason for refusal - their impact on the green belt. The Parish Council believes that the Lambshill application should be refused for similar reasons.

### POLICE ARCHITECTURAL LIAISON OFFICER

3.12 No objections

### FOSS INTERNAL DRAINAGE BOARD

3.13 Object until further drainage details can be provided. The writer has looked at historical images of the site on Google Earth and it appears that before 2016, a lot of the area where the containers are now located had cattle on. The hardstanding then appears to have been constructed around 2017. It is not however clear what drainage (if any) has been put in place. Drawing details should be in accordance with the Planning Practice Guidance hierarchy for the management of surface water.

## **4.0 REPRESENTATIONS**

4.1 No representations have been received.

## **5.0 APPRAISAL**

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the Poppleton Neighbourhood Plan (2017), Rufforth Neighbourhood Plan (2018), Earswick Neighbourhood Plan (2019), Huntington Neighbourhood Plan (2021), and the Minster Neighbourhood Plan (2022) and the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas. The RSS defines the outer boundary of the Green Belt as being "about six miles" (10km) from York city centre. The site is approximately 6.9 km from the city centre.

## STRENSALL NEIGHBOURHOOD PLAN

5.2 The Strensall Neighbourhood Plan was adopted in 2023. Full weight can be given to the policies contained in the NP; which is the statutory Development Plan for this application. There are no policies that are relevant to this proposal.

## STRENSALL VILLAGE DESIGN STATEMENT

5.3 The village design statement was approved on 3 March 2015 as a draft Supplementary Planning Document (SPD) to the City of York Council's draft Local Plan. The relevant policy is: 4.

## PUBLICATION DRAFT YORK LOCAL PLAN (2018)

5.4 The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. It has now been subject to full examination. Modifications were consulted on in February and September 2023 following full examination.

## NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.5 The planning policies of the National Planning Policy Framework as published are a material consideration in the determination of this planning application. The presumption in favour of sustainable development set out at paragraph 11 of the NPPF does not apply when the application of policies relating to Green Belt, and habitats sites ( and those listed in paragraph 181) indicate that permission should be refused.

## OPENNESS AND PURPOSES OF THE GREEN BELT

5.6 The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that, the essential characteristics of the Green Belt are its openness and permanence. The Green Belt serves 5 purposes:

- o to check the unrestricted sprawl of large built-up areas;
- o to prevent neighbouring towns merging into one another;
- o to assist in safeguarding the countryside from encroachment;
- o to preserve the setting and special character of historic towns;
- o and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.7 In line with the decision of the Court in *Wedgewood v City of York Council* [2020], and in advance of the adoption of a Local Plan, decisions on whether to treat land as falling within the Green Belt for development management purposes may

take into account the RSS general extent of the Green Belt, the 2005 DCLP, the 2018 Draft Plan, insofar as can be considered against paragraph 48 of the NPPF (2019) and should have regard to site specific features in deciding whether land should be regarded as Green Belt.

5.8 The site is located within the general extent of the York Green Belt as described in the RSS. In addition to the saved policies YH9(C) and Y1 (C1 and C2) of the Regional Spatial Strategy which relate to York's Green Belt, the site is identified as falling within greenbelt in the proposals maps of the Development Control Local Plan (2005) and draft Local Plan (2018).

5.9 The site is not identified in the City of York Local Plan - The Approach to the Green Belt Appraisal (2003) which the Council produced to aid in the identification of those areas surrounding the City that should be kept permanently open. However, whilst this document identifies key important areas, which do not include this site, it leaves large areas of countryside as similarly not being of particular importance and it does not set out that all that remaining land within the extent of the Green Belt is necessarily suitable for development or that it has no Green Belt purpose.

5.10 Additionally, when the site is assessed on its merits it is concluded that it serves two Green Belt purposes, namely assisting in safeguarding the countryside from encroachment and helping to preserve the setting and special character of York. As such, the site should be treated as lying within the general extent of the York Green Belt and the proposal falls to be considered under the restrictive Green Belt policies set out in the NPPF.

5.11 The NPPF (paragraph 147) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 150 of the NPPF allows certain forms of development providing they preserve its openness and do not conflict with the purposes of including land within it, these include material changes of use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) (e).

5.12 The hardstanding area that the proposal would stand upon does not have planning permission. However from aerial maps officers contend that the hardstanding has been in place for over 4 years and as such is no longer subject to enforcement action.

5.13 Planning Policy Guidance refers to a number of matters that the courts have identified can be taken into account in assessing openness, which include: spatial and visual aspects, duration of the development and remediability, and the degree of activity generated. As such, storage containers where they are substantial in size and/or number and are frequently in the same place or there is a greater degree of regular activity generated can impact on Green Belt openness. The proposed tree

belt in time, would create an element of screening but does not mitigate the impact to the openness of the greenbelt. Spatially, the containers have an effect on the openness of the Green Belt by virtue of their footprint, height and overall massing. the introduction of the containers has reduced the openness of the Green Belt in spatial terms.

5.14 Visually, the mature hedgerow along the boundary with the highway does provide an element of screening to views from the south. However, the containers remain prominently visible through gaps in the trees from west. Furthermore, they remain fully visible from the north. The 2.1 metre high close boarded timber fence that has been erected to the northern boundary of the development is of a domestic appearance and appears jarring and incongruous in this location, it provides a solid barrier which draws attention to the proposed development. The development is considered to significantly reduce openness in visual terms. The development has resulted in a loss of both spatial and visual openness of the Green Belt.

5.15 The fundamental purpose of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The concept of 'openness' in this context means the state of being freed from development, the absence of buildings, and relates to the quantum and extent of development and its physical effect on the site. The proposal gives rise to harm to the green belt by reason of inappropriateness which should not be approved except in very special circumstances. Additionally, the proposal would result in harm to the openness and permanence of the Green Belt. It also conflicts with the Green Belt purposes of preventing encroachment into the countryside. The NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the green belt. 'Very special circumstances' will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Whether very special circumstances exist is assessed at paragraphs [5.30 – 5.37] below.

## HABITATS REGULATIONS

5.16 A Habitats Regulations Assessment (HRA) refers to the several distinct stages of Assessment which must be undertaken in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) to determine if a plan or project may affect the protected features of a habitats site before deciding whether to undertake, permit or authorise it. European Sites identified under these regulations (such as Strensall Common) are referred to as 'habitats sites' in the NPPF.

5.17 The National Planning Policy Guidance (NPPG) sets out that all planning applications 'which are not directly connected with, or necessary for, the conservation management of a habitat site, require consideration of whether the plan or project is likely to have significant effects on that site. This consideration –



typically referred to as the 'Habitats Regulations Assessment screening' – should take into account the potential effects both of the plan/project itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, a competent authority must make an appropriate assessment of the implications of the plan or project for that site, in view of the site's conservation objectives. The competent authority may agree to the development only after having ruled out adverse effects on the integrity of the habitats site. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the development can only proceed if there are imperative reasons of overriding public interest and if the necessary compensatory measures can be secured.

5.18 The applicants have submitted a shadow screening assessment during the application process. The Ecology Officer has advised they are satisfied with the report. The application was considered in light of the assessment requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 by City of York Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations. Having carried out a 'screening' assessment of the project, the competent authority has concluded that the project would not be likely to have a significant effect on any European site, either alone or in combination with any other plans or projects (in light of the definition of these terms in the 'Waddenzee' ruling of the European Court of Justice Case C – 127/02) and an appropriate assessment is not therefore required.

## BIODIVERSITY

5.19 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. Paragraph 174 of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by, inter alia, minimising impacts on and providing net gains for biodiversity. Draft Local Plan (2018) policies reflect this advice in relation to trees, protected species and habitats.

5.20 If the development is considered acceptable the biodiversity enhancement required by the Ecology Officer could be sought via a condition.

## HIGHWAYS

5.21 The NPPF encourages development that is sustainably located and accessible. Paragraph 110 requires that all development achieves safe and suitable access for all users. It advises at paragraph 111 that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Further, paragraph 112 requires development to, inter alia, give priority first to

pedestrians and cycle movements and create places that are safe, secure and attractive thereby minimising the scope for conflicts between pedestrians, cyclists and vehicles. Policy T1 of the 2018 draft Local Plan supports the approach of the NPPF in that it seeks the safe and appropriate access to the adjacent adopted highway, giving priority to pedestrians and cyclists.

5.22 The supporting information states the proposed development generates in the region of 30 – 35 car and van movements to and from the site on a daily basis. The Highways team have confirmed that they have no objections however they do require improvements to the access with Towthorpe Moor Road.

## VISUAL AMENITY AND CHARACTER

5.23 Chapter 12 of the NPPF gives advice on design, placing great importance to that design of the built environment. In particular, paragraph 130 of the NPPF states that planning decisions should ensure that development, inter alia, will add to the overall quality of the area, be visually attractive, sympathetic to local character and history and have a high standard of amenity for existing and future users. This advice is reflected in Policies D1 and D2 of the 2018 Draft Local Plan and, therefore, these policies can be given weight.

5.24 Unable to consider the extensive hardstanding which is immune to enforcement action. The open location, set apart from the village would make the storage containers more apparent. The change in the character and appearance would sit at odds with its immediate context and would detract from the rural context of the surrounding area. The proposals could not be integrated satisfactorily into the landscape without some erosion of its rural character or coalescence of development that would undermine the prevailing open character and appearance.

5.25 The agent has confirmed that no external lighting is proposed or required for the proposed business. It is noted at the site visits that flood lights had been attached to the building which are typical if it was an agricultural operation. Any further lighting would potentially result in illumination beyond the natural pattern of development and would be atypical and out of character. If the development is considered acceptable it is considered necessary to condition that details any further lighting are submitted to the CYC to ensure a sensitive lighting scheme given the green belt location, the potential impact to ecology and the occupants of the nearby housing.

## RESIDENTIAL AMENITY

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

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

5.27 The proposal (subject to conditions for a lighting scheme) is unlikely to impact on the amenity of the occupants of the nearby dwellings.

## DRAINAGE

5.28 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. Publication Draft York Local Plan (2018) Policy ENV5 (Sustainable Drainage) advises that discharge from new developments should not exceed the capacity of receptors and water run-off should, in relation to existing runoff rates, be reduced.

5.29 The proposal would stand on extensive area of hardcore, the compaction of which would make it impermeable which would be exacerbated by the siting of the storage units. As previously mentioned the hardstanding area is now immune from planning enforcement action, whilst the submitted information states that the hardstanding may drain to a soakaway/underground/pipe, insufficient details have been provided to demonstrate that a soakaway would be suitable in this location, or that the hardstanding area has formal drainage. The site is adjacent to Strensall Common, the Habitats Regulations Assessment for the Local Plan sets out that Common is particularly vulnerable to changes to the local hydrological regime. Therefore, on the basis of the lack of information, officers are unable to assess if the proposed method of drainage is acceptable in this location.

## ASSESSMENT OF THE CONSIDERATION OF VERY SPECIAL CIRCUMSTANCES

5.30 Paragraphs 147-148 of the NPPF advise that permission should be refused for inappropriate development in the Green Belt unless other considerations exist that clearly outweigh the potential harm to the Green Belt and any other harm so as to amount to very special circumstances. Substantial weight is to be given to any harm to the Green Belt in the balancing exercise.

5.31 The agent contends that the development is not inappropriate development in the Green Belt. However the agent has put forward the following considerations in support of the application:

- Applicant could use the containers for agricultural storage and would not require planning permission

5.32 The agent contends that the development could be undertaken as permitted development and this should be considered a fall-back position.. The application is for containers for commercial storage, not agricultural storage and the application is judged on this basis. Officers would question whether the scale of farming activities on the site would require this extent of storage. In addition if the applicant required that level of agricultural storage we would not be assessing an application for the change of use for the majority of the agricultural yard and one of the agricultural buildings to be used for domestic/commercial storage. Officers do not consider that the use of 118 containers for agricultural storage is a realistic fall-back. Therefore this is considered to have limited weight and does not amount to the very special circumstances necessary to justify the proposed development.

- The development is a sustainable form of development.

5.33 The agent advises that the business customers are mainly from the local area (Strensall, Wiggington, and Haxby), although no details were submitted to confirm this statement. It is accepted that users of storage containers are realistically likely to access the site via vehicle rather than public transport. However similar considerations would apply to many other locations not within the Green Belt and therefore this is considered to have limited weight and does not amount to the very special circumstances necessary to justify the proposed development.

- By being sited on a working farm this provides security for the storage units

5.34 Storage unit businesses usually have security in place whether that is typically in the form of someone on site or CCTV. It was noted at the site visit that the site did have CCTV. The location of the units on a farm is not considered to infer any additional security that would be typical on non-green belt locations. The security of the site is considered to have no weight and does not amount to the very special circumstances necessary to justify the proposed development.

- Farm diversification, the storage business financially subsidises the environmental stewardship of the Common and the City Strays

5.35 The NPPF sets out that decisions should enable the development and diversification of agricultural business. Para 85 sets out that it will be important to ensure that development is sensitive to its surroundings. Policy EC5 (Rural Economy) of the Draft Local Plan (2018) supports appropriate farm and rural diversification activity. As set out above sections it is not considered that the development is sensitive to its surroundings. The agent advises that 1600 acres/647 ha at Strensall and 300 acres/121 ha of the Strays in York are farmed from this site. From the proposed plans it would appear that an agricultural shed and an area of hardstanding (outside of the red line of the application) would be used for the agricultural business. The diversification for the agricultural business is considered

to have moderate weight, however it is not considered that the farm diversification outweighs the harm to the Green Belt and the other specified harms set out above.

5.36 The agent advises that BHE Self Storage has created one full-time job and two part-time jobs since it commenced operations. It is not clear if this from the application site or in combination with their other site near Helmsley. However, such a benefit would arise from any similar development in a different location and therefore would have limited weight and would not amount to very special circumstances necessary to justify the proposed development.

5.37 Therefore, in light of the lack any benefits of the development identified by the applicant or by officers that would either individually or collectively clearly outweigh the harm to the Green Belt by reason of inappropriate development, harm to openness of the Green Belt and harm to two of the purposes of the Green Belt and the harm to visual amenity and character and the lack of drainage information, it is considered that the very special circumstances necessary to justify the proposal do not exist. In this assessment substantial weight is given to the harms to the Green Belt in accordance with paragraph 148 of the NPPF.

#### PUBLIC SECTOR EQUALITIES DUTY

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

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

5.39 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 that 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.

5.40 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.

5.41 Officers have given due regard to the equality implications of the proposals in making its recommendation. There is no indication or evidence (including from consultation on this application) that any equality matters are raised that would outweigh the material planning considerations.

## **6.0 CONCLUSION**

6.1 The application site is located within the general extent of the York Green Belt and serves two of the Green Belt purposes set out in the NPPF - protecting the countryside from encroachment and to preserve the setting and special character of the city. As such it falls to be considered under paragraph 147 of the NPPF which states inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm are clearly outweighed by other considerations. National planning policy dictates that substantial weight should be given to any harm to the Green Belt.

6.2 In addition to the harm to the Green Belt by reason of inappropriateness, it is considered that the proposal would have a harmful effect on the openness of the Green Belt when one of the most important attributes of Green Belts are their openness, and that the proposal would undermine the Green Belt purposes. Substantial weight is attached to the harm that the proposal would cause to the Green Belt. The harm to the Green Belt is added to by the harm to visual amenity and character, and the lack of drainage information identified in this report.

6.3 It is not considered that there are benefits arising from the proposal that clearly outweigh these harm so as to amount to very special circumstances necessary to justify an exception to Green Belt policy.

## **7.0 RECOMMENDATION: Refuse**

1 The application site is within the general extent of the Green Belt as set out in Policy Y1 of The Yorkshire and Humber Plan - Regional Spatial Strategy. In accordance with paragraph 147 of the National Planning Policy Framework (NPPF), the proposed development constitutes inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The proposal conflicts with the essential characteristics of Green Belts (their openness and their permanence) and the purposes of including land within the Green Belt by resulting in encroachment of development into the countryside, and to preserve the setting and special character of the city.

The Local Planning Authority has concluded that there are no other considerations that clearly outweigh the harm to the Green Belt and other harms (visual amenity and character, sustainable drainage) when substantial weight is given to the harm to the Green Belt. Very special circumstances do not exist to justify the proposal. The proposal is therefore contrary to Section 13 of the National Planning Policy Framework and policy YH9 of the Yorkshire and Humber Plan and also conflicts with Publication Draft York Local Plan (2018) Policy GB1 Development in the Green Belt).

2 The change in the character and appearance would sit at odds with its immediate context and would detract from the rural context of the surrounding area. The proposals could not be integrated satisfactorily into the landscape without some erosion of its rural character or coalescence of development that would undermine the prevailing open character and appearance. The 2.1 metre high close boarded timber fence that has been erected to the northern boundary of the development is of a domestic appearance and is considered jarring and incongruous in this location. Therefore, it is considered that the proposal would unacceptably harm the character and appearance of the area and fails to take the opportunities available for improving the character and quality of an area and would not respect or enhance the local environment, and therefore would conflict with Section 12 of the National Planning Policy Framework and Policies D1(Placemaking) and D2 (Landscape and Setting) of the Publication Draft Local Plan 2018 which similarly expect proposals to respect or enhance the local environment.

3 Insufficient information has been submitted with the application to demonstrate that an acceptable means of surface water drainage can be achieved in this location. As such the proposed development would conflict with paragraph 167 of the NPPF which states that Local Planning Authority should ensure that flood risk is not increased elsewhere. In addition, by virtue of the lack of information the proposal conflicts with Policy ENV5 (Sustainable Drainage) of the Publication Draft Local Plan (2018), Section 4.1.c of the City of York Council Strategic Flood Risk Assessment (2013), the City of York Council Sustainable Drainage Systems Guidance for Developers (2018), and Section 14 of the NPPF. It is not considered that these matters could reasonably be addressed through the imposition of planning conditions.

## **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 additional information

**Contact details:**

**Case Officer:** Victoria Bell

**Tel No:** 01904 551347

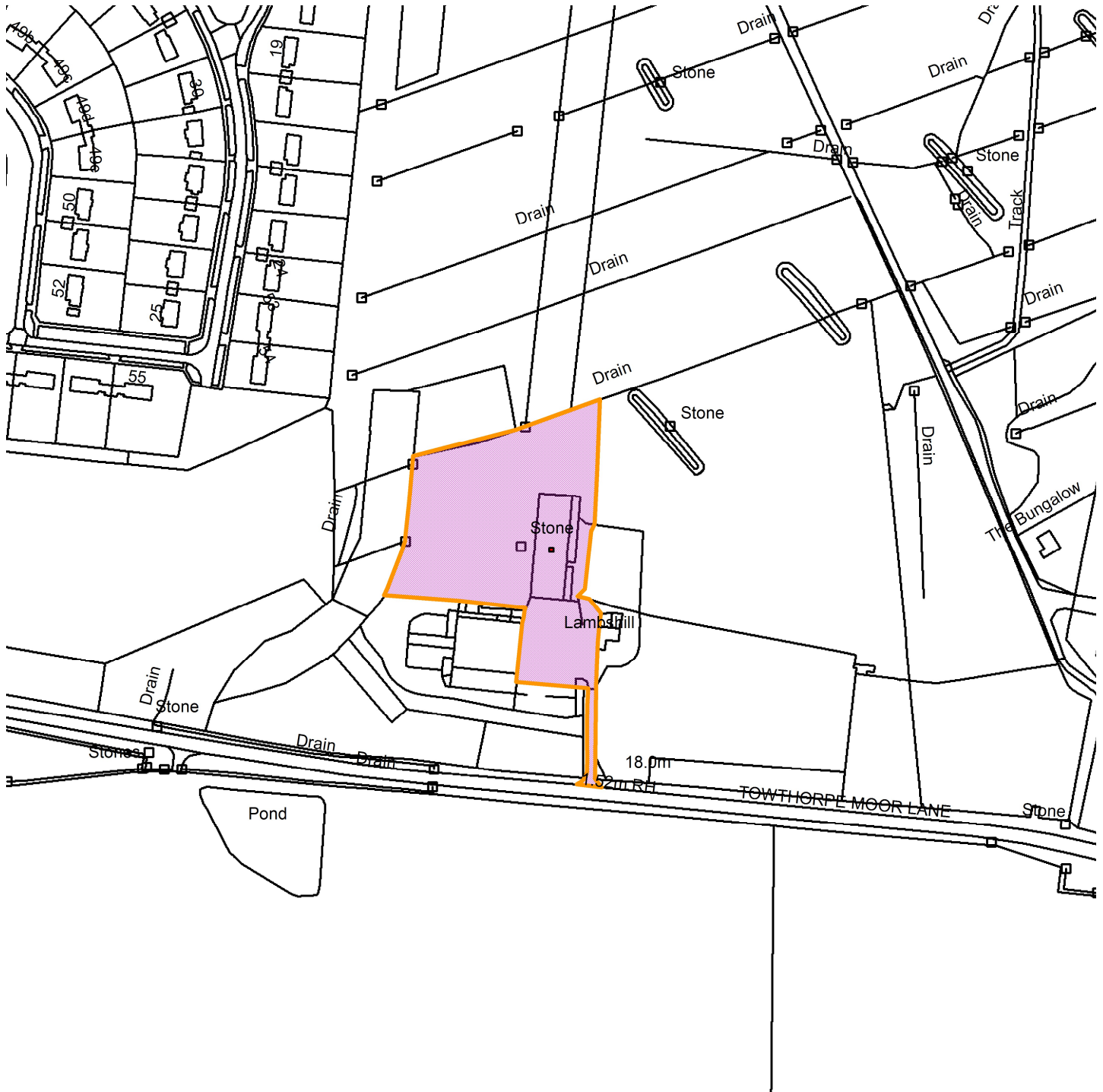


# Lambshill, Towthorpe Moor Lane, Strensall

22/01032/FUL



**GIS by ESRI (UK)**



**Scale :** 1:2706

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<b>Organisation</b>	City of York Council
<b>Department</b>	Directorate of Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	26 September 2023
<b>SLA Number</b>	Not Set

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# Planning Committee A

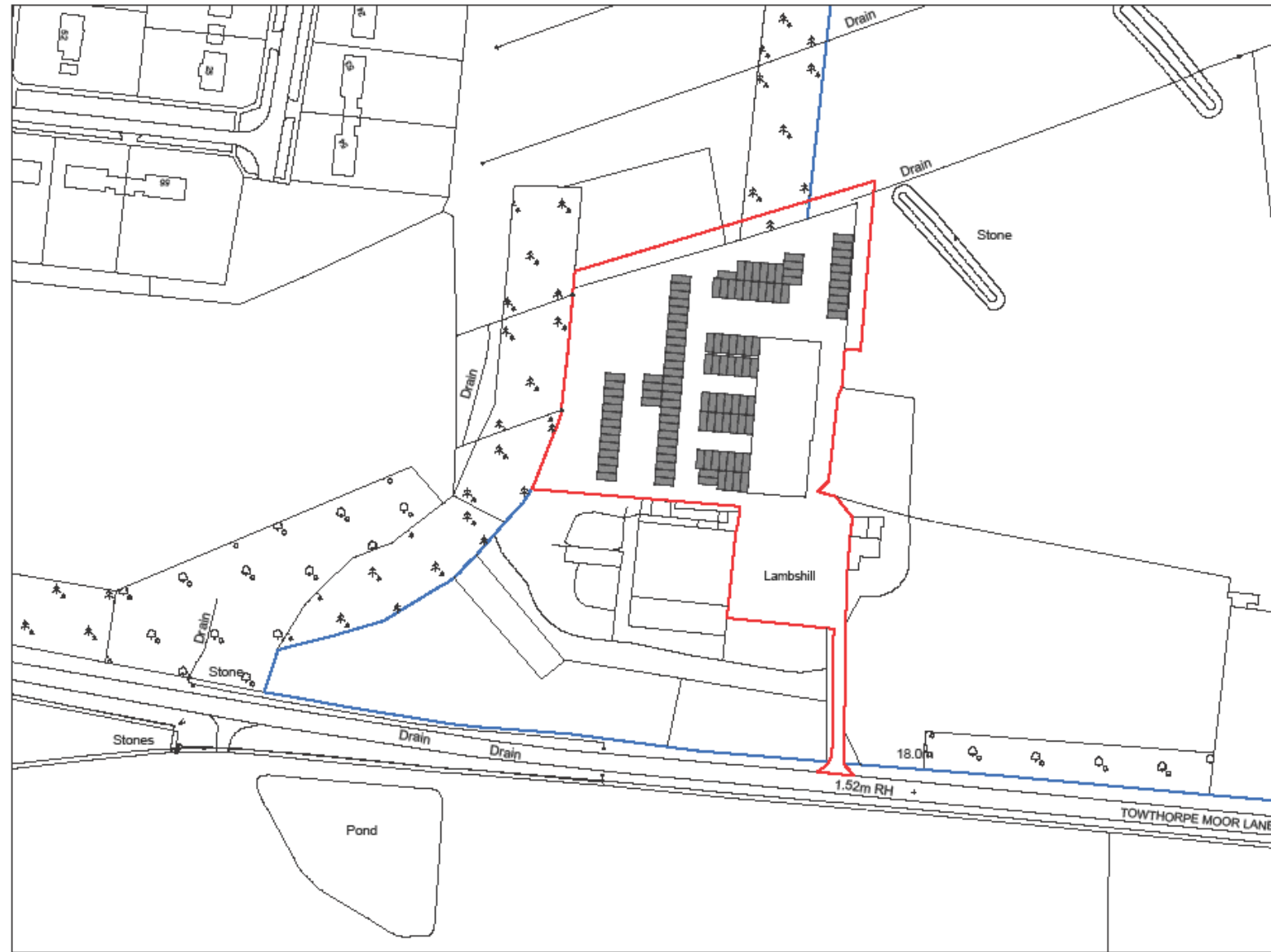
To be held on 5<sup>th</sup> October 2023

# 22/01032/FUL - BHE Self Storage, Self Storage Facility, Lambshill, Towthorpe Moor Lane, Strensall, York

Change of use of agricultural land to the siting of 118 storage containers (use class B8) - retrospective

# Site Location Plan

0 12.5 25 37.5 50 62.5m  
1:1250



1	Site	Self-storage
2	Site	Boundary
3	Site	Other

BHE Self Storage

Retropective Application for Storage Containers

Lambhill Farm  
Towthorpe  
Strensall  
YO32 9SR

Location Plan

1:1250 @ A3

March 2022

22.3422-01



Site Entrance from  
Towthorpe Road



Site Entrance and approach to buildings





Containers in situ within building



Containers sited externally



# Building Housing Containers



Page 157



Vehicles being stored at site



Page 158

Exterior view of Site  
from Towthorpe  
Road (South)



Page 159

Exterior View from East



Exterior view from North



Page 161

# Site Layout Plan



City of York Council Planning Committee Meeting - 5th October 2023

1000000	Additional planting above 6m in the enclosure
1000000	Additional planting below 6m
1000000	Additional planting below 6m
1000000	Additional planting below 6m
1000000	Additional planting below 6m
1000000	Additional planting below 6m
1000000	Additional planting below 6m
1000000	Additional planting below 6m
1000000	Additional planting below 6m
1000000	Additional planting below 6m

BHE Self Storage

Retrospective Application for Storage Containers

Lambshill Farm  
Towthorpe  
Strensall  
YO32 9SR

Block Plan

Scale: 1:500 @ A2

Date: March 2022

Drawing No: 22.3422-02

# Container Layout Plan



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