

Notice of a public meeting of

Planning Committee B

- To:** Councillors B Burton (Chair), Cullwick (Vice-Chair), Baxter, Coles, Fenton, Melly, Orrell, Vassie and Warters
- Date:** Thursday, 15 August 2024
- Time:** 4.30 pm
- Venue:** West Offices - Station Rise, York YO1 6GA

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 the attached sheet for further guidance for Members.]

2. Minutes (Pages 3 - 6)

To approve and sign the minutes of the last Planning Committee B meeting held on 20 June 2024.

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 are set as 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is 5:00pm on Tuesday, 13 August 2024.

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

Webcasting of Public Meetings

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

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

4. Plans List

This item invites Members to determine the following planning applications:

- a) **Land To The West of 1 to 8 Garthway New Earswick York Erection of 14no. dwellings with associated infrastructure following the demolition of 2 no. garage courts [22/00440/FULM]** (Pages 7 - 48)

Planning permission is sought for 14 no. dwellings, composing of 7 pairs of semi-detached two storey dwellings; 6 x 2 bed

dwellings and 8 x 3 bed dwellings, with 26 car parking spaces.

- b) Union Terrace Car Park Clarence Street (Pages 49 - 78)**
York Installation of 'Ultra Rapid Charging Hub' for electric vehicles to comprise of 8no. charging units with solar photovoltaic canopy and 4no. 7kw charging pillars to existing parking bays. Erection of battery storage unit and substation with temporary construction compound [21/02295/GRG3]

The application is for 4 ultra-rapid and 4 rapid electric vehicle charging stations at Union Terrace car park.

- c) Union Terrace Car Park Clarence Street (Pages 79 - 86)**
York Display of 1no. internally illuminated totem sign City Of York Council [22/00426/ADV]

The application relates to the proposed erection of a 5m high internally illuminated 'totem' sign on the south eastern section of Union Terrace car park.

- d) Clifton Green Primary School Kingsway (Pages 87 - 98)**
North York YO30 6JA Replacement security fencing to the western boundary of school field bordering Crombie Avenue Park [23/02271/GRG3]

The application seeks planning permission to install a galvanised palisade fence of approximately 2.4 metres in height to the north-western side boundary of school field which borders on to rear boundary of Crombie Avenue play park. The new fence is a replacement to the current 1.5 metre-high looped top fence which is to be reused elsewhere within the school grounds.

- e) The Mansion House St Helens Square (Pages 99 - 108)**
York YO1 9QN Display of community and non-commercial flags from the Mansion House flag pole [24/00447/ADV]

This application seeks permission for the display of 'community and other flags' from the vertical flagpole, which is located on the top of the Mansion House and has been in place since 1868.

The property is a Grade I listed building that is located in the city centre and within the Central Historic Core conservation area.

5. Urgent Business

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

Democracy Officer:

Jane Meller

Contact details:

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

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

- Registering to speak
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Contact details are set out above.

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

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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) OR 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) OR 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

Meeting	Planning Committee B
Date	20 June 2024
Present	Councillors B Burton (Chair), Cullwick (Vice-Chair), Fenton, Melly, Orrell, Vassie, Warters, Crawshaw (Substitute for Cllr Wilson) and Clarke (Substitute for Cllr Baxter)
Apologies	Councillors Baxter and Wilson
Officers Present	Gareth Arnold, Development Manager Lindsay Jenkins, Senior Planning Officer Ruhina Choudhury, Senior Lawyer

1. Declarations of Interest (4.31 pm)

Members were asked to declare at this point in the meeting any disclosable pecuniary interests or other registrable interests that they might have in the business on the agenda, if they had not already done so in advance on the Register of Interests.

Cllr Warters noted that he had called-in item 4b, 37 Wydale Road.

2. Minutes (4.31 pm)

Resolved: That the minutes of the last meeting held on 20 May 2024 were approved as a correct record.

3. Public Participation (4.31 pm)

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

4. Plans List (4.31 pm)

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

5. Unit 12A, Monks Cross Shopping Park, Monks Cross Drive, Huntington, York [24/00222/FULM] (4.31 pm)

Members considered a major full application for the installation of a full cover mezzanine to Units 12A and 12B at Monks Cross Shopping Park.

The Development Manager gave a presentation on the plans and, with the Senior Planning Officer, responded to questions from Members.

The methodology for the transport assessment was outlined and it was confirmed that the Sustainability policy would not be applicable to the internal changes to the premises as it is not a change of use. Officers also reported that:

- The Retail Study Update and the Addendum from 2014 were the most recent documents which had informed the emerging local plan.
- The applicant had been required to undertake a sequential test and had therefore considered City centre sites however, these had been ruled out for either being too large or too small. The size of the proposal meant that an impact assessment was not required.

Following a brief debate, Cllr Orrell proposed the officer recommendation to approve the application as set out in the report. This was seconded by Cllr Crawshaw. Members voted unanimously in favour and it was therefore:

Resolved: That the application be approved.

Reason: The proposal is to increase the size of the mezzanine in Unit 12 at Monks Cross Retail Park. In accordance with policy R4 of the DLP, proposals for out of centre retailing will only be supported where it has been evidenced that there are no sequentially preferable sites; will not result in a significantly adverse impact on existing and planned investment in the city centre and other defined centres; and will not result in an individual or cumulative impact on the vitality and viability of any defined centre. The applicant has completed the sequential test which indicates that there are no sequentially preferable sites in the city centre or any other defined centre. The proposal does not meet the thresholds for submission of an impact test. The Applicant has demonstrated the units have been marketed for over 2 years without interest and the increase in the floorspace would not have significant local impacts on the local highway network or parking demand at MCSP.

As a result the proposal is considered to meet the policy requirements of H10 of the Huntington Neighbourhood Plan and policies R1 and R4 in the DLP as well as the NPPF.

**6. 37 Wydale Road, Osbaldwick, York, YO10 3PG
[24/00367/FUL] (4.44 pm)**

Members considered a full application for a change of use from dwelling house (use Class C3) to a House in Multiple Occupation (HMO) (use Class C4).

The Development Manager gave a presentation on the plans and provided an update to Members in which he confirmed that the proposal was for a 4 bedroom HMO (from an existing 3 bed house) and recommended an additional condition to limit the number of residents to 4, to ensure sufficient car and cycle parking in the interest of residential amenity and the occupant's living conditions. He then responded to questions from Members and confirmed the following:

- The method of calculating Street level thresholds for HMOs is by linear street, rather than by a radius around the property.
- There was sufficient space for two vehicles to park at the front of the property and for residents to bring bins through from the rear.
- Cycle storage was to be controlled by condition and the number of parking spaces had been based on the number of rooms.

Following debate, Cllr Fenton proposed the officer recommendation to approve the application, subject to the additional condition contained within the update and outlined above. This was seconded by Cllr Cullwick.

With seven votes in favour and two against it was:

Resolved: That the application be approved.

Reason: The application property is considered to be appropriate for the needs of future occupants within a 4.no. bedroom small HMO. Acceptable provision for off-road vehicle parking has been demonstrated and secure cycle storage will be required by condition. The existing density levels of current HMO's is below the policy threshold (at both Street Level and Neighbourhood Level). Therefore, the proposal is considered to comply with Policy H8 of the

DLP and the requirements of the SPD: Controlling the
Concentration of Houses in Multiple Occupancy.

Cllr B Burton, Chair

[The meeting started at 4.30 pm and finished at 5.08 pm].

COMMITTEE REPORT

Date: 15 August 2024 **Ward:** Huntington/New Earswick

Team: East Area **Parish:** New Earswick Parish Council

Reference: 22/00440/FULM

Application at: Land To The West Of 1 To 8 Garthway New Earswick York

For: Erection of 14no. dwellings with associated infrastructure following the demolition of 2 no. garage courts

By: Joseph Rowntree Housing Trust

Application Type: Major Full Application

Target Date: 15 December 2023

Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 Planning permission is sought for 14 no. dwellings, composing of 7 pairs of semi-detached two storey dwellings; 6 x 2 bed dwellings and 8 x 3 bed dwellings, with 26 car parking spaces.

1.2 The boundary of the New Earswick Conservation area runs along the north eastern boundary of the application site. The site is bounded by a large and wide hedge to the western boundary. To the west of the site is Bootham Stray and the area directly adjacent to the application site is laid out as sports pitches. The site currently comprises 47 garages, garden space and an electricity substation. To the north and south are dwellings. To the east are 2 no. block of flats (total of 8 flats). The proposal would result in a reduction in the garden/amenity space to these flats (1-8 Garthway). The site is within Flood Zone 1.

1.3 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

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NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.4 The planning policies of the National Planning Policy Framework (December 2023) are a material consideration in the determination of planning applications. The presumption in favour of sustainable development is set out at paragraph 11 of the NPPF.

PUBLICATION DRAFT YORK LOCAL PLAN (2018)

5.2 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') is currently under examination. It is expected to be adopted in late 2024. The draft Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF. Relevant policies are:

H2 Density of Residential Development
H3 Balancing the Housing Market
H10 Affordable Housing
D1 Placemaking
D2 Landscape and Setting
D4 Conservation Areas
GI4 Trees and Hedgerows
GI6 New Open Space Provision
CC2 Sustainable Design and Construction of New Development
ENV2 Managing Environmental Quality
ENV3 Land Contamination
ENV5 Sustainable Drainage
T1 Sustainable Access
DM1 Infrastructure and Developer Contributions

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Highway Network Management

3.1 The development will require the whole frontal footway to be re-laid and this will be undertaken with a Section 278 agreement. Cycle parking must comply with LTN 1/20 – one cycle space per bedroom and must be covered and secure. The bin collection point shall be no more than 10 metres away from the highway and it should not be positioned on the highway. If the road(s) inside the development are to be adopted, the vehicular access to the properties will have to be constructed in accordance with the CYC Vehicle Crossing Policy – only the accesses can be

lowered and not the whole frontage. Request that the applicant enter into a Section 106 agreement – this will be to upgrade the Folk Hall bus stop on Hawthorn Terrace.

Design and Conservation (Landscape Architect)

3.2 The proposed development would result in the removal of two young/semi-mature Sweetgum trees (Liquidambar) - ref: T15 and T16 in the tree survey. These are nicely established, healthy trees in a good location, either side of the access road to the site. These would be lost due to the widening of the entrance road. This is unfortunate, however they are only 6m high with a stem diameter of 13cm so could quite readily be replaced with similarly sized advanced nursery stock set further back from the proposed kerb edge, to mark the entrance in a similar fashion as existing.

3.3 New native, hedge planting should be applied across the side and front of the existing apartment blocks.

3.4 The proposed development would change the quality and character of the views and the setting of the village from the open landscape and Bootham stray land and railway line to the west due to the reduction of the existing hedgerow and the positioning of two-storey development much closer to the boundary than in the surrounding existing development. This loss would also reduce the significance of the hedge and its contribution to the landscape character of the adjacent open landscape and green infrastructure corridor.

Design and Conservation (Ecology Officer)

3.5 From a review of the information provided it is recommended the applicant works to retain and enhance the exiting valuable habitats on site, such as the western hedgerow, and also work to incorporate ecological enhancements into the new 'green' areas, such as the communal gardens.

3.6 The increased structural integrity of modern developments reduces the potential for birds and bats to utilise modern buildings for nesting and roosting therefore any new developments should integrate appropriate bird and bat boxes. Ecological enhancements have been recommended within the Preliminary Ecological Appraisal with the aim of providing biodiversity net gain post construction, request these are sought via condition.

3.7 Due to the proximity of several areas of ecological value, including; the western boundary hedgerow, Bootham Stray, New Earswick Meadow Site of Importance for Nature Conservation (SINC) and Green Infrastructure Corridors of both local and

district importance, the provision of a CEMP is considered appropriate – request this is sought via condition.

3.8 With the aim of maintaining and improving foraging and commuting habitats for bat a sensitive lighting scheme should be produced and submitted to the local planning authority for approval prior to any new lighting being installed on site – request this is sought via condition.

3.9 As the application site provides suitable habitat for nesting birds, precaution methods will be required during the demolition works and for all required vegetation clearance within the nesting bird season – request this is sought via condition.

Design and Conservation (Archaeology)

3.10 Do not wish to impose any archaeological conditions.

Design and Conservation (Conservation)

3.11 Principle of redevelopment accepted (demolition of garages and large area of hardstanding welcomed), retention of front blocks supported. Site outside conservation area, though adjacent to / within the setting of it. Use, height, brick and pantile materials palette supported. Inclusion of front gardens and traditional hedgerows are welcomed, but do result in some very small rear gardens.

3.12 The layout (arced 'crescent' and higher density) does not follow the predominant character of New Earswick, but one advantage is that the view into the development is not a large car park. The development would better reflect local character if there were larger gaps between buildings to retain a more open and verdant character with greater opportunities for landscaping, acknowledge this is likely to result in a loss of unit numbers.

3.13 While the proposals do seek to retain a degree of arts and craft / New Earswick style, they could be improved to better relate to the character of the conservation area. Local context could be better referenced through relatively minor changes to elevational treatment / architectural details, primarily windows (more horizontal emphasis rather than vertical, the proposed dark grey frames are very much at odds with the rest of New Earswick) and the inclusion of roof overhangs which are a very strong characteristic of New Earswick (the elevations suggest a very clipped detail).

3.14 Comments on revised proposals - The scheme is still more dense than typical buildings in the immediate vicinity and so is somewhat out of character with this, which is not ideal. However, to counter this the visual impacts from main public routes are low. The proposals also have quite small outdoor space for some units,

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however they are small homes- with more typical private outdoor space than would be provided if living in a similar sized apartment. The overall site layout strategy is also a good one and the architectural design of buildings are quite attractive. the proposal has support on design grounds. understand the applicant over-provides on CYC policies for affordable housing, which if correct could be weighed against potential negatives.

Strategic Planning Policy

3.15 No objection. Given the advanced stage of the emerging Plan's preparation, the lack of significant objection to the emerging policies relevant to this application and the stated consistency with the Framework, in the context of NPPF para 48 we would advise that the policy requirements of the following emerging Plan policies can be afforded moderate weight in determining this planning application: H2, H3.

Lead Local Flood Authority

3.16 The submitted and attached Proposed Drainage Layout – Re: P21-01451- Met-M2-C-002 Version V5 dated 30th March 2023 by Met Engineers showing foul water being connected to the public foul sewer and surface water to the public surface water sewer at a restricted rate of 10.5 (ten point five) litres per second with appropriate attenuation up to and including the 1 in 100 year event with 30% climate change event and the Proposed Site Plan – Re: 403/02 (02) 003 Revision I dated 21st April 2023 by Shaw & Jagger are generally acceptable. Request following conditions: drainage scheme to be in accordance with submitted details.

Public Protection

3.17 As there are residential properties close to the proposed site it is recommended that controls are put in place to minimise noise, vibration and dust during construction. Request following conditions: Construction and Environmental Management Plan and restricted hours of demolition and construction works and ancillary operations.

Waste Services

3.18 If waste from plots 1 to 4 is presented where the access road meets the public highway that would be acceptable providing a hardstanding area is provided for the bins, with a flat and even surface between this area and the refuse vehicle collection point. If the access road to the other plots is adopted, not just built to adoptable standards, and the road width is a minimum of 5 metres and satisfies the criteria within the Waste Information for Developers guide the plan is acceptable.

Housing Strategy Officer

3.19 The application is strongly welcomed from an affordable housing perspective. The site is required to make a 20% affordable housing contribution in order to meet council policy. The proposed scheme would deliver an additional 11 high quality affordable homes in addition to the policy requirement, repurposing an under-utilized brownfield site. All homes will meet the good practice Nationally Designed Space Standards guidance, providing well designed homes with the living and storage spaced needed for residents. Renewable heating is proposed in the form of air source heat pumps, alongside a high fabric standard that will reduce heat demand and minimise fuel poverty risks and carbon emissions. By providing 2- and 3-bed houses for social rent and shared ownership the proposed development would also make an important contribution to meeting the highest priority need types identified in the Local Housing Market Assessment.

Educational Planning Officer

3.20 Based on projections, Education request contributions for each sector, totalling £201,679. Expansion at catchment New Earswick and Joseph Rowntree Schools is preferred. However, the nearby schools identified may also or instead be expanded to provide additional capacity in the planning area.

Community Sports Development Manager

3.21 The 2017 green infrastructure update shows that the Huntington and New Earswick ward has an oversupply of outdoor sports provision. That being said, the city's Playing Pitch Strategy is being refreshed at the moment and while this is not yet published the action plan highlights a number of improvements requiring investment at New Earswick Sports Club to bring the pitches up to a playable standard and therefore be used by the local population. These include: Football - Improve ancillary facilities based on demand; Rugby League - Improve pitch quality for community use e.g. drainage; Cricket - Improve site's maintenance to Good to alleviate overplay on square; and Tennis - Improve court quality for community use e.g. drainage and therefore I would be looking for a contribution.

3.22 Request off-site contributions and particularly for sport totalling £7,242 with the suggested beneficiaries for the outdoor sports elements to be New Earswick Sports Club and or another sports project within a 15-20 minute walking distance or within 20 minutes on public transport of the development. Request contributions of £5,134 and £10,520 for amenity and play space respectively.

EXTERNAL CONSULTATIONS

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New Earswick Parish Council

3.23 Object, there is no detail on the adoption of air source heat pumps for heating and water and provision of electric vehicle charging infrastructure. Therefore, no clarity on the carbon impact of the development.

3.24 A significant number of garages will be demolished as part of the proposal. Current garage users will be given alternative provision, only if available. A further application 22/00456/FUL also involves the demolition of garages in New Earswick by the same applicant. Concerns are that this will cause additional parking problems.

Yorkshire Water

3.25 The submitted 'Flood Risk Assessment' is acceptable. In summary, the report states that a.) Foul water will discharge to public foul b.) Sub-soil conditions do not support the use of soakaways c.) A watercourse is remote from the site d.) Surface water will discharge to public sewer via storage with restricted discharge of 24.2 litres/second.)

Foss Internal Drainage Board

3.26 The Board notes that soakaways have proven to not be a viable option. The applicant is proposing to discharge into the Mains Surface Water Sewer which in turn discharges into the Board maintained watercourse known as Westfield Beck. Accordingly, approval will be required from the Board in terms of the discharge rate. The Board notes a discharge rate of 10.5 litres per second has been proposed on the basis of a 30% reduction of the existing rate. This is agreed with the Board. Provided this flow control device restricts the discharge rate to 10.5 litres per second, and the applicant will be putting a maintenance schedule in place, the Board has no objection to the proposal. The Board notes that the applicant is proposing two cellular storage attenuation tanks. These appear to accommodate a 1:100 year storm event plus 30% for climate change. Provided the LLFA as the "approving authority" are satisfied with the proposal as a long term sustainable solution, the Board have no objection to the proposal.

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

National Grid

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3.28 No comments received.

York Civic Trust

3.29 The design successfully considers the architectural features important to New Earswick, However there are two aspects that might benefit from additional thought:

- the existing buildings on site each feature chimneys, which are/were a common architectural feature in New Earswick. The addition of chimneys to these new buildings would again help to maintain the New Earswick vernacular. They would help maintain the cohesive design of the area, and add a rhythm to the longer, terraced house schemes.
- the proposed use of dark grey coloured window frames with long vertical panes does not appear sympathetic to the immediate area. As the new buildings will have a close visual association with the existing buildings on the site, a window design which is more sympathetic in style and colour would help to maintain the New Earswick vernacular style while ensuring it had a modern twist to reflect the new development.

4.0 REPRESENTATIONS

Neighbour Notification and Publicity

4.1 One general comment:

- no reference to solar panels, no reference to zero carbon standard, and reference to Air Source Heat Pumps (which would require a high level of insulation) only in property type AG. no sense to develop homes that fall short of zero carbon standards and to develop buildings without solar installations that can generate enough power to support the household's needs.

4.2 Five letters of objection:

- The statements regarding the use of the garage are incorrect, a lot are in use.
- Will be nowhere to park vehicles once the garages are removed, exacerbated by the traffic and parking resulting from the proposed development.
- Exacerbate existing drainage issues.
- Proposal will affect communal gardens to the rear of Garthway properties, reducing the size and moving of sheds.
- Does not provide parking provision for 1-8 Garth Way, currently use garages.
- Existing garages have not been maintained by the applicant.
- Proposed development will result in an increase in traffic.
- Proposed development will impact on ecology.

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- Advise that the residents of 1 – 8 Garthway have not been allocated alternative garages contrary to the claim made in the application.
- Impact on parking for disabled tenants.

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 site is not considered to be within the general extent of the greenbelt. There is no Neighbourhood Plan for the site.

DEVELOPMENT OF THE SITE FOR HOUSING

5.2 The application site is previously developed land within the urban area. Paragraph 60 of the NPPF states that to support the Government's objective of significantly boosting the supply of housing, it is important that sufficient amount and variety of land can come forward where it is needed and that the needs of groups with specific housing requirements are addressed. Policy H2 Density of Residential Development states that to ensure the efficient use of land and help maintain local services and public transport provision, housing developments within the suburban area will be expected to achieve a net density of 40 units/ha. The site density for the new build dwellings is 30 units/ha, however the application site also includes all of the garden area for the existing flats; including the 8 existing flats in the density calculation results in a site density of more than 40 units/ha.

5.3 The draft Local Plan affordable housing policy H10 is subject to modification and is considered to have limited weight. The NPPF states that affordable housing should only be sought for major development (10+ dwellings). The Local Plan evidence base identifies that there is a need for affordable housing in the city and the viability for providing 20% affordable housing on previously developed land. Policy H10 as modified encourages higher rates of provision where development viability is not compromised. The applicant states that as an established Registered Social Housing Provider, JRHT expect to retain ownership of the units and offer them for rent or shared ownership. Normally the LPA could only secure affordable housing identified as required and viable in the evidence base. However in this case, the provision of a 100% affordable housing scheme is being promoted by the applicant and an assessment has been submitted stating that the scheme cannot be delivered if it is required to provide the financial contributions set out in section 3.0 of this report. The applicant's viability assessment has been independently verified and it is agreed that the provision of financial contributions would make the scheme unviable. As such it is considered to be reasonable to secure the provision of 100% affordable housing through a Section 106 legal agreement. This obligation is

considered to comply with Regulation 122 of the Community Infrastructure Levy Regulations (CIL).

5.4 The provision of housing with all houses proposed to be affordable on previously developed land has significant weight in the planning balance, and complies with the NPPF and policies H2, H3 and H10 of the Draft Local Plan.

VISUAL AMENITY AND IMPACT ON THE SETTING OF THE CONSERVATION AREA

5.5 Chapter 12 of the NPPF contains policy on design, placing great importance to that design of the built environment, stating that planning decisions should ensure that development 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 policy is reflected in draft local plan policies D1 Placemaking and D2 Landscape Setting and reflecting the limited extent of unresolved objection, these policies can be given moderate weight in the planning balance.

5.6 The proposed dwellings are of a more modest scale and of a denser pattern of development than the wider surroundings, however the wider visual impacts are low. The proposed dwellings reflect the arts and crafts style of the dwellings to the north and are considered to be an attractive design.

5.7 The landscaping around and within this development is has considerable importance to the success of this development and how it sits within the surrounding landscape. A general landscaping plan has been submitted. The denser development and being closer to the boundary would give the development a degree of prominence from the Stray. The retention of the hedge to the western boundary is of importance and has been retained along a large stretch between the housing development and the Stray. The reduction in size and the maintenance of the hedge would be in keeping with other similar development in the area. Views of the site from the stray would be viewed in context of the surrounding development. It is considered necessary to condition details for the initial proposed works to the hedgerow and a subsequent management plan to ensure that it is maintained retained to an appropriate scale.

5.8 In accordance with section 72 of the Planning (Listed Building and Conservation Area) Act 1990, the Local Planning Authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area in exercising its planning duties. Where there is found to be harm to the character or appearance of the Conservation Area the statutory duty means

that the avoidance of such harm should be afforded considerable importance and weight.

5.9 The legislative requirements of Sections 72 are in addition to government policy contained in Section 16 of the NPPF. The NPPF classes conservation areas as 'designated heritage assets'. Section 16 advises that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

5.8 The Draft Local Plan (2018) policies D4, and D5 reflect legislation and national planning guidance that development proposals should preserve or enhance the special character and appearance and contribution to the significance and setting of the heritage assets and respect important views.

5.10 With its hipped tiled roofs and front gables, flat roofed dormers and vertical emphasis to the windows, the proposed design of the dwellings appears to be in keeping with the semi-detached houses and terraces neighbouring the site. The special character and interest of this Conservation Area is its historic, garden village quality. The removal of the garages and the erection of the proposed dwellings is considered to have a neutral impact to the setting of the conservation area.

5.11 The proposed site layout and the design of the buildings is considered to be appropriate in the streetscene and would result in no harm to the setting of the conservation area.

HIGHWAY ISSUES AND THE LOSS OF GARAGES

5.12 The NPPF encourages development that is sustainably located and accessible; requires that all development achieves safe and suitable access for all users and 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 116 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 draft Local Plan aligns with 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 The site is considered to be within a sustainable location close to local facilities and public transport. The site is 380 metres from a high frequency bus stop (Folk Hall). The site is close to the cycle network which gives off-road access to the orbital route and onward connection via off-road and on-road cycle paths to the hospital, city centre and railway station. A Covered and secure 2m x 2m cycle parking shed /

garden store is provided for each dwelling, LTN1/20 suggests one cycle space per bedroom. The store can provide the guideline level of cycle parking but not tandems, trailers or accessible cycles. A condition is recommended to require further detail of the store.

5.14 Each 3xbed dwellings has 2no. vehicle parking spaces, and the 2xbed dwellings have 1no. vehicle parking space each. There would be 6 visitor parking spaces (total of 26 vehicle parking spaces). A bin collection point has been provided at one of the access points and refuse bins would also be likely be collected from the other access point from the grass verge as is the case with the neighbouring properties. The loss of the garages would likely result in an increase in on-street parking in the local area, however the impact is considered relatively limited. It is noted that there are no street parking restrictions. The proposals are considered to be acceptable in terms of their impact on the surrounding highway network.

5.15 The Highway Network Management team have requested a contribution towards the upgrading of the nearby Folk Hall bus stop (Hawthorne Lane). This obligation is not considered to comply with Regulation 122 of the Community Infrastructure Levy Regulations (CIL). It is not considered to comply with para 57 of the NPPF which requires obligations to: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

5.16 S.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 this 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. Protected characteristics included disability, sex, age and pregnancy and maternity. The proposed loss of the garages has resulted in objections including objections that people with disabilities will have difficulty finding on street parking spaces. It is considered that similar issues could arise for those with protected characteristics and people using the garages for storing mobility scooters. This potentially engages s.149 of the Act. 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.

5.17 As at January 2023, the applicant set out that of the 47 garages; 15 were unused, 17 garages were let to residents within 150 metres of the site, 9 garages were let to residents who live within 300m of the site. One of the garages was let to residents living more than 300 metres from the site. Four of the garages were let to

people living outside of the village. More recent correspondence with the applicant's agent states:

“In respect to the ongoing use of the garages, JRHT were conscious that a number of garage sites are proposed for redevelopment where the timing differs, which could leave tenants who are subject to later proposals at a disadvantage if those served notice first were offered an alternative garage before the last scheme comes forward. JRHT has therefore served notice on the occupants of all affected garages and taken back possession of all the units at the same time. This is with a view to implementing a policy that will see those with disabilities being offered a replacement garage as a matter of priority, especially where they are already tenants of JRHT.”

“It is understood that of those who rented garages at Garthway West, they are to be allocated garages elsewhere”.

5.18 In consideration of this issue it is noted that blue badge holders can seek disabled parking bays to be provided in the public highway, and that a shed for the parking of a mobility scooter is to be provided in the garden of the existing flats 1-8 Garthway. The applicant has sought to address the issue through their policy as set out in 5.17 above including giving those with disabilities priority for replacement garages. It is not considered that the applicant's garage policy could reasonably be included as a planning condition.

5.19 Officers have given due regard to the aims of the Act. The provision of 14 affordable houses has significant weight in the decision making process, regard is also given to the mitigation and alternatives to garage parking set out in 5.18.

RESIDENTIAL AMENITY

5.20 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.

5.21 The proposed development will result in the reduction of the communal garden areas to 1-8 Garthway, in addition the 2 no. outbuildings to these flats will also be demolished. Whilst the communal garden areas would be smaller they are still considered to provide a reasonable sized outside amenity area for the occupants of

1-8 Garthway. Officers understand that the occupants of 1-8 Garthway do not currently have allocated parking provision. The proposed development does not provide these existing flats with allocated parking, though it is noted that 6no. visitor parking spaces would be provided.

5.22 The closest distance between the windows of the Garthway flats (7 and 8) and the proposed dwellings is 12.5 metres. The distance between the proposed dwellings and the garden boundary of the Garthway flats at its closest point would be 6.2 metres. The plans show the shared boundary to be demarcated by a hedge. The floor plan and elevations of the proposed 2x bed dwellings has been altered to reduce the first floor front elevation window size and to obscurely glaze one of the windows to reduce the perception of overlooking to the flats and the communal garden area. On balance these measures are considered to lessen the impact to privacy. The proposed development is not considered to result in undue overshadowing to the neighbouring dwellings.

5.23 The proposed dwellings are considered to provide reasonable sized accommodation. There is a requirement for 2-3 bedroomed dwellings within the city. The garden spaces for the proposed dwellings are considered to be modest however there are considered to be sufficient to dry clothes, and to have a play set.

BIODIVERSITY

5.24 Paragraph 174 of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Draft Local Plan policies reflect this advice in relation to trees, protected species and habitats; GI4 states that development will be permitted where it retains trees and hedgerows that make a positive contribution to the character or setting of a conservation area or listed building, the setting of proposed development, are a significant element of a designed landscape, or value to the general public amenity, in terms of visual benefits, shading and screening.

5.25 The NPPF advises that if significant harm to biodiversity from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

5.26 A Preliminary Ecological Appraisal (PEA) has been submitted. The habitats within the site comprise scrub, buildings, amenity grassland and bare ground interspersed with scattered trees. The existing dwellings on the site have bat roost potential but no works are proposed to these buildings. The site is suitable for nesting birds and any trees, shrubs or buildings to be removed should be cleared outside of the bird nesting season unless safeguards are in place. No further ecological constraints were identified.

5.27 The PEA makes recommendation for biodiversity gains. These include at least 4 bat boxes sited on buildings; a lighting design plan; bird boxes on 25% of the new houses; hedgehog houses and hedgehog holes to allow access between gardens and in and out of the site. Recommend an Ecological Construction Environment Management Plan and an Ecological Enhancement Management Plan.

5.28 Ecology Officer is satisfied with the submitted ecology information. It is considered that the recommendations of the report be secured via condition.

DRAINAGE

5.29 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. Local Plan Policy GP15a (Development and Flood Risk) and 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.

5.30 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.

SUSTAINABILITY

5.31 Policy CC2 of the Draft Local Plan (2018) as recently amended states all new residential building development of 1 or more dwellings 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).

5.32 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. The Target Emissions Rate (TER) for proposed new dwellings should be calculated using version 10 of the Standard Assessment Procedure (SAP).

5.33 The supporting information sets out that the developer addresses the policy by improved thermal and acoustic efficiency, with high insulation levels; improving air tightness with the use of robust detailing and membranes; reduction of thermal bridging with the use of robust detailing; the use of air-source heat pumps in each dwelling; the use of reduced flow shower fittings and a standard sized bath.

5.34 It is considered the requirements of policy CC2 can be achieved by condition.

DEVELOPER CONTRIBUTIONS

Education

5.35 The Education Planning Officer requests contributions for each sector, totalling £201,679. This would include an expansion to the catchment areas of New Earswick and Joseph Rowntree Schools. The schools identified may also or instead be expanded to provide additional capacity. This obligation would in principle comply with Regulation 122 of the Community Infrastructure Levy Regulations (CIL) subject to viability as set out below.

Sport and Open Space

5.36 The 2017 green infrastructure update sets out that there is an oversupply of outdoor sports provision in the Huntington and New Earswick ward. The Active Sport and Leisure team advise that the city's Playing Pitch Strategy is being refreshed at the moment and highlights a number of improvements requiring investment at New Earswick Sports Club to bring the pitches up to a playable standard and be used by the local population.

5.32 The request for off-site contributions for sport totalling £7,242 with the suggested beneficiaries for the outdoor sports elements to be New Earswick Sports Club and or another sports project within a 15-20 minute walking distance or within 20 minutes on public transport of the development. In addition they request contributions of £5,134 and £10,520 for amenity and play space respectively.

5.33 The requested obligation towards sports provision is not considered to comply with Regulation 122 of the Community Infrastructure Levy Regulations (CIL). As there is an oversupply of outdoor sports provision it is not considered to comply with para 57 of the NPPF which requires obligations to be: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. However the requested obligations towards amenity and play space would in principle comply with Regulation 122 of the Community Infrastructure Levy Regulations (CIL) subject to viability set out below.

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Viability

5.34 Financial Viability is a material planning consideration. The NPPF and Planning Practice Guidance for Viability (PPG) set the framework and principle for undertaking and assessing a Financial Viability Assessment (FVA) for plan making and decision taking. In accordance with this framework, the applicant has submitted an FVA, this concluded that “The applicant intends on delivering an entirely affordable scheme. Our appraisal produces a negative profit and is therefore unviable. The scheme is therefore unable to deliver any non-housing s106 contributions that may be required in accordance with local planning policy”.

5.35 The LPA subsequently commissioned a review of the FVA by an independent property consultant. The review concluded that proposed 100% affordable housing scheme is unable to provide any S106 contributions. The review report further recommends a review of the GDV upon the commencement of the construction works. Requiring a financial contribution secured through a s.106 agreement would not comply with Regulation 122 of the Community Infrastructure Levy Regulations because the contribution would not be fairly and reasonably related in scale and kind to the development.

6.0 CONCLUSION

6.1 The proposal would provide 14 new houses all of which would be affordable housing provided by a Registered Social Housing Provider, this complies with the NPPF and draft local plan policy H10 and its aim of encouraging higher rates of affordable provision. This has significant weight in the planning balance. The proposed design and layout are appropriate to its surroundings and will have a neutral impact on the setting of the conservation area. The demolition of the garages would be an inconvenience to the users but would not have an unacceptable impact on highway safety; due regard has been given to the requirements of the Public Sector Equality Duty. The impact on the living conditions of neighbouring dwellings is not considered to be harmful. Planning conditions can address or mitigate all other material planning considerations. Subject to conditions and the completion of a legal agreement to secure affordable housing, the provision of housing is considered to outweigh any identified harms and the development would accord with the NPPF, and the draft Local Plan 2018.

7.0 RECOMMENDATION

i That delegated authority be given to the Head of Planning and Development Services to APPROVE the application subject to:

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

- Affordable Housing: 100% provision

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

iii The Head of Planning and Development Services be given delegated authority to determine the final detail of the following planning conditions:

1 TIME2 Development start within three years

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

Drawing Number (02) 001 Revision A 'Site Location Plan' received 15 March 2022

Drawing Number (02) 003 Revision I 'Proposed Site Plan' received 26 April 2023;

Drawing Number (02) 100 Revision A 'Proposed Floor Plans House Type A 2B4P' received 17 January 2023;

Drawing Number (02) 110 Revision # 'Proposed Floor Plans House Type A 3B5P' received 01 March 2022;

Drawing Number (02) 200 Revision B 'Proposed Elevations House Type A 2B4P' received 14 February 2023;

Drawing Number (02) 201 Revision A 'Proposed Elevations House Type B 3B5P' received 14 February 2023;

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

3 Samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority following the demolition of the garages but prior to the start of construction of the dwellings. The development shall be carried out using the approved materials.

A sample panel of the brickwork to be used on this building shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

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Reason: So as to achieve a visually cohesive appearance.

4 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 occupants of the nearby dwellings.

5 Prior to the commencement of construction of the dwellings, 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 approved in writing by the Local Planning Authority.

Reason: To protect the amenity of the locality. The information is sought prior to commencement to ensure that it is initiated at an appropriate point in the development procedure.

6 Following demolition of the garages but prior to commencement of construction of the dwellings, an investigation and risk assessment 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 the commencement of the construction of the dwellings. 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,

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- 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 Following demolition of the garages but prior to commencement of construction of the dwellings, 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. A verification report that demonstrates the effectiveness of the remediation 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

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out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of the measures identified in the approved remediation scheme a verification report 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, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10 No works shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include but not be limited to 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;
- All works shall take place in accordance with the approved CTMP.

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 or the safe and free passage of highway users. The information is sought prior to commencement to ensure that it is initiated at an appropriate point in the development procedure.

11 Prior to the commencement of development, details regarding protection measures for the hedge (running along the western boundary of the site) shall be submitted to and approved in writing by the local planning authority. Amongst the detail the statement shall cover details and locations of protective fencing, ground protection, a schedule of hedge works, site rules and prohibitions, phasing of protection measures, site access during development operations, types of construction machinery/vehicles to be used, method of demolition and site clearance, parking arrangements for site vehicles, locations for stored materials, locations and means of installing utilities, location of site compound. The document shall also include methodologies and construction details where specialist construction techniques are required for a change in surface material and/or boundary treatment within the potential root protection area of existing hedge. A copy of the document shall be available for reference and inspection on site at all times. The development shall be implemented and carried out in full accordance with the approved details.

Prior to the first occupation of the dwellings a management plan (for the maintenance of the hedge in perpetuity) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the hedge shall be maintained in full accordance with these approved details.

Reason: To protect the retained hedge. The information is sought prior to commencement to ensure that it is initiated at an appropriate point in the development procedure.

12 A biodiversity enhancement plan/drawing shall be submitted to and approved in writing by the local planning authority prior to the commencement of the construction of any dwelling. The plan shall be informed by the Preliminary Ecological Appraisal May 2024 and shall include, but not be limited to; 4 integrated features providing a roosting crevice for bats constructed within the fabric of the new buildings; 4 boxes for nesting birds; 2 hedgehog houses; hedgehog holes in all partition fences; hedgehog holes every 20m in any perimeter boundary fencing; lighting design plan.

The development shall be carried out in accordance with the approved biodiversity enhancement plan/drawing.

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

13 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 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

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similarly competent person

h) Use of protective fences, exclusion barriers and warning signs

The development shall take place (including ground works and vegetation removal) in accordance with the approved CEMP: Biodiversity.

Reason: To facilitate the protection of notable/sensitive ecological features and habitats on the application site and within the local area in line with Policy GI2 in the Publication Draft Local Plan (2018).

14 No vegetation removal or demolition works shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation and structures 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 should be submitted to the local planning authority.

Reason: To ensure that breeding 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.

Informative: 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 absolutely certain that nesting birds are not present.

15 Within three months of commencement of development a detailed landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants. This scheme as approved shall be implemented within a period of six months of the practical completion of the development. Any trees or plants which within a period of ten years from the substantial completion of the planting and development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species across the site, since the landscape scheme is

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integral to the amenity of the development and mitigation for lost trees.

16 The development shall be carried out in accordance with the details shown on the submitted Proposed Drainage Layout - Drawing Numbers P21-01451-MET-M2-C-002 Revision 5 (received 21 April 2023) and 403/02 (02) 003 Revision I (received 26 April 2023) and 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: In the interest of satisfactory and sustainable drainage and 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.

17 Prior to first occupation 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.

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.

18 The refuse bin storage areas for each dwelling shall be provided in accordance with the approved plans (as detailed in Drawing Number (02) 003 Revision G (received 14 February 2023) prior to first occupation. The facilities shall be retained for such use at all times.

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

19 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

20 Prior to the occupation of any dwelling, all carriageways and footways fronting that dwelling and along which access is required to that dwelling, shall be kerbed, lit

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and surfaced to at least base course level.

Reason: To provide a safe means of access.

21 Notwithstanding drawing Number (02) 005 Revision # 'Proposed Bike & Garden Store received 14 February 2023 prior to the construction of any dwelling 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 not be used for any purpose other than the parking of cycles unless otherwise approved in writing and clearly marked as such on the approved drawing.

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

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:

- Request additional information
- Request revised plans
- Use of conditions

2. Informative - bats

It is noted that the flats (1 to 8 Garthway) offer suitable features for roosting bats, as detailed in paragraph 8.2.3.2 of the Preliminary Ecological Appraisal. As such, no works to these units shall be carried out without further consultation. Additional bat presence/absence surveys will be required prior to the commencement of any required works.

In the UK, due to the decline in bat numbers in the last century, all species of bat are protected by the Wildlife & Countryside Act (1981) as amended, Countryside and Rights of Way Act (2000) and the Conservation of Habitats and Species Regulations

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2017 (as amended). Planning consent for a development does not provide a defence against prosecution under this act. Because of their protected status, it should be noted that if bats are discovered during the course of the work, all works must cease and Natural England must be informed immediately. It is an offence for anyone to disturb or handle a bat without the appropriate licences. This may cause some delay but should not prevent the work continuing, provided that due account is taken of their presence.

3. Informative - hedgehogs

To ensure hedgehogs can make use of the gardens within the proposed development 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>

4. 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) 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.

5. Internal Drainage Board's Consent

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

Application Reference Number: 22/00440/FULM

Item No:

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.

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:-
<http://www.yorkconsort.gov.uk>

6. 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.

7. 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, 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.

8. THE PARTY WALL ETC ACT 1996

Application Reference Number: 22/00440/FULM

Item No:

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

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

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

9. 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:

- Adoption of highway (Section 38) - development.adoption@york.gov.uk
- 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
- Footpath/bridleway diversion (Town and Country Planning Act 1990, Section 257)

CONDITION 5 – INFORMATION REQUIRED FOR CEMP

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.

Application Reference Number: 22/00440/FULM

Item No:

Ideally all monitoring results should be recorded and include what was found and mitigation measures employed (if any).

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

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

In addition to the above the CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses public.protection@york.gov.uk and planning.enforcement@york.gov.uk

Contact details:

Case Officer: Victoria Bell
Tel No: 01904 551347

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Planning Committee B

22/00440/FULM

Land To The West Of 1 To 8 Garthway New Earswick

Existing site plan



- NOTES**
- All alterations and work are to be checked on site.
 - Any discrepancies are to be reported to the Clerk & Jagger Architects Ltd before any work commences.
 - This drawing shall not be used to construct any alterations, other than those shown on this drawing.
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 - The accuracy of design and construction details are provided using all reasonable endeavours. Clerk & Jagger Architects Ltd shall not be responsible for the accuracy or code compliance of these plans.

APPLICATION BOUNDARY
 ————
NEW EARSWICK CONSERVATION AREA BOUNDARY
 - - - - -

REV	DATE	BY	CHKD
1	2022/02	MMG	MMG

EXISTING LEVELS ADDED TO DRAWING.

DRAWING STAGE: PLANNING
 DRAWING STATUS: FOR APPROVAL
 CLIENT: JOSEPH ROJUNTREE L141 15/16 THE PITS
 PROJECT: NEW DWELLINGS GARTHWAY WEST NEW EARSWICK
 DRAWING TITLE: EXISTING SITE PLAN
 DATE: FEB '22 DRAWN: MMG
 SCALE: 1:500 @ A3 CHECKED: FS

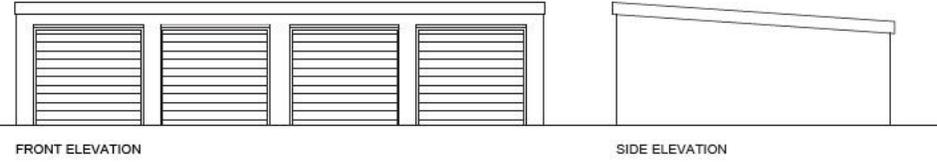
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 14 - 15 Regent Parade
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 Tel: 01423 532950
 info@shawandjagger.com
 www.shawandjagger.com

Job No: 403/02 DWG No: (02) 002 A Rev: A



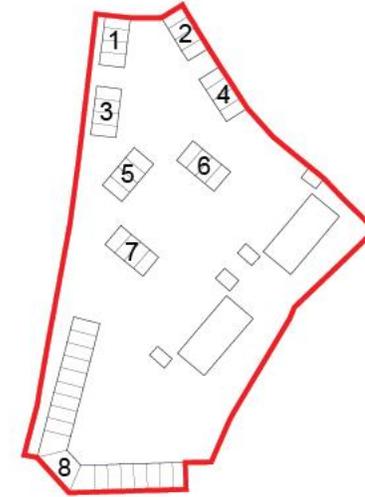
Existing garage blocks

GARAGE BLOCKS 1 - 7



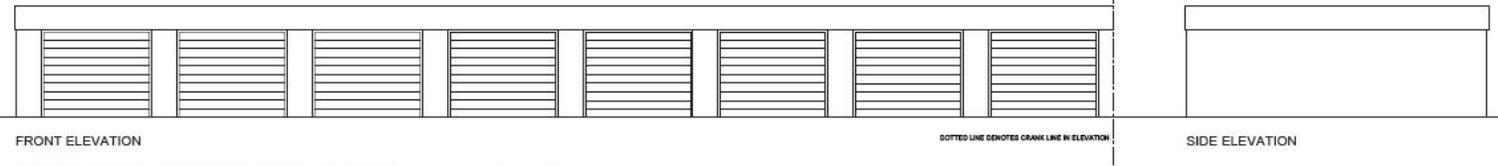
EXISTING SITE PHOTO

EXISTING GARAGE BLOCK I.D.



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- All dimensions and levels are to be checked on site.
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GARAGE BLOCK 8



EXISTING SITE PHOTO

drawing stage	PLANNING
drawing status	FOR APPROVAL
client	JOSEPH ROULANT REE HIGH RISK TRUST
project	NEW DWELLINGS GARTHWAY WEST NEW EARSWICK
drawing title	EXISTING GARAGES

date	FEB '22	drawn	MMG
scale	1:100 @ A3	checked	FS

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job No	DWG No	Rev
403/02	(02) 010	#

Proposed elevations 2 bed house type



FRONT



SIDE 1



REAR



SIDE 2

- NOTES**
- All dimensions and levels are to be checked on site.
 - All dimensions are to be taken to the outer face of brick & gable.
 - The drawing shall not be construed to indicate any dimensions. Work to agreed dimensions only.
 - The drawing shall not be reproduced without express written permission from Shaw & Jagger Architects Ltd.
 - This is a design concept and is subject to change. It is not intended to be a final design. It is not intended to be used for any other purpose.

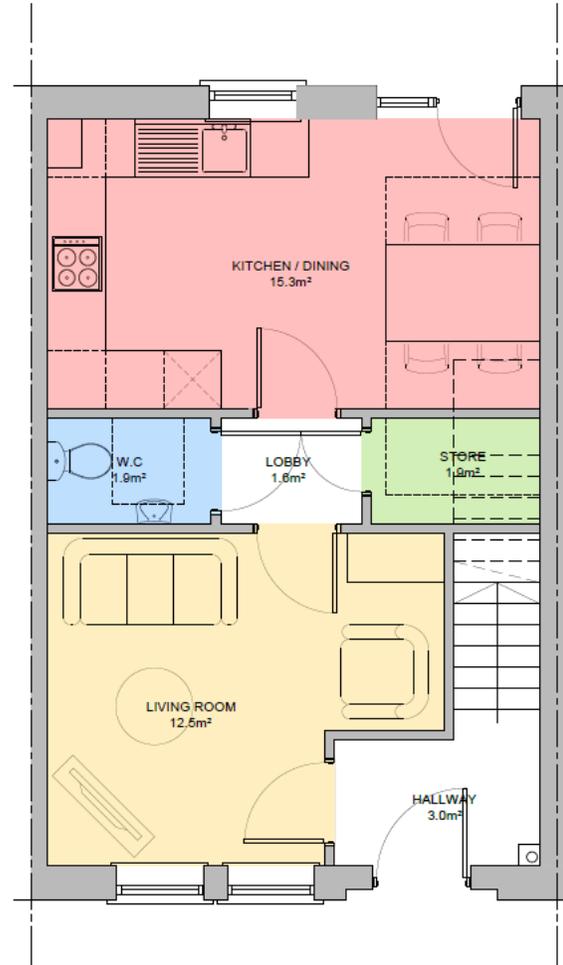
- MATERIALS KEY**
1. WALL: FACING BRICK
 2. ROOF: PAN TILE
- WALL-MOUNTED ELECTRIC CAR CHARGING PORT POSITION, WHERE FEASIBLE

REV	DATE	BY	CHKD
1	06/03/22	MMG	EJ
BRICK-BUILT SECURE BIKES & GARDEN STORE NO LONGER ADJOINING DWELLING			
2	06/03/22	MMG	EJ
REVISED LAYOUT IN LINE WITH REVISED SITE LAYOUT			
drawing stage: PLANNING			
drawing status: FOR APPROVAL			
client: JRHT JOSEPH ROUNDTREE HOUSING TRUST			
project: NEW DWELLINGS GARTHWAY WEST NEW EARSWICK			
drawing title: PROPOSED ELEVATIONS HOUSE TYPE A 2B4P			
date	JAN '22	drawn	MMG
scale	1:100 @ A3	checked	FB

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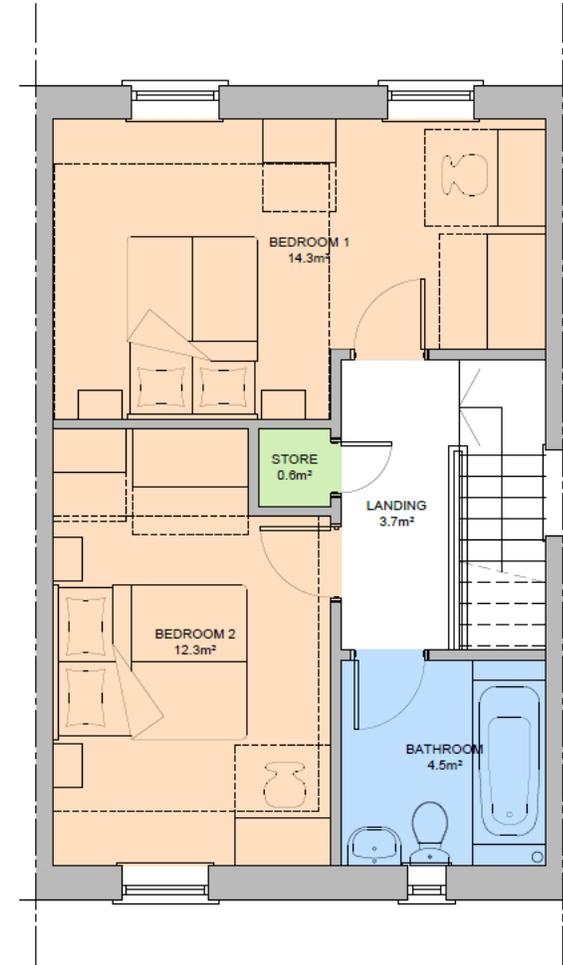
Job No: 403/02 (02) 200 B
DWG No: Rev: B

Proposed floor plans 2 bed house type



GROUND FLOOR

2B4P - 79.1m²
HOUSE TYPE A



FIRST FLOOR

- NOTES**
- All dimensions and levels are to be checked on site.
 - Any discrepancies are to be reported to the client by the date of Jagger Architects Ltd before any work commences.
 - This drawing shall not be used to construct any dimensions, walls or fixtures without prior written permission from Shaw & Jagger Architects Ltd.
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 - The overall design and general finishes are provided unless otherwise specified. Shaw & Jagger Architects Ltd cannot be held responsible for the accuracy or scale discrepancy of these drawings.

NDSS CHECKLIST

- a. Min. GIA of 79.0m² and built-in storage of 2.0m³ (2B4P)
- b. Min. one double (or twin) bedroom.
- c. Single bedroom floor area min. 7.5m² and min. 2.15m wide.
- d. Double (or twin) bedroom floor area min. 11.5m²
- e. One double (or twin) bedroom is min. 2.75m wide, every other double (or twin) bedroom min. 2.55m wide.
- f. Any area with headroom less than 1.5m is not counted within GIA unless solely used for storage.
- g. Any other area used solely for storage and has headroom of 900-1500mm (such as under eaves) is counted at 50% of its floor area. Any area lower than 900mm is not counted.
- h. Built-in wardrobe counts towards GIA and bedroom floor requirements, but it should not reduce effective width of room below min. widths set out above. Built-in area in excess of 0.72m² in double bedroom and 0.36m² in single bedroom counts towards built-in storage requirements.
- i. Min. floor to ceiling height is 2.3m for at least 75% of GIA.

Rev	Date	Drawn	Checked
A	04/03/23	MMG	EL

REVISED LAYOUT IN LINE WITH REVISED SITE LAYOUT.

Drawing stage: PLANNING

Drawing status: FOR APPROVAL

Client: **JRHT** JOSEPH ROJUNTREE HOUSING TRUST

Project: NEW DWELLINGS GARTHWAY WEST NEW EARSWICK

Drawing title: PROPOSED FLOOR PLANS HOUSE TYPE A 2B4P

Date	Drawn	Checked
JAN '22	MMG	MMG
1:50 @ A3		FB

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Job No: 403/02 (02) 100 A

Proposed elevations 3 bed house type



FRONT



SIDE 1



REAR



SIDE 2

- NOTES**
- All alterations and works are to be checked on site.
 - Any discrepancies are to be reported to the client & Jagger Architects Ltd within 10 working days.
 - The design shall not be subject to alteration or modification, save to agreed alterations only.
 - This design shall not be reproduced without express written permission from Shaw & Jagger Architects Ltd.
 - This elevation drawing and associated information are intended solely as illustrative information. Shaw & Jagger Architects Ltd cannot be held responsible for the accuracy or completeness of these plans.

- MATERIALS KEY**
1. WALL: FACING BRICK.
 2. ROOF: PAN TILE.
- WALL-MOUNTED ELECTRIC CAR CHARGING POINT POSITION, WHERE FEASIBLE

REV	DATE	DRAWN	CHECKED
A	05/03/22	MMG	FS

BRICK-BUILT SECURE BIKE & GARDEN STORE NO LONGER ADJOINING DWELLING.

drawing stage: PLANNING

drawing status: FOR APPROVAL

client: **JRHT** JOSEPH ROUNTREE HOUSING TRUST

project: NEW DWELLINGS GARTHWAY WEST NEW EARSWICK

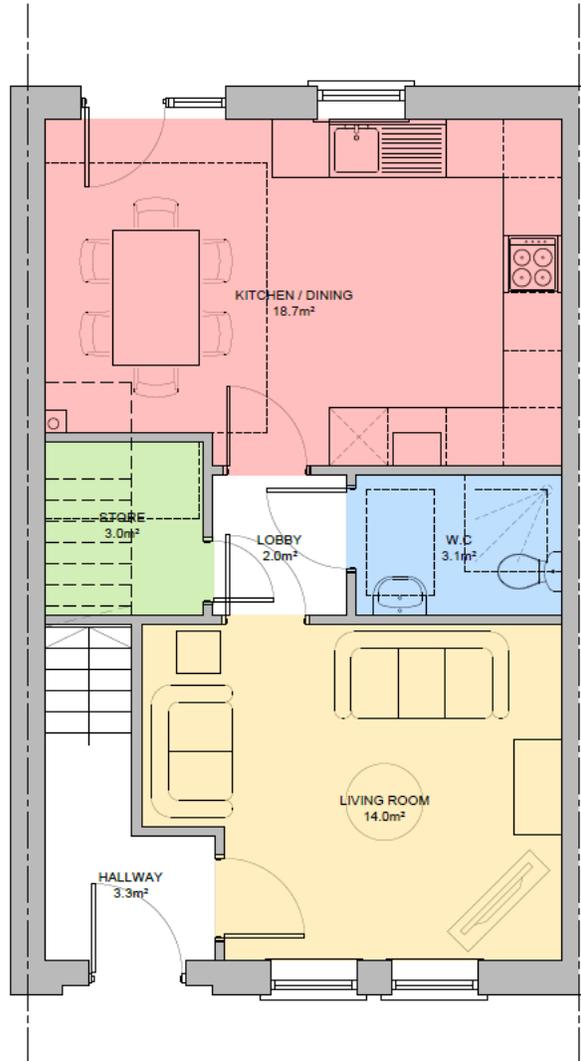
drawing title: PROPOSED ELEVATIONS HOUSE TYPE B SBSP

DATE	JAN '22	DRAWN	MMG
SCALE	1:100 @ A3	CHECKED	FS

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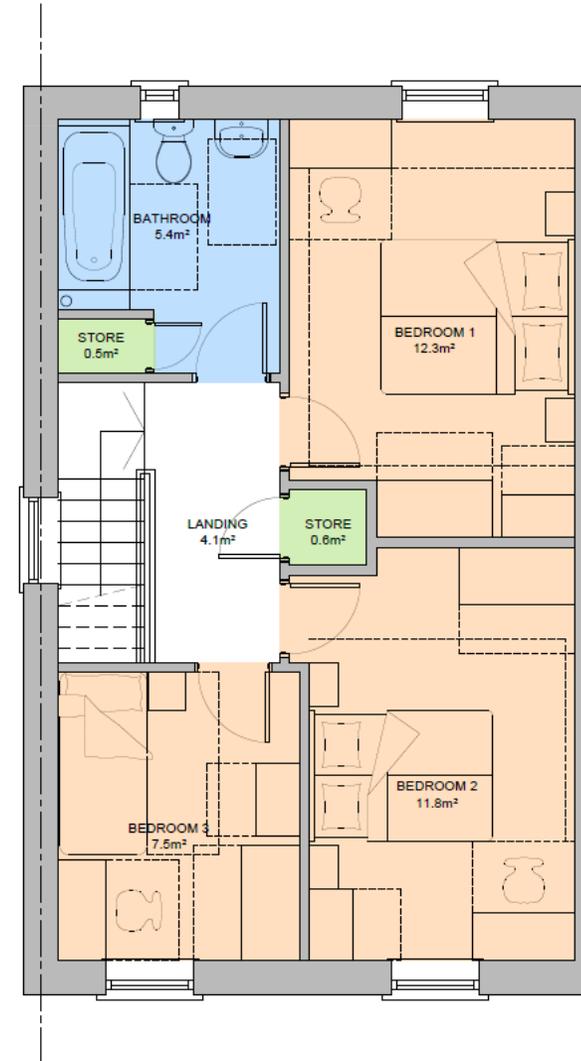
Job No	DWG No	Rev
403/02	(02) 201 A	A

Proposed floor plan 3 bed house type



GROUND FLOOR

3B5P - 93.6m²
HOUSE TYPE B



FIRST FLOOR

- NOTES
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 - Any discrepancy as to be reported to the Shaw & Jagger Architects Ltd before any work commences.
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- NDSS CHECKLIST
- a. Min. GIA of 79.0m² and built-in storage of 2.5m³ (3B5P)
 - b. Min. one double (or twin) bedroom.
 - c. Single bedroom floor area min. 7.5m² and min. 2.15m wide.
 - d. Double (or twin) bedroom floor area min. 11.5m²
 - e. One double (or twin) bedroom is min. 2.75m wide, every other double (or twin) bedroom min. 2.55m wide.
 - f. Any area with headroom less than 1.5m is not counted within GIA unless solely used for storage.
 - g. Any other area used solely for storage and has headroom of 900-1500mm (such as under eaves) is counted at 50% of its floor area. Any area lower than 900mm is not counted.
 - h. Built-in wardrobe counts towards GIA and bedroom floor requirements, but it should not reduce effective width of room below min. widths set out above. Built-in area in excess of 0.72m² in double bedroom and 0.36m² in single bedroom counts towards built-in storage requirements.
 - i. Min. floor to ceiling height is 2.3m for at least 75% of GIA.

Drawing stage: PLANNING
Drawing title: FOR APPROVAL

Client: JOSEPH ROJUNTREE HOUSING TRUST

Project: NEW DWELLINGS GARTHWAY WEST NEW EARSWICK

Drawing title: PROPOSED FLOOR PLANS HOUSE TYPE B 3B5P

Date: JAN '22 Drawn: MMG
Scale: 1:50 @ A3 Checked: FS

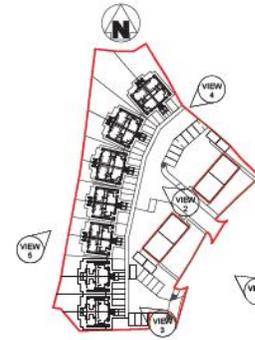
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VIEW 1 - GENERAL SITE OVERVIEW LOOKING NORTH-WEST



- NOTES**
- All dimensions and levels are to be checked on site.
 - All measurements are to be made to the Outer Edge of Asphalt/Concrete and not to the centerline.
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VIEW 2 - LOOKING NORTH WEST FROM BETWEEN EXISTING APARTMENTS



VIEW 3 - VIEW OF SOUTH OF SITE



VIEW 4 - FROM THE NORTH-EAST, LOOKING SOUTH-WEST



VIEW 5 - REAR OF DEVELOPMENT LOOKING NORTH-EAST

no	date	drawn	checked
S	05/02/22	MWG	EJ
BRICK-BUILT SECURE BIKE STORES MOVED TO REAR.			
no	date	drawn	checked
A	04/11/23	MWG	EJ
NEW SITE LAYOUT FOLLOWING LA FEEDBACK			
drawing stage	PLANNING		
drawing status	FOR APPROVAL		

JRHT JOSEPH ROJUNTREE HOUSING TRUST

project
NEW DWELLINGS
GARTHWAY WEST
NEW EARSWACK

drawing title
PROPOSED CGI

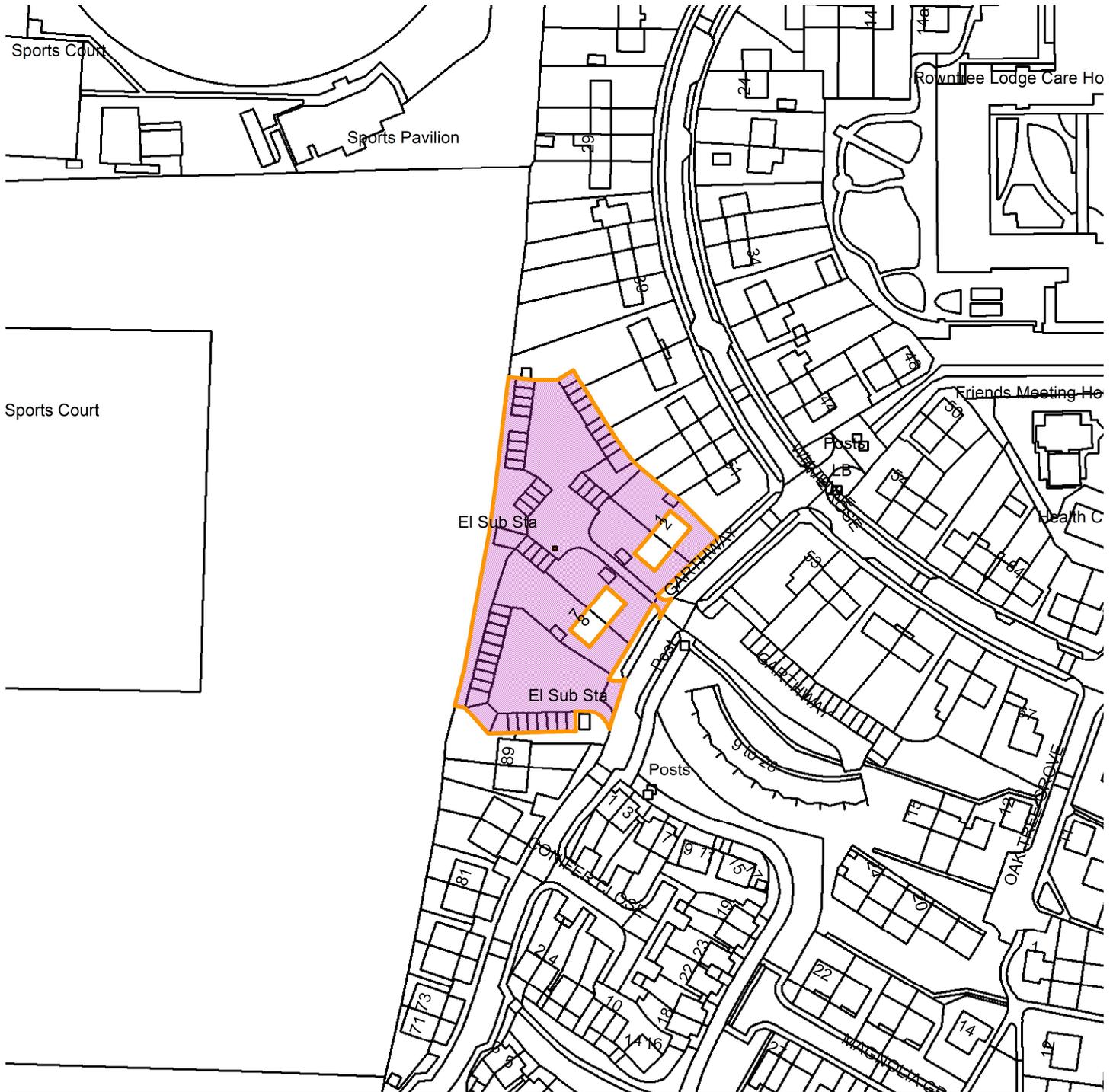
date	drawn	checked
JAN '22	MWG	FB
scale	NTS	

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403/02 (02) 300 B

Land to West of 1 to 8 Garthway, New Earswick

22/00440/FULM



Scale : 1:1684

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Organisation	City of York Council
Department	Env, Transport & Planning
Comments	Site Location Plan
Date	06 August 2024
SLA Number	Not Set

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COMMITTEE REPORT

Date: 15 August 2024 **Ward:** Guildhall
Team: East Area **Parish:** Guildhall Planning Panel

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

By: City Of York Council
Application Type: General Regulations (Reg3)
Target Date: 21 October 2022
Recommendation: Approve

1.0 PROPOSAL

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

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

Application Reference Number: 21/02295/GRG3

Item No:

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

Decision of the Planning Committee B Meeting 19 October 2022

1.4 Resolved: That the application be deferred to allow the applicant to seek an amended design to minimise the distance between the blue badge holder spaces and the pedestrian exit from the car park, avoiding crossing the vehicle entrance to the hyper hub.

1.5 Reason: The proposed position of the charging hub should be reconsidered due to the requirement to re-locate the blue badge spaces that are currently located in the southeast corner of the car park. Consideration should be given to a revised / relocated compound; walkway along the southern boundary; relocation of the blue badge spaces.

Submission of further information by the applicant

1.6 The applicant comments that in addition to the reasons for deferral stated in the minutes some committee members were concerned that the ban on blue badge parking in the town centre may create more demand for the 7 disabled parking spaces at Union Terrace, and that any additional distance from the parking bays to the car park entrance was unacceptable, as the ongoing distance to the town centre was over 500m.

Several alternative design options have since been explored and a number of 3rd party groups have been consulted on the details of the proposal.

The ban on blue badge parking in the city centre has since been lifted.

Alternative Designs

1.7 Several alternative designs were explored which would not require changes to the accessible parking bays in the Southeast corner of the car park. All alternative designs were ultimately rejected due to some, or all of the following design issues:

- Prevented adequate or safe movement of vehicles within the carpark.
Application Reference Number: 21/02295/GRG3 Item No:

- Insufficient width along main access route for 2-way traffic entering and exiting the car park.
- Substantial reduction in car park capacity (removal of 40+ spaces).
- Requirement to remove mature trees.
- Removal of motorbike parking.
- Solar PV would be substantially shaded.
- No 7kW chargers could be installed in the main car park.
- No Accessible 7kW chargers could be installed in the main car park.
- Created pedestrian areas which would be dark and/or isolated, which would create personal safety issues.
- Design options which reduced the capacity or capability of the Hub, in order to accommodate the proposal into other areas of the car park, did not meet funding criteria.

Consultation

1.8 The following groups were invited to review the Proposal.

- Motability
- Designability
- York Access Forum
- Charge 2 Access
- Yorkshire EV club

1.9 Consultees were asked to comment on the following aspects of the design:

- a) Location: Consider the choice of location How would the proposal effect EV charging coverage in York
- b) Number and type of chargers: Consider the suitability of the charger type and quantity proposed.
- c) Design: Consider the overall design of the hub and of the fast charger bays in the car park. Consider ease of use for entering and exiting the designated charging bays, connecting the vehicle to the charger and initiating the charge. Also consider whether the proposal will impact other car park users.
- d) Accessibility & Personal Safety: Consider the accessibility of the charging hub and the fast charger bays. How safe will users feel using the site.

e) Proposed changes to blue badge parking at Union Terrace: Consider the impact of the changes to disabled parking bays on disabled drivers. Do you have any experience of using Union Terrace car park?

Conclusions

- No suitable alternative design has been developed which avoids relocating the existing disabled parking bays.
- No concerns were raised over the relocation of the disabled parking bays during consultation.
- Consultees did not indicate a preferred destination for users parking at Union Terrace car park, nor did they express a preference for use of either pedestrian entrance. Consultees did identify that the town centre would be an unlikely destination given the significant onward distance.
- The blue badge parking ban in the town centre has been lifted, removing the need for disabled motorists to find alternative parking when visiting the city centre.
- Consultees acknowledged the urgent need for accessible charging facilities and approved of the design, location and capability of the proposed charging facility.

2.0 POLICY CONTEXT

National Planning Policy Framework

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

5.3 Planning decisions should apply a presumption in favour of sustainable development. The planning system should contribute to the achievement of sustainable development. To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives.

5.4 Paragraph 116 states that applications for development should address the needs of people with disabilities and reduced mobility in relation to all modes of

Application Reference Number: 21/02295/GRG3

Item No:

transport; and be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. Paragraph 157 states that the planning system should support the transition to a low carbon future.

Draft Local Plan (DLP 2018)

5.5 The Draft Local Plan 2018 was submitted for examination on 25 May 2018. Formal examination hearings have now taken place and a response from the Inspector is awaited. The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.

Relevant policies are:

D1 Placemaking

CC1 Renewable and Low Carbon Energy Generation and Storage

ENV5 Sustainable Drainage

T9 Alternative Fuel Fuelling Stations

D4 Conservation Areas

3.0 CONSULTATIONS

INTERNAL

NEW COMMENTS

Access Officer – Customer and Communities

3.1 Supports the original scheme, especially as blue badge users can now park in the city centre. Whereas it is not ideal to have disabled spaces as an 'island' in the middle of the car park, with suitable Part M compliance, painted hatchings and clearly identifiable safe routes to the pedestrianised area then a safer compromise should be achievable. We should definitely be considering the installation of disabled recharging bays at every opportunity now as demand is only going to grow due to the number of Motability vehicles being available in the future being hybrid and all electric. Motability Vehicles are renewed every 3 years, and in 9 years' time (3 rental cycles) the vast majority of them will need some form charging facility.

ORIGINALLY REPORTED COMMENTS

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Design, conservation and sustainable development (Conservation)

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

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

Design, conservation and sustainable development (Archaeology)

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

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

Public Protection

3.6 No objections.

Flood Risk Management

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

Highways Network Management

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

4.0 REPRESENTATIONS

Neighbour Notification and Publicity

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

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

4.2 The application as original submitted did not indicate where blue badge spaces would be re-located. These details were submitted in June 2022 and those

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residents who had objected re-consulted. Three additional objections were received. The issues raised were:

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

4.3 A further objection was received following the publication of the October 2022 Officer Report, acknowledging the retention of blue badge spaces but commenting that they were now further away from the city end. Blue badge spaces should be close to where disabled people need to get to.

Claremont Terrace Residents Association

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

5.0 APPRAISAL

5.1 Main Issues:

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

Public Sector Equality Duty

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

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

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

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.

Low Emission Strategy 2012

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

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

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

Principle of development

5.5 Allowing development that promotes more sustainable travel and improves air quality in the city is fully in compliance with national and local planning policy and advice. This includes policy in regard to achieving sustainable development set out in the NPPF, as well as policy that states that development should ‘be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations’. Policy T9 of the DLP states that the Plan will support the development of alternative fuel fuelling stations. The provision of 8 centrally located rapid and ultra-rapid vehicle recharging points is in accordance with these goals. It is considered that subject to consideration of the

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impact of the proposal with regard to other material planning considerations the principle of the development is considered acceptable.

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

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

- Identify and assess the particular significance of any heritage asset that may be affected by a proposal and take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- When considering the impact on significance, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).
- Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits.

Assessment of significance of heritage assets affected and impact

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

5.8 The existing car park does not contribute positively to the character and appearance of the conservation area. The existence of the tree belt and shrubs along the eastern boundary does however help mitigate its impact when viewed from Clarence Street. The charging facilities and plant will have a relatively modest impact on the appearance of the area. The fence surrounding the area would be 2.4m high and the sub-station 3.2m high. The fence would be set around 30m back from Clarence Street. The canopy over the charging bay will be around 13m from Clarence Street at its closest point. The canopy is a modern gull wing type structure suspended on three columns running along its centre. It is intended to provide

shelter for users of the facility as well as create a higher profile for the provision. It would also include solar panels on its roof.

5.8 It is considered that the charging area would cause less than substantial harm to the character and appearance of the adjacent conservation area. In assessing this some regard is given to the fact that apart from the canopy it is a relatively innocuous development within a car park. The canopy itself is an open structure. In assessing the overall impact, it is of significance that it is set back from the road. In addition, the impact will be softened by the trees that exist in the verge between the car park and Clarence Street. Some regard is also given to the fact that the nearest part of the Conservation Area (the rear elevation of Claremont Terrace and the associated access lane) does not contribute significantly to the qualities of the Conservation area.

Assessment of public benefits

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

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

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

Re-location of blue badge Spaces.

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

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

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

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

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

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badge spaces located in the north of the car park will not be impacted upon by the proposals.

5.17 The proposal will not lead to any loss in the number of blue badge spaces. As the overall number of car parking spaces in the Union Terrace car park will be reduced from the introduction of the hub the ratio of blue badge spaces to non-blue badge spaces will increase slightly. The change will, however, lead to the spaces being further from the exit of the car park. The distance from the proposed blue badge parking to the car park entrance is around 25-45m. This will reduce the convenience of blue badge holders not using the electric charging hub. It is considered however, that the degree of harm caused would not be such to justify refusing the planning application, the existing blue badge spaces are unlikely to serve visitors to the city centre rather than a particular shop or service located closer to the car park. To enable safe travel through the car park it will be necessary to mark out walkways from the blue badge parking spaces to the exit.

Vehicular and Pedestrian Safety

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

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

Neighbour Amenity

5.20 The NPPF states at paragraph 130a that decisions should ensure that developments will function well and add to the quality of the area. This advice is mirrored in Policy D1 (Placemaking) of the Draft Local Plan. The proposed development would not have a significant impact on outlook or light. At the present time the car park is open 24 hours. It is not considered that there is any justification to limit the operating times of the charging area. It is likely that noise impacts associated with the charging hub would be similar to those generated by the existing car park and it is noted that background noise levels from vehicles using Clarence Street are relatively high. It is suggested that details of illumination can be covered by condition.

6.0 CONCLUSION

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

6.2 The proposed position of the charging hub requires the re-location of the blue badge spaces that are currently located in the southeast corner of the car park. They will be re-located as close to the access to Gillygate/Clarence Street as possible, however, the changes will result in an additional travel distance to and from people's parked vehicles. It is not considered that the level of harm caused to users of the spaces is such to justify the refusal of the application. Officers have given due regard to the equality implications of the proposals in making this recommendation and have considered the relocation of the blue badge spaces in the planning balance.

7.0 RECOMMENDATION: Approve under Regulation 3 of the Town and Country Planning General Regulations 1992 (the Council's own development)

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1 TIME2 Development start within three years

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

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

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

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

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

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

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

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

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

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

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

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

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

6 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, details of the of the external materials to be used in respect to the following elements shall be submitted to and

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approved in writing by the Local Planning Authority prior to the commencement of the construction of the development.

Hyper Hub building.
Compound fencing.

The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

7 Any trees which within 10 metres of the development which in a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposal does not lead to the permanent loss of any tree cover within the vicinity of the development.

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

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

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

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

C) A copy of a report shall be deposited with City of York Historic Environment

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Record to allow public dissemination of results within 2 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

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

8.0 INFORMATIVES:

Notes to Applicant

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

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

Sought relocation of blue badge parking spaces.

2. For Information

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

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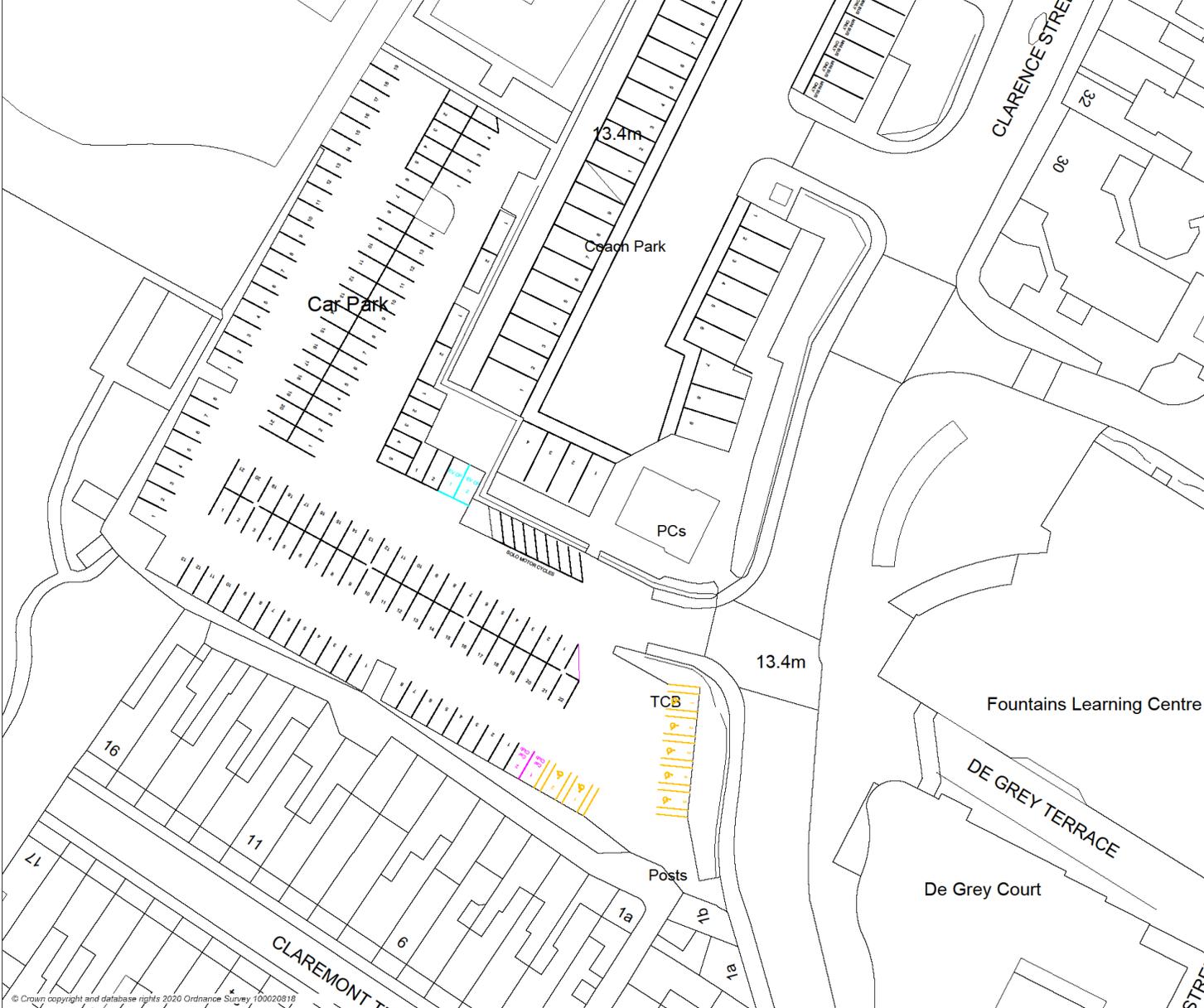


Planning Committee B

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



Existing Site plan



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REV	DESCRIPTION	DATE	BY	APPROVED
REV1	PROVISIONAL	11/05/2020	G.LIU	X.XXXXX

System Details

North Indicator

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EVOENERGY
Powering the Future

Project:
COY - HYPER HUBS - UNION TERRACE

Drawing Title:
SITE PLAN - EXISTING

Drawn By: G.LIU Approved By: X.XXXXX Scale (A1): 1:250

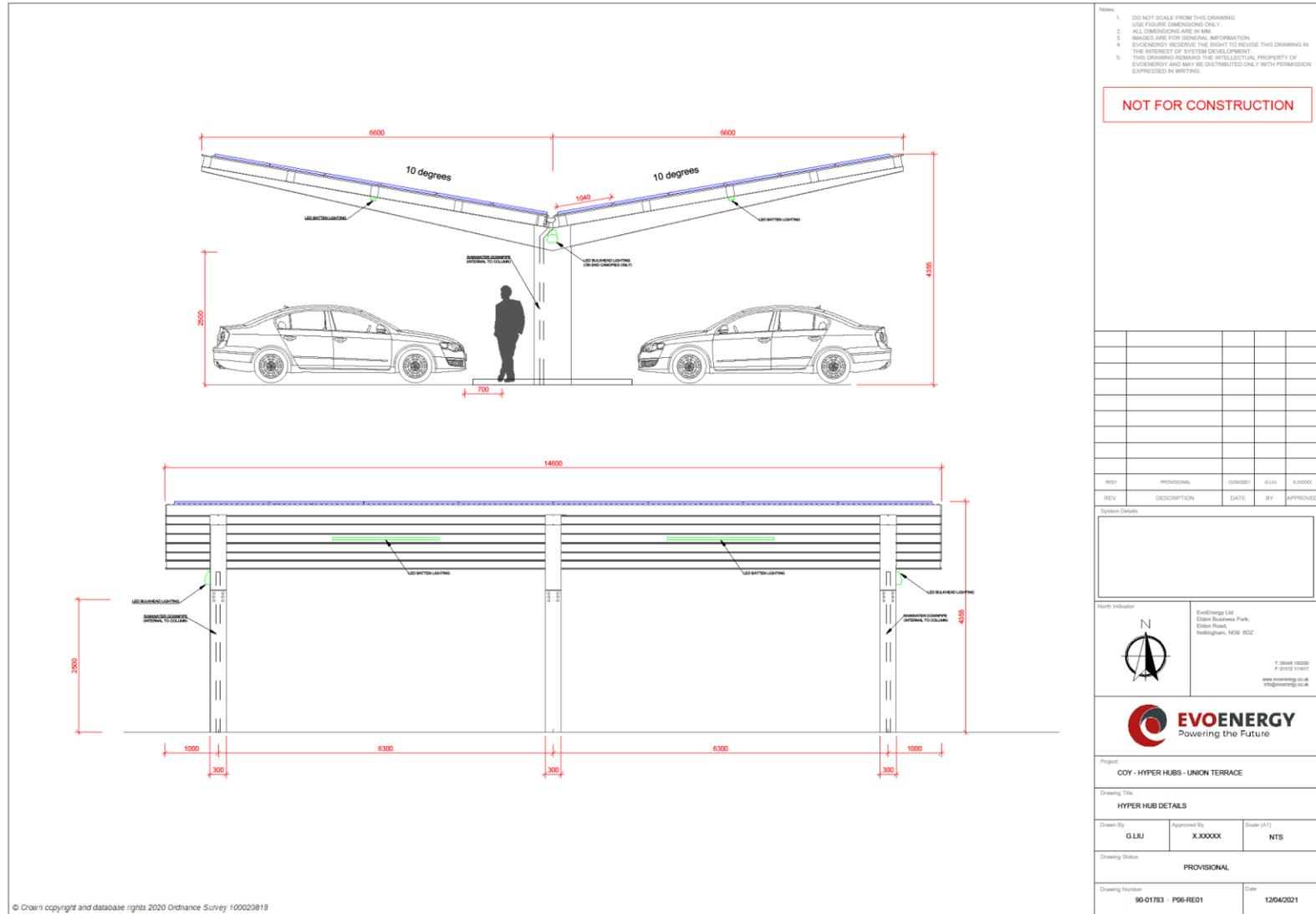
Drawing Status:
PROVISIONAL

Drawing Number: 90-01783 - OS01-RE01 Date: 20/10/2020

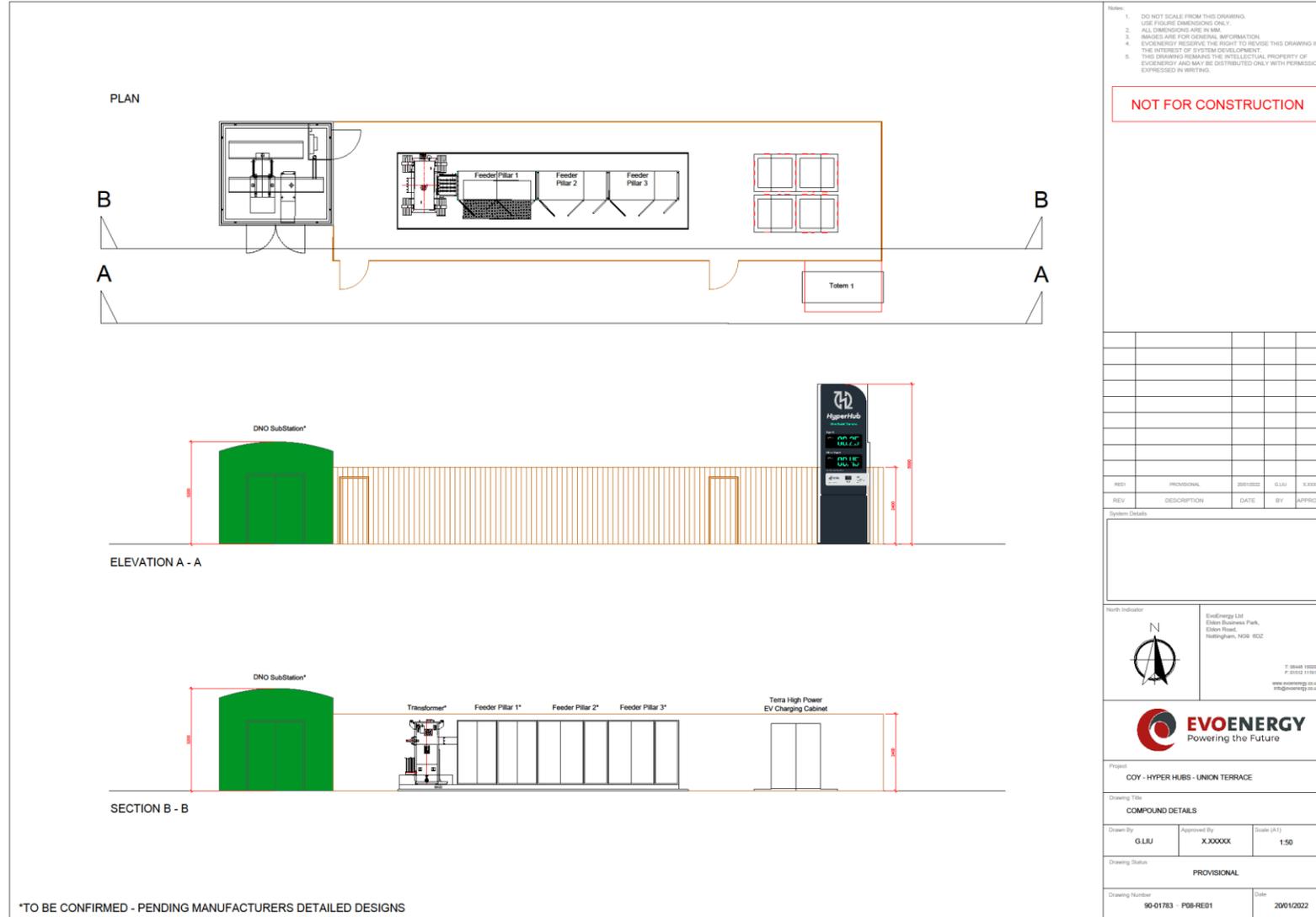
Site plan with Charger layout

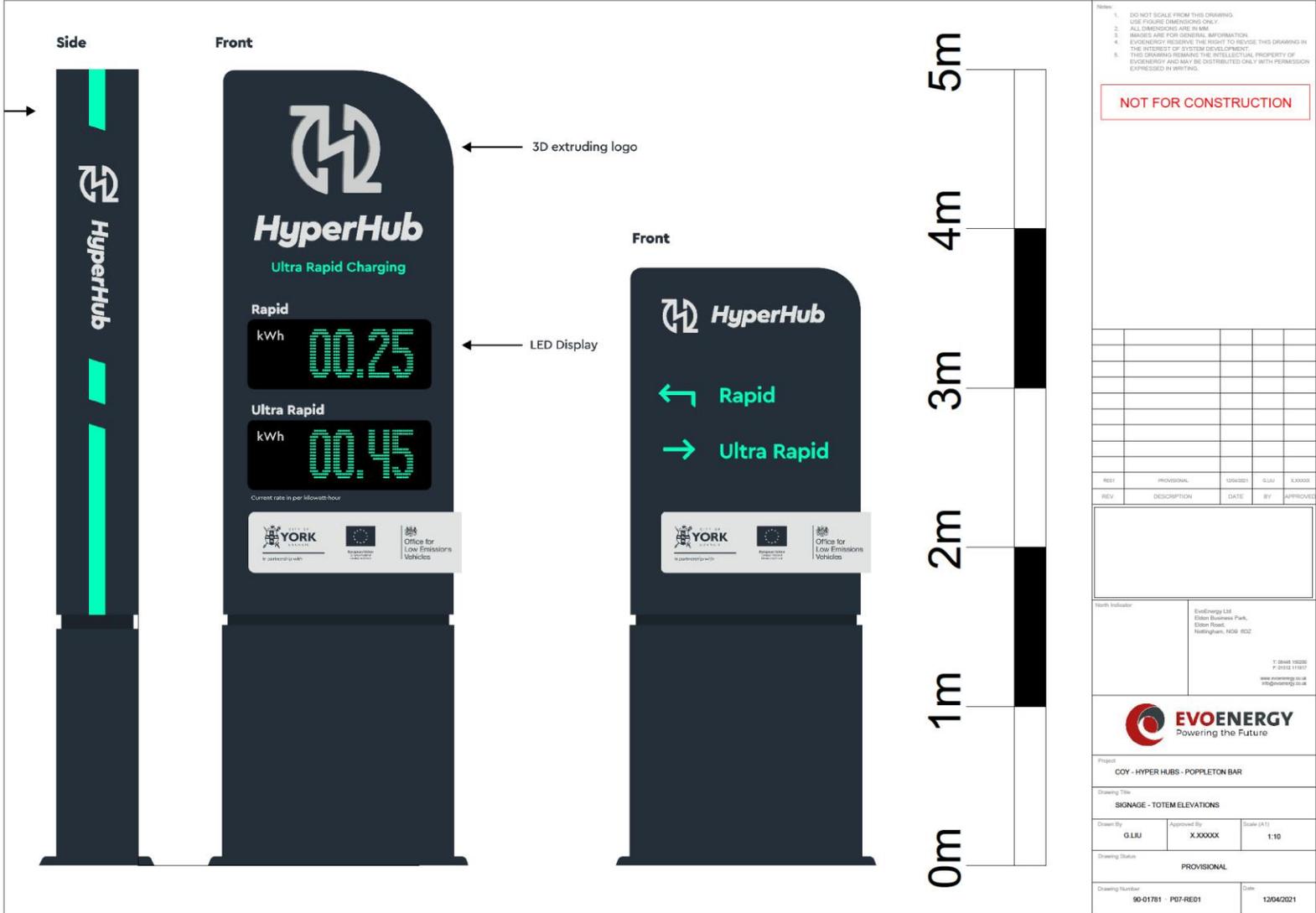


Canopy details



Compound layout and elevations





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COMMITTEE REPORT

Date: 15 August 2024 **Ward:** Guildhall
Team: East Area **Parish:** Guildhall Planning Panel

Reference: 22/00426/ADV
Application at: Union Terrace Car Park Clarence Street York
For: Display of 1no. internally illuminated totem sign
By: City Of York Council
Application Type: Advert Application
Target Date: 21 October 2022
Recommendation: Approve

1.0 PROPOSAL

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

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

2.0 POLICY CONTEXT

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

2.1 The revised National Planning Policy Framework sets out the government's planning policies for England and is a material planning consideration in the determination of this application. Paragraph 141 states that the quality and character of places can suffer when advertisements are poorly sited and designed. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Chapter 16 includes advice in

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respect to assessing proposals that impact on Conservation Areas. Any harm caused will be unacceptable unless appropriate public benefits arise from the proposal.

DRAFT LOCAL PLAN (DLP 2018)

2.2 The DLP was submitted for examination on 25 May 2018 and is currently under examination. The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.

D4 Conservation areas

D13 Advertisements

3.0 CONSULTATIONS

INTERNAL

Design, conservation and sustainable development (Conservation)

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

Highways Network Management

3.2 No objections

4.0 REPRESENTATIONS

Neighbour Notification and Publicity

4.1 No comments were received.

5.0 APPRAISAL

5.1 Key issues

- Amenity including the setting of designated Heritage Assets.

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- Safety.

Amenity

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

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

- Identify and assess the particular significance of any heritage asset that may be affected by a proposal and take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- When considering the impact on significance, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).
- Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits.

Assessment of significance of heritage assets affected and impact

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

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

5.6 The proposed totem sign would be constructed of cut vinyl. It would be coloured dark blue. The extent of illumination would be relatively modest. The totem as a whole would not be lit, but only the logo and text. The pricing of the electricity is the main body of the sign and would be lit by LED lighting. The sign is not being erected in isolation but as part of a vehicle charging hub including a canopy over the charging area. The vernacular is related to that of a petrol station forecourt. It is not considered that the totem sign would have a totally neutral impact on the adjacent conservation area's appearance. The totem sign is a fairly large modern structure and the internal lighting would draw some attention to it. It is considered that the degree of harm to the proposal would cause to the character and appearance of the adjacent conservation area would be less than substantial. In concluding that this would be the case regard is given to the existing functional nature of the car park, the position of the proposed totem sign set back from the road (and the conservation area to the south and west) and the provision of street trees along the boundary with Clarence Street. The degree of illumination is modest and it is noted that it is located in a car park containing 'street' lighting. The dimensions of 5m high, 1.5m wide and 0.5m deep are not excessive in the context of the local built environment.

Assessment of public benefits

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

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

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

Safety

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

6.0 CONCLUSION

6.1 The totem sign does not raise safety issues. It is adequately separated from neighbouring homes to avoid any significant impact on living conditions. Because of its scale and because it is partly illuminated the sign is not considered to enhance the nearby conservation area, however, because of its location set back within a large car park the harm caused would be less than substantial. It is considered that the benefits in promoting and supporting an initiative to encourage sustainable travel choices outweigh this modest harm.

7.0 RECOMMENDATION: Approve

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

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

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

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

Application Reference Number: 22/00426/ADV

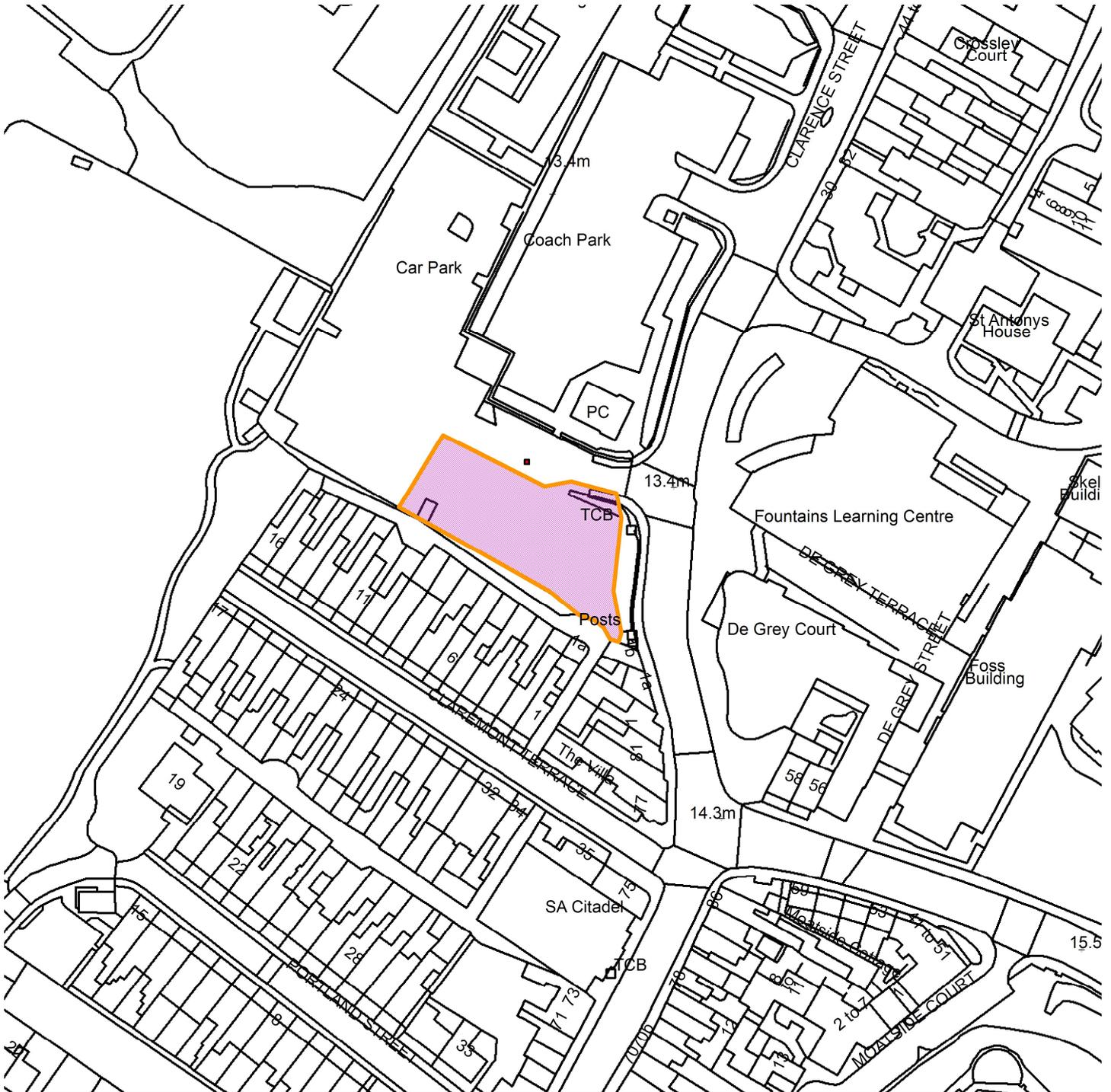
Item No:

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

Reason: In the interests of visual amenity.

Union Terrace Car Park, Clarence Street, York

22/00426/ADV



Scale : 1:1347

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Organisation	City of York Council
Department	Env, Transport & Planning
Comments	Site Location Plan
Date	06 August 2024
SLA Number	Not Set

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COMMITTEE REPORT

Date: 15 August 2024 **Ward:** Clifton
Team: West Area **Parish:** Clifton Planning Panel
Reference: 23/02271/GRG3
Application at: Clifton Green Primary School Kingsway North York YO30 6JA
For: Replacement security fencing to the western boundary of school field bordering Crombie Avenue Park.
By: City Of York Council
Application Type: General Regulations (Reg3)
Target Date: 24 August 2024
Recommendation: Approve under General Regs 3 Council Development

1.0 PROPOSALTHE SITE

1.1 The application site is Clifton Green Primary School. The school is entered by a vehicle access from Kingsway North which is shared with Clifton Green Medical Centre situated to the front of the site. The school site also hosts a Children's Centre and Pre-School Nursery which is attached to the main school building. At the rear of school is large playing field that borders on to Wharton Avenue and Crombie Avenue play park. There is a public foot path which runs parallel with the school field's north-eastern boundary.

THE PROPOSAL

1.2 The application seeks planning permission to install a galvanised palisade fence of approximately 2.4 metres in height to the north-western side boundary of school field which borders on to rear boundary of Crombie Avenue play park. The new fence is a replacement to the current 1.5 metre-high looped top fence which is to be reused elsewhere within the school grounds.

1.3 The application under determination has been subject to amendment. The previously proposed replacement fencing to north-eastern boundary of the school field bordering onto Wharton Avenue, a new access gate from Lady Road and fencing on the south-eastern boundary bordering on to the public foot path have been removed from the application and replaced by proposals which can be

Application Reference Number: 23/02271/GRG3

Item No:

constructed under permitted development rights (gates and fencing no more than 2m in height).

SITE HISTORY

1.4 There have been several applications at the school and the most relevant are listed below:

- Single storey side extension, reconfiguration of car park with associated lighting, security fencing to carpark boundary and new pedestrian access gate approved 17.07.2023 (ref: 23/00730/GRG3)
- Erection of 2.4-metre-high palisade security fencing to school boundary approved 23.09.2005 (ref: 05/01672/GRG3)

COUNCILLOR CALL IN TO COMMITTEE

1.5 The application has been called in to Committee B by Ward Councillor Danny Myers. Councillor Myers supports the principle of the proposal to improve safeguarding for the pupils attending the school. However, raised concerns to the original submitted plans on grounds of the possible loss of outlook for the residents of Wharton Avenue due to the height of the fence. Further concerns have been raised to the possible future restrictions for residents to maintain their rear boundary hedges bordering school field.

2.0 POLICY CONTEXT

2.1 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.

2.2 There is no Neighbourhood Plan for this area.

THE NATIONAL PLANNING POLICY FRAMEWORK (Dec 2023)

2.3 The revised National Planning Policy Framework (2023) (NPPF) and its planning policies are material to the determination of planning applications. In Section 12 (Achieving well-designed places), it states that development that is not well designed should be refused, significant weight should be given to development which is visually attractive as a result of good architecture, layout and appropriate and effective landscaping; is sympathetic to local character and history, including the surrounding built environment and landscape setting, create places that are safe, inclusive, and accessible and which promote health and well-being, with a high

Application Reference Number: 23/02271/GRG3

Item No:

standard of amenity for existing and future users¹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

THE DRAFT LOCAL PLAN 2018

2.4 The Draft Local Plan 2018 was submitted for examination on 25 May 2018. Formal examination hearings have now taken place and a response from the Inspector is awaited. The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.

2.5 Policy D1 Placemaking states that development proposals that, fail to take account of York's special qualities, fail to make a positive design contribution to the city and/or cause damage to the character and quality of an area will be refused.

3.0 CONSULTATIONS

INTERNAL

Public Rights of Way (PROW)

3.1 No objections subject to future safeguarding measures to be submitted to PROW should the works require the temporary closure or diversion of the public foot path.

Highway Development Control Officer

3.2 No objections

Design, Conservation and Sustainable Development (Landscape Architect)

3.3 No objections, but note the revised plans illustrate a narrow margin between the boundaries of Wharton Avenue and the position of the fence which could result in maintenance problems.

EXTERNAL

Clifton Planning Panel

3.5 The Panel support the principle of the proposal. However, request the fence at the rear boundary of Wharton Avenue should not exceed 1.5 metres to protect the views/outlook of neighbours.

4.0 REPRESENTATIONS

4.1 The application was originally advertised by neighbour notification letters and site notice for 21 days. There were several objections received from residents adjoining the school field but not in respect of the section of fence currently under consideration.

4.2 Neighbours were re-consulted on the second submission of revised plans for a further 14 days. There have been objections received from two residents of Wharton Avenue which are outlined below.

- Loss of outlook/ dominance of a high fence close to garden boundaries.
- Loss of view on to playing fields.
- Residents would prefer to have a 'kissing gate' on the boundary of Lady Road for entry into the school field.
- Disruption to wildlife.
- Risk of injury to children from climbing the much taller fences.
- Loss of the right of access on to the school field for residents of Wharton Avenue.
- Additional noise around the fence from the wind which comes across the field.
- Increase in garden surface water and ground flooding.

5.0 APPRAISAL

5.1 The works involved seek to replace the existing 1.5 metre loop top fence to the western side elevation of the school field which shares the rear boundary of Crombie Avenue Park. The new fence will be a 2.4 metre high galvanised palisade fence painted green. The fence will project in a parallel line in the region of 30 metres to connect with the current mesh security fence which borders on to the multi-use games area adjacent to the play park.

5.2 The applicant states that the fencing is required because there is a recognised need to provide more security for safeguarding measures for the pupils attending the school. At present the current fence is subject to some deterioration which has proven difficult to manage the safety of the movement of the pupils within and around the school grounds.

DESIGN AND VISUAL APPEARANCE

5.3 The proposed security fence will be of a standard school security fence, consistent to the existing fence in terms of type, material, and colour. While it will differ from the current fence it retains transparency similar to security fencing within the school grounds. Also, is set back from mature trees and the dense coverage of vegetation on the western boundary.

Application Reference Number: 23/02271/GRG3

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5.4 In the context of the site surrounds, the replacement fence will appear generally uniformed and localised within this setting. Therefore, would not detract from the character and appearance of the exterior of the school grounds or the wider residential area.

NEIGHBOUR AMENITY

5.5 The palisade security fencing will be visible from houses in Crombie Avenue across the play park. There will be very limited impact on the outlook from these properties.

CONCLUSION

6.1 The revised plans for the galvanised security fencing to the western side boundary of the school field seek to improve security safeguarding facilities. The design, height, and scale would not detract from the character and appearance of the exterior of the school grounds or the wider residential area. Moreover, no harm to neighbour amenity has been established.

6.2 Therefore, approval is recommended for reasons the scheme is compliant with policies contained within the National Planning Policy Framework and Policy D1 of the Draft Local Plan 2018.

7.0 RECOMMENDATION: Approve under Regulation 3 of the Town and Country Planning General Regulations 1992 (the Council's own development)

1 TIME2 Development start within three years

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

Site Plan drawing number 230020.PI Revision C dated 19.06.2024

Proposed fence details drawing number 230020 P03 dated November 2023

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

Contact details:

Case Officer: Sharon Jackson

Tel No: 01904 551359

Application Reference Number: 23/02271/GRG3

Item No:

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Planning Committee B

23/02271/GRG3

Clifton Green Primary School, Kingsway North

Proposed fencing site plan



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David Horley
 Director of Planning
 City of York Council
 15, The Guildhall, York YO1 1PU
 Tel: 01904 653234
 Email: david.horley@york.gov.uk

CLIFTON GREEN SCHOOL
 WATER LN CLIFTON YORK
 YORK YO30 6JA

PROPOSED FENCING 2024 SITE PLAN

Drawn	Checked	Authorised
DH	AT	CM

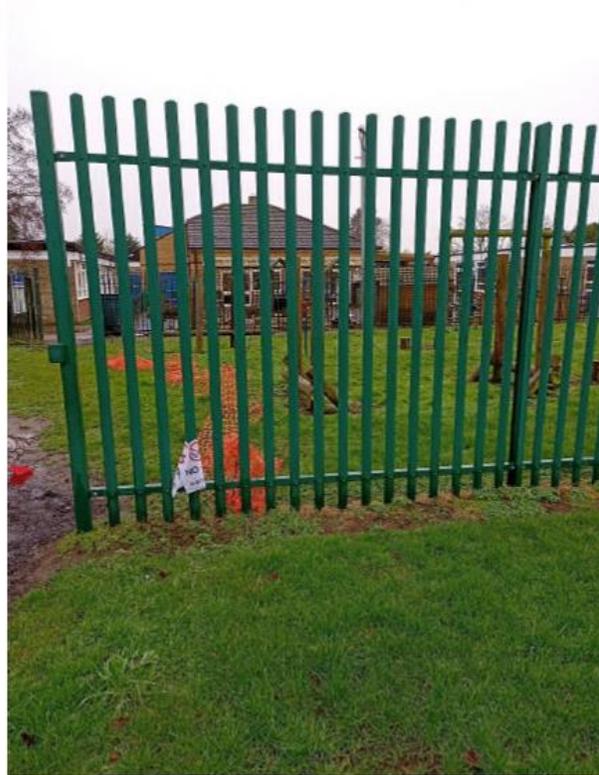
Date: OCT 2023
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PLANNING

Drawing Number: 230020.P01
 Revision: C

Clifton Green School Fence types. Planning application ref
23/02271/GRG3.

Palisade fencing

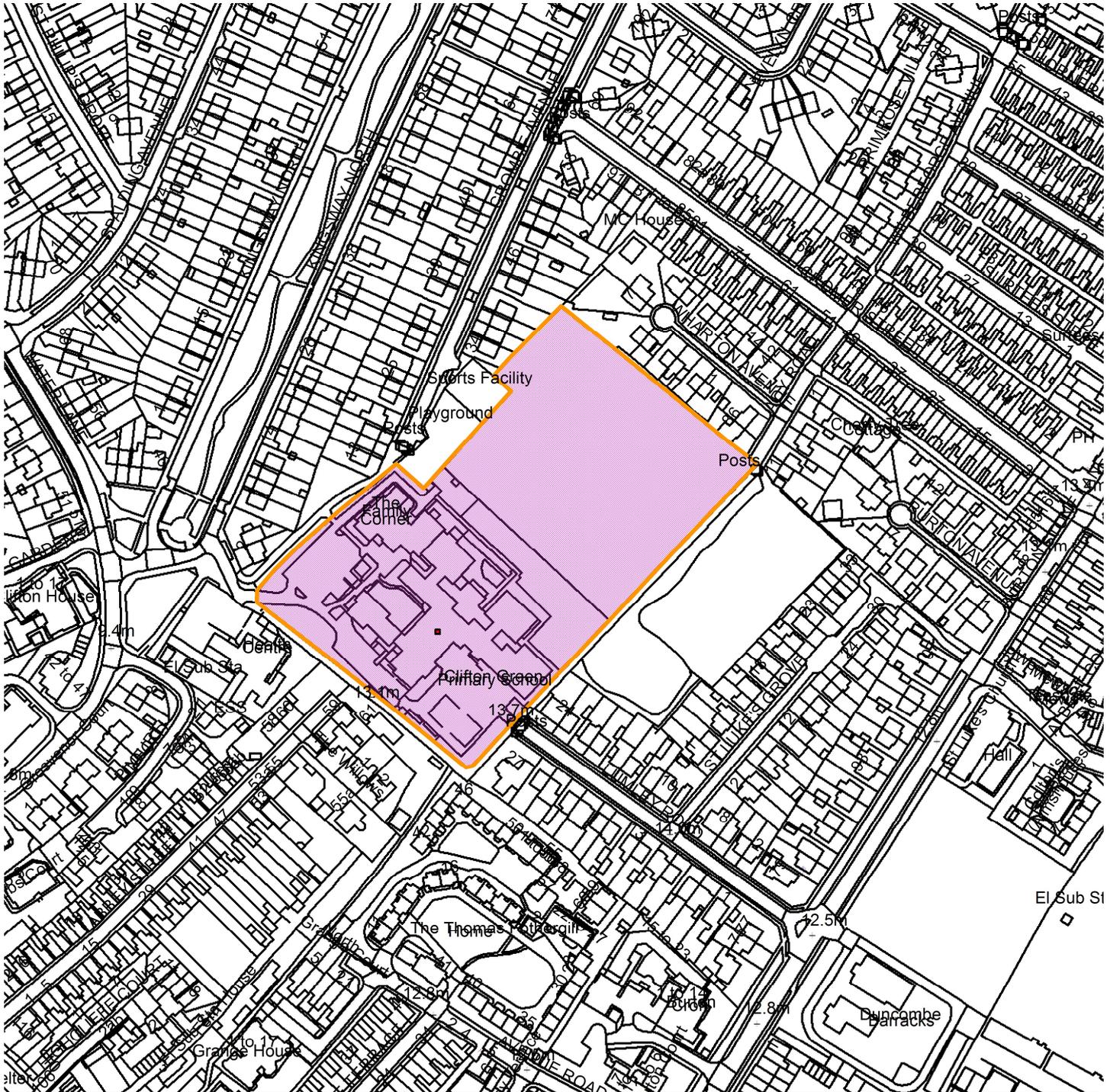


Play Park fence to be removed and replaced with palisade fencing
2400mm high.

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23/02271/GRG3

Clifton Green Primary School, Kingsway North, YO30 6JA



Scale : 1:2695

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Organisation	City of York Council
Department	Env, Transport & Planning
Comments	Site Location Plan
Date	06 August 2024
SLA Number	Not Set

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COMMITTEE REPORT

Date: 15 August 2024 **Ward:** Guildhall
Team: East Area **Parish:** Guildhall Planning Panel

Reference: 24/00447/ADV
Application at: The Mansion House St Helens Square York YO1 9QN
For: Display of community and non-commercial flags from the Mansion House flag pole
By: City York Council
Application Type: Advert Application
Target Date: 18 July 2024
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks permission for the display of ‘community and other flags’ from the vertical flagpole, which is located on the top of the Mansion House and has been in place since 1868. The property is a Grade I listed building that is located in the city centre and within the Central Historic Core conservation area.

1.2 The applicant advises that the flags will be approximately 1.8m x 1.2m and will bear a direct relevance to the city and its residents such flags can include, but not limited to, York Pride, Trans Awareness and UNESCO City of Media Arts. All requests to fly a flag are put in writing to the City of York Council in and describe the reason why this has been requested and an image of the flag if applicable and duration. All requests to fly flags have to be agreed by the political Group Leaders and the Lord Mayor. As a general rule all flags are flown either on the day they support/commemorate or for no more than one week this is to allow the city or other permitted flags to be flown. Excluding the permitted flag flying dates the current number of requests to fly additional flags annually on specific dates stand at 4. In addition to this the City Council may receive request which are not for annual flag flying.

2.0 POLICY CONTEXT

Publication Draft Local Plan 2018

Policy D13 Advertisements

Application Reference Number: 24/00447/ADV

Item No:

3.0 CONSULTATIONS

EXTERNAL

Guildhall Planning Panel

3.1 No comment.

4.0 REPRESENTATIONS

4.1 Objections have been received from members of the public. These can be summarised as follows:

- Approval will allow York Council to lawfully indulge in its biased flying of “virtue signalling” flags which it has hitherto been doing in breach of planning regulations. It is not for certain officers or the ruling group to decide arbitrarily what flags may or may not be flown. I object to any 'variety' of vanity flags being allowed to fly subject only to political choices to be made in behind closed doors.
- The existing protocol whereby all group leaders must agree on a particular flag (other than deemed consent flags) should be maintained and vigorously enforced. The only flags flying should be the Union Flag, York Flag, Royal Standard, National Flags and Military Flags. Any additional flag flying must be only with the unanimous consent and agreement of ALL political factions on the Council.
- The legislation indicates these vanity flags, flown unlawfully without enforcement action on our most significant CYC listed building, need express consent. Nothing states that an undisclosed 'variety' of flags can be given a blanket permission, based on predilections or political imperatives of the Lord Mayor & the 'leaders'. Any blanket approval for flags not listed in this application nor agreed in an open process would breach planning as well as possibly equalities laws, and risk political and financial burdens on the ratepayers.
- It appears part of a concerted campaign to remove any dignity from the non-political governance role from the Lord Mayor and his/her residence. The flagpole on the Mansion House should not be used as a political pawn. The fact that the Mansion House is the main civic building in York with our only official flag pole adds particular significance.
- 'Behind closed door decisions' for flags mean that conflicts will occur, with certain flags put up and others refused, leading to legal and equalities risks. There needs to be a protocol and a hierarchy as all these matters may not all be able to be considered by the planning committee.

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- It will be an expensive endeavour and there is zero reason why ratepayers should pay anything at all.
- The COO/MO would need to be the recorded decision makers, as there are so many risks associated with this proposal (*Case Officer Note – it is understood that the abbreviations stand for Chief Operating Officer and Monitoring Officer*)
- The Union Jack is the only flag that should be displayed from the Mansion House flagpole.
- As an army veteran I find this to be highly inappropriate on a Grade 1 listed 18th century civic building. The flagpole should retain decorum and gravitas and the flags flown should be restricted to those not requiring consent as detailed in 1-9 of the Government's Flying Flags guide. There should be no room for any deviance from this list, the Council should most certainly not be given a blanket permission to fly anything a group of Councillors deem appropriate.
- Flags on official buildings should only display flags as currently allowed with no further extensions approved

[NB: Case Officer Note – the actual title of the document referred to as the 'Government's Flying Flags guide' by objectors, is 'Flying flags: a plain English guide', which is essentially a distillation of the Advertisement Regulations]

5.0 APPRAISAL

KEY ISSUES

5.1 Impact on the visual amenities and character of the area

BACKGROUND LEGISLATION

5.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any provisions of the Act, a Local Planning Authority special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

5.3 The regulations governing the flying of flags in England are set out in The Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended in 2012 and in 2021).

PLANNING POLICY

National Planning Policy Framework

Application Reference Number: 24/00447/ADV

Item No:

5.4 The National Planning Policy Framework sets out the Government's overarching planning policies. Central Government advice in relation to the control of advertisements is contained within Paragraph 141. It advises that the quality and character of places can suffer when advertisements are poorly sited and designed and that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Local Plan Policies

City of York Draft Local Plan 2018

5.5 The Draft Local Plan 2018 was submitted for examination on 25 May 2018. Formal examination hearings have now taken place and a response from the Inspector is awaited. The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.

5.6 Policy D13: Advertisements advises that permission will be granted for the display of advertisements where they are of a scale, design, material, finish, position and number that will not cause harm to visual or residential amenity or character of the host building, and will respect the character and appearance of the streetscene and positively reflect interests of amenity and public safety.

ASSESSMENT

Flags that can be flown without consent

5.7 The Advertisement Regulations allows for the display of 'An advertisement in the form of a flag attached to a single flagstaff projecting vertically from the roof of a building' under Deemed Consent. However, only certain flags be flown without express consent. These are referred to as 'Schedule 3 Flags' and the list includes flags: -

- (a) bearing either the name or device, or both the name and device, of any person occupying the building
- (b) referring to a specific event
- (c) bearing the device of any sports club
- (d) bearing six horizontal equal stripes
- (e) bearing the device of award schemes - Eco-Schools, Queen's Awards for Enterprise, Investors in People
- (f) bearing the device of the NHS

5.8 Further flag flying without consent 'Schedule 1 Flags' includes the following:

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Item No:

- (a) Any country's national flag, civil ensign or civil air ensign; and flags of,
- (b) The Commonwealth, United Nations, any other international organisation of which the UK is a member
- (c) Any island, county, district, borough, burgh, parish, city, town or village within the UK
- (d) The Black Country, East Anglia, Wessex, Part of Lincolnshire, Riding of Yorkshire, historic county within the UK
- (e) Saint David
- (f) Saint Patrick
- (h) Her Majesty's forces
- (i) Armed Forces Day flag

5.9 The above outline indicates that there is a fairly wide range of flags that can be flown from the flagpole on top of the Mansion House without the need for consent. This includes, but is not limited to, flags relating to the occupants of the building, specific events taking place in the building, sports clubs, award schemes, and flags of nations, districts, saints, the armed forces and NHS.

Proposed Flags

5.10 The City Council is seeking advertisement consent for the display of community and other non-commercial flags from the vertical flagpole on the top of the Mansion House. When considering such an application the Advertisement Regulations states that the local planning authority must exercise its powers in the interests of "amenity" and "public safety", taking into account the provisions of the development plan, so far as they are material, and any other relevant factors.

5.11 In this regard the Advertisement Regulations states that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

5.12 As there are no matters of public safety that arise with the proposal that is the subject of this application, consideration must be limited to interests of amenity.

5.13 In terms of a decision on this application, Part 1, Paragraph 3(4) of the Advertisement Regulations states that an express consent for the display of advertisements shall not contain any limitation or restriction relating to the subject matter, content or design of what is to be displayed, unless it appears to the local planning authority to be required in the interests of amenity or public safety.

5.14 In this respect, it is not considered that the display of a single 1.8m x 1.2m flag on the Mansion House flagpole that would be allowed if consent was granted, would have an adverse impact on any nearby historic, architectural or cultural features or the general amenity of the location. Indeed, in planning terms the impact would be little or no different to that of the many flags that can already be flown from the Mansion House flagpole without consent, and it is considered that the application should be approved.

Legislative Compliance

5.15 The proposed flags would not cause harm to the character of the conservation area. As a result, it is considered that if the application is approved the Local Planning Authority will have properly exercised its duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.0 CONCLUSION

6.1 The flags proposed by this application would not cause harm to visual amenity or the character of the conservation area, nor would they impact adversely on public safety. The proposal complies with national planning guidance as contained in the National Planning Policy Framework and Publication Draft Local Plan 2018 Policy D13 and it is considered that advertisement consent should be granted.

7.0 RECOMMENDATION: Approve

1 The consent hereby granted shall be carried out in accordance with the following plan:

EXISTING ELEVATIONS dated 25 Mar 2024

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

Contact details:

Case Officer: David Johnson

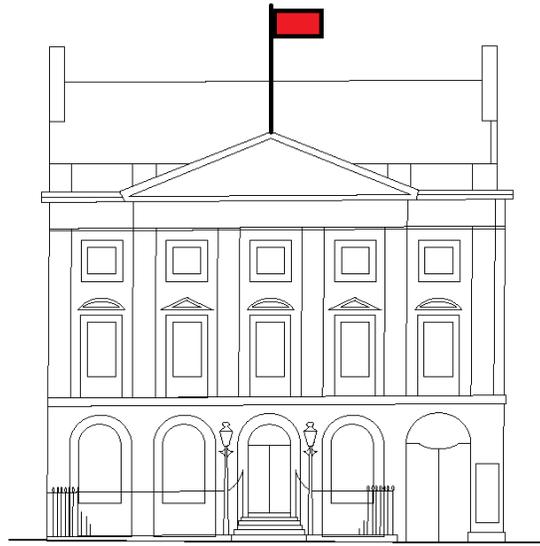
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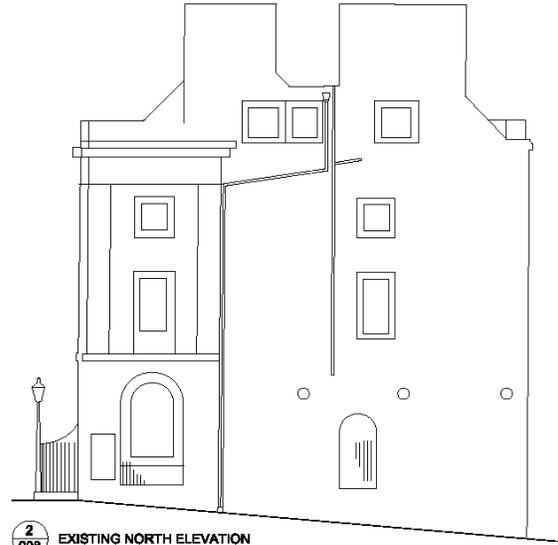
Planning Committee B

24/00447/ADV

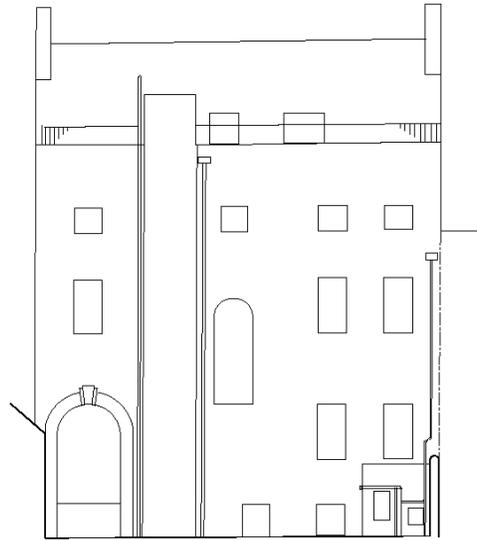
The Mansion House, St Helens Square



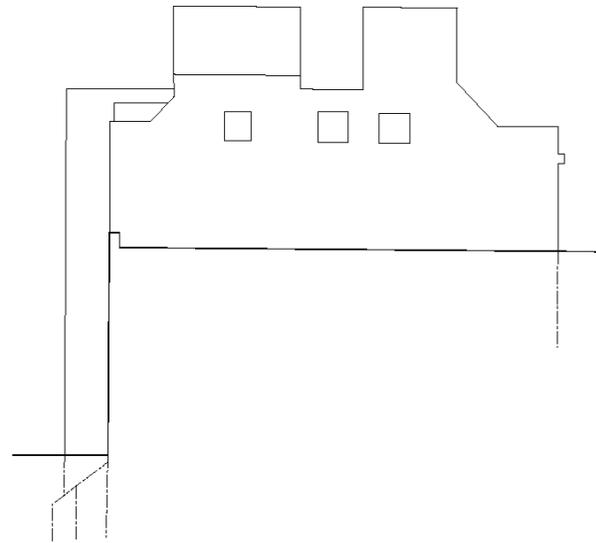
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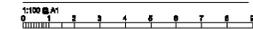


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008 EXISTING SOUTH ELEVATION

Note
Elevations lifted from hand-drawn City of York
Development Services drawing R06A/7 dated June
1988
In light of this, the accuracy of these elevations
should not be relied upon.



YORK MANSION HOUSE
ST HELENS SQUARE
YORK
YO1 9QL

Existing Elevations

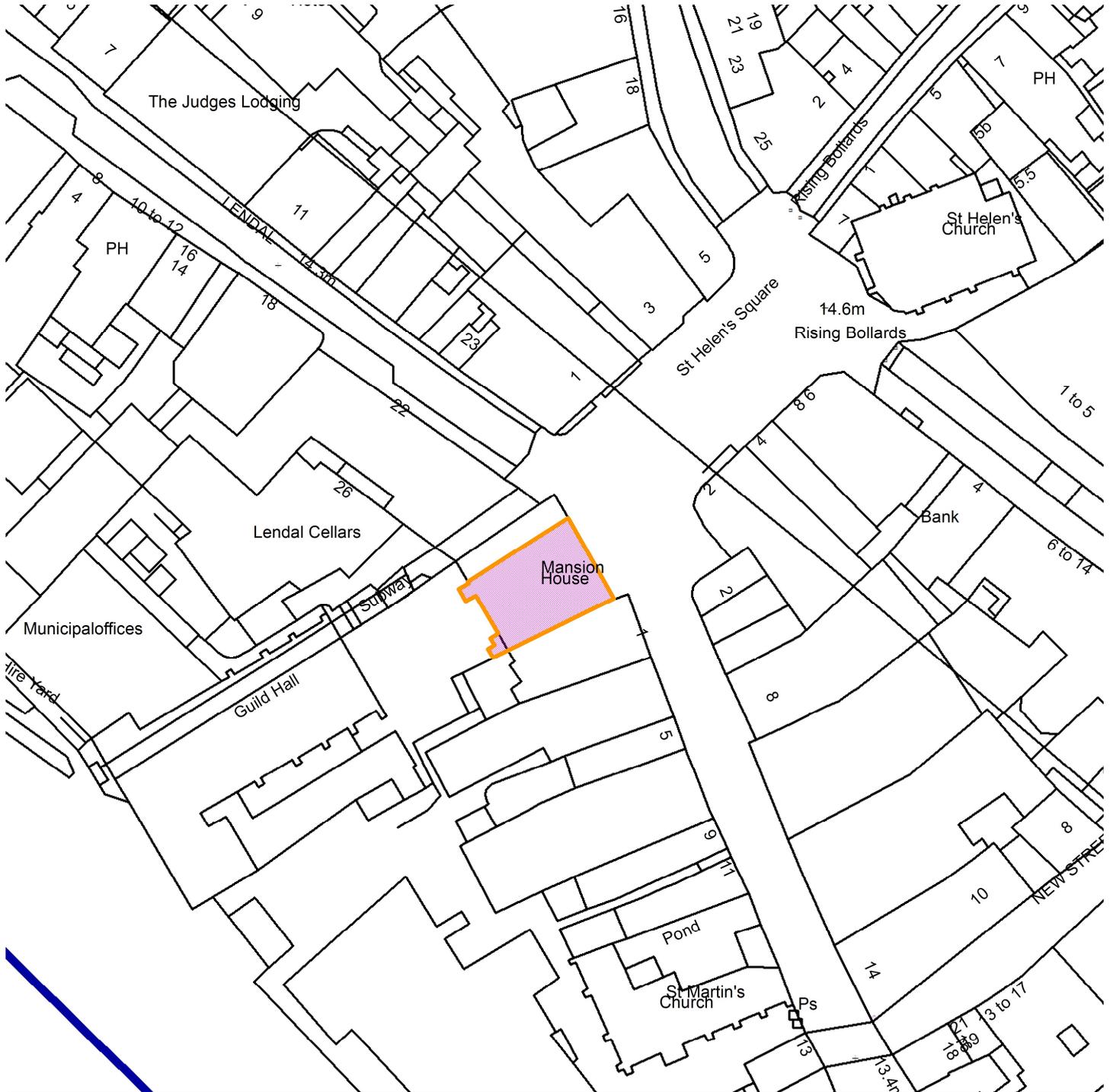
APPROX.	21.04.15
1:100 @ A1	nm NMR
1:200 @ A3	nm JEM

The Mansion House, St Helens Square, York YO1 9QN

24/00447/ADV



GIS by ESRI (UK)



Scale : 1:842

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Organisation	City of York Council
Department	Env, Transport & Planning
Comments	Site Location Plan
Date	06 August 2024
SLA Number	Not Set

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