



Notice of a public meeting of Planning Committee A

To: Councillors Crawshaw (Chair), Fisher (Vice-Chair), Ayre,

J Burton, Clarke, Cullwick, Melly, Steward, Whitcroft,

Wann and Moroney

Date: Thursday, 5 December 2024

Time: 4.30 pm

Venue: West Offices - Station Rise, York YO1 6GA

AGENDA

1. Apologies for Absence

To receive and note apologies for absence.

2. Declarations of Interest

(Pages 1 - 2)

At this point in the meeting, Members and co-opted members are asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

[Please see attached sheet for further guidance for Members].

3. Minutes (Pages 3 - 24)

To approve and sign the minutes of the Planning Committee A meetings held on 24 October 2024 and 7 November 2024.

4. 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 3 December 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.

5. Plans List

This item invites Members to determine the following planning applications:

a) Land Lying to the North West of Murton Way, (Pages 25 - 76) York [23/02030/FULM]

Erection of a Battery Energy Storage System with associated infrastructure, site levelling works, access, landscaping and ancillary works [Osbaldwick and Derwent Ward]

b) OS Field Lying to the South of and adjacent to (Pages 77 - 118) No 1 Tadcaster Road Copmanthorpe York [23/02256/REMM and 24/00003/LEGAL]

Reserved matters application for the scale, layout, appearance and landscape for the erection of 133no. dwellings, 7no. self-build dwellings and associated infrastructure pursuant to outline application 18/00680/OUTM

And

Variation of Legal Agreement (affordable housing tenure mix and reallocation of Highways Sim Balk Contribution to provide bus stops) made under Section 106 of the Town and Country Planning Act 1990 (as amended) dated 27th April 2023 (in relation to 18/00680/OUTM) [Copmanthorpe Ward]

6. Urgent Business

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

Democracy Officer:

Angela Bielby Contact details:

Telephone: (01904) 55 2599Email: <u>a.bielby@york.gov.uk</u>

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

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我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)
Ta informacja może być dostarczona w twoim
własnym języku.
(Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)



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 only if the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting unless 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 A
Date	24 October 2024
Present	Councillors Crawshaw (Chair), Fisher (Vice-Chair), Ayre, J Burton, Clarke, Cullwick, Melly, Steward, Whitcroft, Moroney and Fenton (Substitute for Cllr Wann)
In Attendance	Sandra Branigan, Senior Lawyer Becky Eades, Head of Planning and Development Lindsay Jenkins, Senior Planning Officer Jonanthan Kenyon, Principal Planning Officer
Apologies	Councillor Wann

123. Apologies for Absence (4.35pm)

Apologies for absence were received and noted from Cllr Wann.

124. Declarations of Interest (4.35pm)

Members were asked to declare at this point in the meeting any disclosable pecuniary interest or other registerable interest they might have in respect of business on the agenda, if they had not already done so in advance on the Register of Interests. There were none.

125. Minutes (4.35pm)

Resolved: That;

- The minutes of the two meetings held on 1 August 2024 i. were approved as a correct record.
- ii. The minutes of the meeting held on 5 September 2024 were approved as a correct record subject to the following amendments:
 - Minute 118: Remove the word last in the first sentence.
 - First sentence of the last bullet point of minute 122 to change to The separation distances between Forge and Sadlers Closes and the development was 21 metres.

126. Public Participation (4.37pm)

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme on general matters within the remit of the Planning Committee A.

127. Plans List (4.37pm)

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

128. Site of 19 to 33 Coney Street, York [22/02525/FULM] (4.37pm)

This application was considered in conjunction with the following application (site of 19 to 33 Coney Street York 22/02526/LBC).

Members considered a major full application from Helmsley Securities Limited for the redevelopment of 19 to 33 Coney Street, land to rear of 35 to 37 Coney Street and 39 Coney Street to 2 Spurriergate comprising conversion of retained buildings and new build elements of 3 to 6 storeys to create commercial/business/service floorspace (use class E), purpose-built student accommodation (sui generis) and public realm works including riverside walkway, landscaping and access further to partial demolition of buildings.

The Principal Planning Officer gave a presentation including the zones within the scheme. Officers were asked and explained that:

- A landscaping condition would include the boundary treatment.
- Regarding the gap on the walkway, the piece of land was not in the ownership of the applicant and would be a later phase of the development.
- Concerning the amenity spaces within the plans, the operator would decide what those spaces would become.
- The Coney Street courtyard was level access and there were steps from the courtyard down to the river. There would also be a ramp.
- Within the two levels there was commercial and retail space and above those would be student accommodation which was not publicly accessible.
- The walkway in front of the Pitcher and Piano would continue.

Following questions, the Principal Planning Officer gave an update noting corrections to the committee report, clarification on the amounts of

development, an amendment to paragraph 5.19 of the committee report, and clarification on condition 30 and the viability review.

Public Speakers

Flick Williams spoke on the application. She explained that the applicant had employed an Access Consultant and had genuinely listed to the views of disabled people and had made changes to the plans accordingly. She commended and thanked the Helmsley Group for their inclusivity.

Andrew Lowson (Executive Director, YorkBID) spoke in support of the application on behalf of YorkBID. He explained that YorkBID had been included in the application for a number of years with proactive engagement from the applicant and it supported the application. He asked what the alternative would be if the plans were not approved and added that the project would significantly enhance the public realm. He commended the Helmsley Group on their approach.

Max Reeves (Development Director, Helmsley Group), the applicant, spoke in support of the application noting that the group had a track record with listed buildings. He explained that the group were looking to realise the opening up of Coney Street riverside with the new public spaces being joined by the riverside walkway. He added that the group had a collaborative approach with the design evolving over three years. He noted that accessibility had been a key approach. He added that the Coney Street riverside was a once in a lifetime project.

Max Reeves was joined by colleagues Tim Ross (O'Neill Associates, planning consultant) and Timur Tatlioglu (Montagu Evans, Heritage Consultant) to answer questions from Members. They were asked and explained that:

- The scheme being put forward needed to be viable.
- They were committed to doing additional consultation, and would consult on accessibility.
- Regarding financial viability and what consideration had been given to alternative accommodation on the site, at the start of the process they had looked at what was deliverable and viable on the site.
- Waterloo Place was named as it was because it was the name of a previous route that went down Coney Street.
- Concerning none of the public realm becoming adopted highway, access was secured by a condition and there would be a management company looking after the public realm.
- There would be level access throughout apart from elements in listed buildings where there was not level access.
- They addressed the comments of the Twentieth Century Society regarding the loss of the Boots building.

- Two disabled car parking spaces was enough. There was four mobility scooter spaces and accessible cycle parking. Regarding car parking, it was seen as a foot street area and the applicants were constrained by the constraints of the development.
- An outlined was given on the accessible rooms and it was noted that there was a choice of accommodation. It was noted that it was a highly accessible location.

Rob Miller (project Architect, Brown and Co) spoke in support of the application. He noted that the scheme represented three years of collaboration with officers and different organisations. He noted that consultation with different groups had led to changes in the scheme. He added that the applicant had endeavoured to limit heritage impact and there was a distinct sense of 'Yorkness' to the project. He noted that sustainability was a key aspect of the scheme. He explained that there was inclusive access and a family friendly public realm which included seating, trees and planting. He noted that the scheme improved public access to Coney Street.

Rob Miller was joined by colleagues Simon Pratt (SCP transport consultant) and Jane Simpson (Accessibility consultant) to answer Member questions. They were asked and explained that:

- The riverside railings needed to be 1.1m or above for planning regulations and any planters near the waters edge would be raised to that height. The railing would be vertical and planters would replace some railings in zone 3.
- They had several conversations with officers and had tried to articulate changes to the scheme.
- Regarding the logistics of students arrive at the beginning of term and leaving at the end of term there was a condition for a management plan. As part of the transport arrangements, they had considered separate car parking arrangements. The units would be managed and there would be 24/7 security.
- Arrivals to the student accommodation could first thing on a morning and during the evenings.
- Regarding how the scheme is 'York' they had gone a rigorous process of the history of the river. They had tried to reflect the townhouse buildings in Coney Street and regarding Waterloo Place there was a sewer that largely defined the space.
- Concerning whether there was scope for more car parking spaces, the spaces were in were in the existing parking spaces at the back of the Next building and had been made bigger than the existing spaces. The proposed scheme was in the foot streets of York and they were looking to make it a car free development. They had also considered the availability of other student accommodation.
- Regarding disabled students they were providing adaptable rooms.

- There were alternative to car parking, for example accessible cycle parking and every level of the student accommodation had been made accessible.
- Regarding physical disabilities, the rooms were big enough to take electric wheelchairs. All the inside of the student accommodation had been looked at in terms of wellbeing.
- In terms of flood risk, the whole development would be raised up and there would be water attenuation underneath the building.

[The meeting adjourned from 6.02pm until 6.13pm]

- Members then asked officers further questions to which they responded that:
- The open space policy was in the context of public open space and the public realm would provide open space. It was felt that there was acceptable open space provision and sports provision was not south was the universities provided sports facilities.
- The S106 agreement could potentially change should there be an application for a change of use.
- Concerning local primary healthcare being at capacity, the position was consistent as the university provided healthcare on campus.
- The retail policy in the Local Plan was used and the retail use proposed was policy compliant.
- The second viability appraisal looked at the land value of the property and the result was that there was no money in the scheme to provide affordable housing.
- Regarding the provision of lifebuoys, officers could be mindful of that when looking at the landscape condition. Officers had engaged with the police regarding the scheme and had not objected to the scheme.

[At this point the Chair noted that the committee could put in an informative on the landscaping condition].

- The landscaping condition could be made in perpetuity.
- At that point in time officers could not insist on the student bedrooms having nomination agreements.
- Regarding the post office and pharmacy being maintained and whether a pharmaceutical needs assessment had been undertaken, officers could look at the use class.
- Concerning zone 1 viability, zone 1 was a much smaller planning application and did not contribute significantly to S106.
- There was a number of conditions to make sure that elements were retained in the listed buildings upper floors in zones 3 and 4.

 Regarding dropping off students, the development was in the foot streets and dropping off would have to work within those hours.

Following debate, Cllr Whitcroft proposed the officer recommendation to delegate authority the Head of Planning and Development Services to determine the final detail of the planning conditions and planning obligations and to refer the companion application for listed building consent to the Secretary of State for Communities and Local Application Government under the requirements of Sections 12 and 15 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and should the application for listed building consent not be called in by the Secretary of State, then approve the application subject to planning conditions and completion of a s106 legal agreement to secure the matters listed, including an informative on river safety and the condition regarding landscaping to be in perpetuity. This was seconded Cllr Melly. Following a vote with nine voting in favour, one voting against and one abstention, it was:

Resolved: That delegated authority to be given to the Head of Planning and Development Services to:

- 1. Determine the final detail of the planning conditions and planning obligations.
- 2. Refer the companion application for listed building consent to the Secretary of State for Communities and Local Application Government under the requirements of Sections 12 and 15 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and should the application for listed building consent not be called in by the Secretary of State, then APPROVE this application subject to planning conditions and completion of a s106 legal agreement to secure the matters listed, including an informative on river safety and the condition regarding landscaping to be in perpetuity

Reasons:

1. The principle of development accords with the economic and social objectives of the NPPF in respect of the economy and supporting vibrant communities and delivering a range of homes and DLP 2018 policy SS3 which relates to the city centre and its role in achieving the economic and social aspiration of the plan. In applying the NPPF the decision-maker must give significant weight to the economic benefits of the scheme and substantial weight to the delivery of housing that meets an identified need. The provision of new

- public realm is also a substantial benefit the scheme would deliver.
- 2. When a local planning authority finds that a proposed development would harm a designated heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 3. The harm resulting from the scheme to designated heritage assets is considered less than substantial in terms of the impact on the character of the CA. The lack of off-site affordable housing (justified on viability grounds) is also a factor that weighs against the scheme. However substantial public benefits have been identified that clearly outweigh the harm.
- 4. Technical issues can be addressed and planning conditions/obligations can secure benefits identified where necessary, such as retaining the larger retail floorplate in 19 Coney Street and provision of public access to Waterloo Place and the river walkway.
- 5. There are multiple public benefits to the scheme which cumulatively are substantial; they are economic, social and environmental. These benefits clearly outweigh the identified harm to the conservation area. In applying the NPPF and local planning policy and considering the benefits of the scheme overall clearly outweigh the harm and justify approval of the scheme.
- 6. If the Council were minded to approve the companion application for listed building consent then referral to the Secretary of State would be required, due to the objection from a statutory consultee which is one of the amenity societies, following the Arrangements for handing heritage applications: notification to Historic England and National Amenity Societies and the Secretary of State Direction 2021.

2a) Site of 19 to 33 Coney Street, York [22/02526/LBC] (7.27pm)

This application was considered in conjunction with the previous application (site of 19 to 33 Coney Street York 22/02525/FULM). This was an

application from Helmsley Securities Limited for Listed Building Consent for internal and external alterations associated with the redevelopment of 19 to 33 Coney Street and 39 Coney Street to 2 Spurriergate (involving conversion and new build elements) following full and partial demolition of buildings. Following debate, Cllr Whitcroft proposed the officer recommendation to approve the application subject to referral to the Secretary of State and the conditions detailed in the published report. This was seconded by Cllr Melly. Following a vote with ten voting in favour and one vote against, it was;

Resolved: That the application be approved subject to referral to the Secretary of State and the conditions detailed in the published report.

Reasons:

- 1. The principle of the development, in terms of the composition of uses proposed, accords with the economic and social objectives of the NPPF, in respect of the economy and supporting vibrant communities and delivering a range of homes. It is also consistent with DLP 2018 policy SS3 which relates to the city centre and its role in achieving the economic and social aspiration of the plan. In applying the NPPF the decision-maker must give significant weight to the economic benefits of the scheme (paragraph 85) and substantial weight to the delivery of housing that meets an identified need (paragraph 124). The provision of new public realm is also a substantial benefit the scheme would deliver.
- 2. When a local planning authority finds that a proposed development would harm the special architectural or historic interest of a listed building or would harm the character or appearance of the Conservation Area, the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 3. The scheme would not cause harm to the listed buildings the subject of this application. The scheme would cause less than substantial harm, at the lower end of the scale, to the character of the Conservation Area. Substantial public benefits have been identified that clearly outweigh the harm and these are set out in paragraph 5.21 of thes report.

- 4. There are multiple public benefits to the scheme which cumulatively are substantial; they are economic, social and environmental. These public benefits are also to the significance of the listed buildings the subject of this application and include putting them to a use consistent with their conservation, as advocated by NPPF section 16. The external works improve the significance of the listed buildings, including by better revealing their historic scale and form and the internal works preserve remaining historic plan form and bring the upper floors back into use. In applying paragraph 196 of the NPPF, which advises that the harm should be weighed against the public benefits of the proposal, the public benefits of the scheme overall clearly outweigh the harm and justify approval of the scheme, notwithstanding the considerable importance and weight attached to this harmful impact.
- 5. If the Council were minded to approve the application, then referral to the Secretary of State would be required; due to the objection from a statutory consultee which is one of the amenity societies, in accordance with the Arrangements for Handling Heritage Applications Notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2021.

Cllr J Crawshaw, Chair [The meeting started at 4.30 pm and finished at 7.28pm].

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City of York Council	Committee Minutes
Meeting	Planning Committee A
Date	7 November 2024
Present	Councillors Crawshaw (Chair), Fisher (Vice-Chair), Ayre, B Burton (Substitute for Cllr Whitcroft) J Burton, Clarke, Melly, Steward, Moroney, Fenton (Substitute for Cllr Wann) and Widdowson (Substitute for Cllr Cullwick)
In Attendance	Gareth Arnold - Development Manager Jonathan Kenyon – Principal Planning Officer Lindsay Jenkins – Senior Planning Officer Sandra Branigan – Senior Lawyer
Apologies	Councillors Cullwick, Wann and Whitcroft

129. Apologies for Absence (4.36pm)

Apologies for absence were received and noted for Cllrs Cullwick, Wann and Whitcroft.

130. Declarations of Interest (4.36pm)

Members were asked to declare at this point in the meeting any disclosable pecuniary interest or other registerable interest they might have in respect of business on the agenda, if they had not already done so in advance on the Register of Interests. Cllr Melly noted that she would withdraw for agenda item 4b [Elvington Water Treatment Works, Kexby Lane, Elvington, York [24/01238/FULM] as she had a close personal relationship with a person in connection with the application. There were no further declarations of interest.

131. Public Participation (4.37pm)

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme on general matters within the remit of the Planning Committee A.

132. Plans List (4.37pm)

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

133. Land to South and East of the Cemetery, New Lane, Huntington, York [23/01016/OUTM] (4.37pm)

Members considered an outline planning application with all matters reserved except access from Jomast Developments and GBL Projects for up to 107 dwellings (use class C3) with associated landscaping, public open space, and vehicular access from New Lane.

The Development Manager gave a presentation on the application. In response to questions from Members, he explained that:

- Regarding the southern end of the cycleway, the cycleway had been designed on the basis of The Island being built. If The Island was not built, the cycle way would end at the hedge.
- Where the land granted permission from the Secretary of State was located.
- The bus stop was behind the two-way cycle lane.
- The new cycle lane would result in the loss of hedgerow.
- The cycle lane width was based on the number of users expected.
- The self-seeded ash trees were to be removed.

The Principal Planning Officer gave an update on the application. The update included a summary of the Ward Councillors representation, an update on the impact of the scheme on green belt purposes 2, 4 and 5, correction to paragraph 5.34 and proposed additional conditions regarding the accommodation mix and phasing plan.

Public Speakers

Cllr Cullwick (Huntington and New Earswick Ward Cllr) spoke in objection to the application representing some local concerns. He asked if the benefit of affordable housing were very special circumstances outweighing harm to the Green Belt. He noted that the application offered no significant contribution to health provision or local services. He added that the scheme would result in the loss of one of the last open spaces in the area and that the loss of part of the vital green wedge was substantial. He noted the impact of the development on Strensall Common and that there was a lack of local support for the scheme.

In response to questions from Members, Cllr Cullwick noted that:

- Strensall Common was within the zone of influence.
- Regarding transport links to Strensall Common, there was a bus that ran through Huntington to Strensall and people also used private transport to get there.

- There had been very little consultation with Ward and Parish Councillors.
- Strensall Common was a Site of Special Scientific Interest (SSSI) and most people travelled there in their cars.
- He was not involved in the creation of the Huntington Neighbourhood Plan.
- The Huntington Neighbourhood Plan should carry weight.

Adam Hearld (Director of Jomast Developments) spoke in support of the application on behalf of Jomast, joint applicant for the application. He explained that Jomast were working with Together Homes which was one of the biggest providers affordable homes. He noted that the scheme was 100% affordable homes and would offer a period of exclusivity to key workers. He noted that the site had strong pedestrian and transport links. He noted the ecology measures and that these would result in a net gain in biodiversity. He added that it was a windfall site needed by the city for its affordable housing needs.

Colleagues Adam Smout and Philip Holmes joined Adam Hearld to answer Member questions. They were asked and explained that:

- They had focussed on making a period of exclusivity for key workers and the offer was there from the outset.
- They were happy for the houses for social rent to be nominated from the council.
- A windfall site was any site not provided with an allocation in the Local Plan. [The Chair advised that the report set out the windfall site and very special circumstances].
- A segregated cycle lane had been considered. The problem with that
 was that more of the existing hedge would need to be removed which
 was why there was a 3m width for the shared cycleway.
- People from outside the site using the cycleway had been factored in which was why there was a signalised crossing and they wanted to minimise damage to hedges and trees.
- Concerning car use a detailed plan would be worked through with officers at reserved matters and the site was in an accessible location.
- The mix of affordable housing and social housing had not been set yet and they were currently at threshold levels.

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

 The mitigation measures for the site were the same as the site to the north of the site. The indicative open spaces were shown on the layout plans and there was suitable mitigation based on the plans to the north of the site.

- A Habitat Regulations Assessment (HRA) was undertaken for the site north of the site.
- Reserved matters would consider the layout and landscaping of the scheme.
- Regarding the Secretary of State's comments on cumulative impact, the Principal Planning Officer read out the Secretary of State's comments regarding mitigation measures to address the impact on Strensall Common and it was confirmed that officers did not consider the application site to have an impact on it.
- The number of bedrooms in houses would be considered at reserved matters. This was an outline application that set out the principles of the scheme. There could be a condition regarding the accommodation schedule to be approved by officers.
- The neighbourhood plan asked for smaller homes to be provided.
- There was different funding for education and health contributions. The information on education contributions came from officers and regarding health this was reliant on evidence provided by the NHS.
- Regarding there being no contribution to secondary school places, the response from education officers requested early years and primary school places.
- Condition 3 (bus stop and cycle path) would go through the highway road safety audit process.
- The types of affordable would be detailed in the legal agreement and would meet NPPF requirements.
- Social rent was of a higher need than part ownership.
- 26 of the homes for social rent and all homes met the NPPF definition of affordable housing.
- 100% affordable housing weighed heavily in the planning balance.
- Officers' assessment was the site had limited green belt purposes.
- A number of strategic sites in the Local Plan had been brought to committee already.
- The nomination rights were normally in the S106 agreement and higher nomination rights could be sought.
- The S106 for transport was the same as Secretary of State decision on the application to the north of the site. The travel plan would be developed based on national guidance.
- After the Inquiry on the land to the north of the site there was correspondence between the planning inspector and Natural England and Natural England had been consulted on the HRA.
- The affordable housing officer had been consulted on affordable housing.

[The meeting adjourned from 6.00pm until 6.11pm]

During debate, officers confirmed that:

- A 3m cycle lane width was acceptable for LTN 1/20.
- If the committee were minded to approve the application, Natural England would have to be notified, and there would be a 21 day period for consultation with them.
- The definition of a windfall site.
- Exclusivity for key workers could be examined as part of the S106 negotiation around the tenure mix.

Cllr Burton proposed the officer recommendation to delegate authority to be given to the Head of Planning and Development Services to determine the final detail of the planning conditions and planning obligations following referral to the Secretary of State for Communities and Local Application Government under the requirements of the Town and Country Planning Consultation Direction (2021), and should the application not be called in by the Secretary of State, then approve the application subject to planning conditions and completion of a s106 legal agreement to secure the items listed and additional condition and informative as follows:

- Additional conditions regarding the accommodation mix and phasing plan taking into account the neighbourhood plan and housing needs assessment.
- Additional informative regarding the bus stop and walk/cycle way.
 This was seconded by Cllr Melly. Following a vote with six voting in favour and five against (including Cllr Fisher voting against), it was:

Resolved: That delegated authority to be given to the Head of Planning and Development Services to:

- Determine the final detail of the planning conditions and planning obligations.
- 2. Refer the application to the Secretary of State for Communities and Local Application Government under the requirements of the Town and Country Planning Consultation Direction (2021), and should the application not be called in by the Secretary of State, then APPROVE the application subject to planning conditions and completion of a s106 legal agreement to secure the items listed and additional conditions and informative as follows:
 - Additional condition regarding accommodation mix: The reserved matters applications shall demonstrate that no more than 10 (ten) dwellings within the development hereby permitted contain more than 3 bedrooms at the time of construction.

Reason: to ensure that the accommodation mix is appropriate, in accordance with DLP 2018 policy H3: Balancing the housing market and Huntington Neighbourhood Plan policy H2: Housing mix in new housing development proposals.

ii. Additional condition regarding Phasing Plan: Prior to commencement of construction, a phasing plan detailing the installation of the highway network, pedestrian and cycle access points and the open space and green infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The roads shall be constructed to adoptable standards. The development shall be carried out in accordance with the approved phasing plan.

Reason: In the interests of safety, and good design in accordance with NPPF paragraph 135.

iii. Additional informative regarding the bus stop and walk/cycle way.

Reasons

- 1. The site is in a sustainable location for housing and is of a design that promotes active travel and health and well-being. The scheme would provide affordable housing for which there is an identified need. Windfall schemes such as this, offering 100% affordable housing will be necessary if the Council is to achieve its ambitions of meeting 45% of affordable housing need in the period of 2017-2033. The benefits of the affordable housing proposed carries very substantial weight in favour of the scheme.
- 2. The harm to the Green Belt would be limited and moderate weight is given to the visual and landscape adverse impacts as a consequence of developing the site. The scheme is also unable to provide a full contribution towards the education and NHS requests for planning obligations. There is no other harm arising from the development that cannot be addressed through planning obligations and conditions.
- 3. The proposals comply with the relevant policies in the Huntington Neighbourhood Plan in respect of housing need, housing mix, design principles, active travel and biodiversity.

The benefits of the scheme are considered to clearly outweigh the identified harms.

[Cllr Melly left the meeting at 7.00pm]

[The meeting adjourned from 7.00pm until 7.06pm]

134. Elvington Water Treatment Works, Kexby Lane, Elvington, York [24/01238/FULM] (7.06pm)

Members considered a major full application from Ameet Juttla for the installation of a solar photovoltaic array with associated infrastructure including transformer, security fencing, pole mounted CCTV, temporary construction access and compound.

The Development Manager gave a presentation on the application. The Senior Planning Officer gave an update on the application noting a further consultation response from the Ouse and Derwent Internal Drainage Board (IBD), amendments to paragraphs 5.60 and 5.86, amendment to the recommendation, amendment to condition 10, additional condition 17 (new access track) and informative regarding drainage notes.

Public Speakers

Ryo Kikuchi spoke in support on behalf of the applicant. He explained the compliance of the development with policies of the Local Plan as well as the NPPF. He explained that the renewable energy generated would be used by Yorkshire Water at the water treatment works. He noted that the applicant had worked with officers and the local community. He added that the scheme would provide biodiversity net gain and that residents were in support of the development. He was asked and explained that all power generated would go to Yorkshire Water.

Officers were asked and confirmed there had been no response on the application from Elvington Parish Council and the Civil Aviation Authority. Following debate, Cllr Ben Burton proposed the officer recommendation to delegate authority to the Head of Planning and Development Services to approve the application subject to the referral of the application to the Secretary of State, the completion of a Section 106 Agreement to secure a monitoring contribution of £3,300, to secure the planning obligations regarding on-site Biodiversity Net Gain, finalise the S106 agreement, amendment to condition 10 and amendment to condition 10, additional condition 17 (new access track) and informative regarding drainage notes. This was seconded by Cllr Fenton. Following a unanimous vote in favour it was:

Resolved:

- That delegated authority be given to the Head of Planning and Development Services to APPROVE the application subject to:
 - a) The referral of the application to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2021, and subject to the application not being called-in by the Secretary of State for their own determination:
 - b) The completion of a Section 106 Agreement to secure a monitoring contribution of £3,300 to secure the following planning obligations:
 - On-site Biodiversity Net Gain to secure a monitoring contribution in respect of biodiversity net gain monitoring where a development will deliver some biodiversity net gain on-site and the maintenance and monitoring of any biodiversity is secured by a condition imposed on the development.
- 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 listed in the published report, following amendment to condition 10 amendment to condition 10, additional condition 17 (new access track) and informative regarding drainage notes:

Amendment to condition 10

10 A programme of post-determination archaeological evaluation is required.

Each stage shall be completed and agreed by the Local Planning Authority (LPA) before it can be discharged/approved.

A) No archaeological evaluation or development of any kind shall take place until a written scheme of investigation (WSI) for 3% trenching evaluation has been submitted to and approved by the local planning authority in writing. The final sampling strategy for trenching evaluation shall be agreed through consultation with the LPA prior to submitting any WSI. The WSI should conform to standards and guidance set by the LPA and the Chartered Institute for Archaeologists.

Additional Condition 17

17 The new access track hereby permitted shall be constructed using a permeable surface that is a type 3 (free draining) material with details of the extent of the access track and its construction including materials to be submitted and approved in writing by the Local Planning Authority prior to the construction of the access track. The access track shall be constructed in accordance with the approved details and shall be retained for the lifetime for the development. Reason: To ensure that the construction of the access track does not increase surface water runoff, in accordance with the NPPF and ENV5 of the DLP 2018.

Additional Informative

- 4. Drainage Notes
- i. The applicant should be advised that the proposed development is within the Ouse and Derwent Internal Drainage Board's area and is adjacent to Horse Dyke which, at this location, is maintained by the Board under permissive powers within the Land Drainage Act 1991.
- ii. The applicant should be advised that the Ouse and Derwent Internal Drainage Board's prior consent is required (outside the planning process) for access to the watercourse for maintenance or improvements, a strip of land 9m wide adjacent to the top of the embankment of the watercourse known as Horse Dyke, to be kept clear of all new structures, solar panels, fencing and hardstanding. Any new planting must be located a minimum of one metre from the bank top on the northern side of the watercourse.
- iii. The written consent of the Board is required prior to any discharge, or increase in the rate of discharge, into any watercourse (directly or indirectly) within the Board's District.

Reasons:

- 1. This application, with an Environmental Statement relates to the development of solar photovoltaic array to generate 3200 Kilowatts (KW) (3.2 Megawatt (MW) and be used to power the operations of the Elvington WWTW.
- 2. The site is located within the general extent of the Green Belt. In the overall balancing exercise, substantial weight should be given to the harm to the Green Belt. The benefits of the generation of significant amount of renewable energy are considered to clearly outweigh the harm to the Green Belt. These therefore amount to very special circumstances necessary to justify the inappropriate development in the Green Belt. The proposals are therefore found to accord with Green Belt policy in the NPPF.
- 3. The visual effects of the development and impact on landscape character is set to improve from a minor-moderate adverse effect in year 1 to negligible beneficial at year 15 depending on the rate of establishment and continue to lessen overtime due to retention of key hedgerows and trees and additional landscape planting around the perimeter of the site. There would be minimal impact of the development when viewed from neighbouring residential properties, given the arable landscape and landscape features and the existing WWTW as a major developed industrial site, in the background, and overall distances would result in the solar panels forming a relatively thin visual strip.
- 4. On-site habitat enhancements for BNG would be achieved and this would be secured via condition (habitat management and monitoring plan) and a S106 (to secure the monitoring requirements). The applicant will be advised of their requirements to secure the onsite habitat enhancements for 30years through the Biodiversity Gain Plan via an informative. Additionally, despite the close proximity of the site to statutory nature conservation sites of international and national importance, there are no concerns in respect to significant impacts arising from the proposed development, specifically during the operation phases. Conditions are recommended to ensure that the ecological habitats are protected during de-commissioning, when the requirements of BNG remain a requirement.

Cllr J Crawshaw, Chair [The meeting started at 4.30pm and finished at 7.20pm].

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COMMITTEE REPORT

Date: 5 December 2024 Ward: Osbaldwick And Derwent

Team: East Area Parish: Murton Parish Council

Reference: 23/02030/FULM

Application at: Land Lying To The North West Of Murton Way York

For: Erection of a Battery Energy Storage System with associated

infrastructure, site levelling works, access, landscaping and

ancillary works.

By: Net Zero Fourteen Limited

Application Type: Major Full Application

Target Date: 1 July 2024

Recommendation: Refuse

1.0 PROPOSAL

- 1.1. Planning permission is sought for the erection of a Battery Energy Storage System with associated infrastructure, site levelling works, access, landscaping and ancillary works on a parcel of land on the northern side of Murton Way. The site measures approximately 3.4 hectares and comprises an existing agricultural field. The proposed development is temporary with an expected operational lifespan of 40 years. After this period the works will be decommissioned.
- 1.2. The site lies within the general extent of the York Green Belt and is unallocated in the Draft Local Plan 2018 (as amended 2023). The majority of the site lies within Flood Zone 1, however the red line boundary extends up to the beck which is in Flood Zone 3, however no built development is proposed on this land. To the west of the site lies an Industrial Estate. To the north west of the site lies a Traveller's Site. Agricultural fields predominately lie to the south and east of the site. A number of scattered dwellings lie to the south of Murton Way.
- 1.3. The proposed development is for the construction and operation of a Battery Energy Storage System (BESS) with a capacity of approximately 100 megawatts. The system will connect into the Substation at Osbaldwick, approximately 0.5km to the south of the site. Access will be gained to the site from Murton Way via a new access track opposite the cottages as Osbaldwick Road Crossing and will form a loop around the infrastructure. The development is within the centre of the application site. The compound consists of the following;

Page 26

- 104no. containerised battery storage units arranged in rows;
- 13no. Transformer units which will be situated between 2no. SCS inverter units (total 26no. PSP inverter units);
- 26no. Battery interface cabinets;
- 1no. Transformer unit;
- 1no. 132kv Substation/HV Switchgear building;
- 1no. Customer Switchgear Container unit;
- 1no. Storage container;
- 1no. 240,000 litre water tank;
- Fencing
- Security (including CCTV)
- Landscaping, including cut and fill work
- 1.4. The following recent site history is relevant;
 - 23/01626/EIASN; Screening for Environmental Impact Assessment for a Battery Energy Storage System. EIA not required: 22.08.2023.

2.0 POLICY CONTEXT

NATIONAL PLANNING POLICY FRAMEWORK

- 2.1. The revised National Planning Policy Framework (NPPF) was published in 2023 and sets out the government's planning policies for England and how these are expected to be applied.
- 2.2. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (section 38(6) Planning and Compulsory Purchase Act 2004).
- 2.3. The Statutory Development Plan for the City of York comprises the saved policies and key diagram of the otherwise revoked Yorkshire and Humber Plan Regional Spatial Strategy (2008) and any made Neighbourhood Plan.

PUBLICATION DRAFT LOCAL PLAN (DLP 2018)

2.4. The Publication Draft Local Plan 2018 was submitted for examination on 25th May 2018. The plan has been subject to examination. Proposed modifications regarding policy H5 Gypsies and Travellers have recently been subject to consultation. The draft policies can be afforded weight in accordance with paragraph 48 of the NPPF.

- 2.5. Key relevant DLP 2018 policies are:
 - D1 Placemaking
 - D2 Landscape and Setting
 - D6 Archaeology
 - GI2 Biodiversity and Access to Nature
 - GI4 Trees and Hedgerows
 - GB1 Development in the Green Belt
 - CC1 Renewable and Low Carbon Energy Generation and Storage
 - ENV1 Air Quality
 - ENV2 Managing Environmental Quality
 - ENV3 Land Contamination
 - ENV4 Flood Risk
 - ENV5 Sustainable Drainage
 - WM1 Sustainable Waste Management
 - T1 Sustainable Access

MURTON NEIGHBOURHOOD PLAN

2.6 The Murton Neighbourhood Plan was submitted to City of York Council on 16th October 2024 for examination. In accordance with the Neighbourhood Planning Regulations, the Council is now undertaking a submission consultation for 6 weeks until 20 December 2024 prior to examination by an independent examiner. An emerging Neighbourhood Plan is likely to be a material consideration in planning decisions and should be accorded weight in accordance with paragraph 48 of the NPPF. Factors to consider include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies. The policies within the Neighbourhood Plan are therefore afforded limited weight at the present time.

3.0 CONSULTATIONS

INTERNAL

CYC Ecology

3.1. No objections, subject to Construction Environmental Management Plan and landscape and ecological management plan.

CYC Public Right of Way

3.2. No objections. There is a recorded public bridleway adjacent to the northern site boundary known as Osbaldwick 13 (28/13/10) and a recorded public footpath to the west of the site boundary known as Osbaldwick 6 (28/6/20). Advice provided regarding temporary closures, diversions and unauthorised deterioration. During construction the surface of the public rights of way adjacent to the site must not be disturbed/damaged/obstructed in any way, for example by drainage across the paths or through vehicle use, without the prior approval of a member of the Public Rights of Way Team.

CYC Archaeology

3.3. Recommend a condition for post-determination archaeological mitigation, specifically an archaeological watching brief.

CYC Public Protection

3.4. No objections to the application in terms of noise, but recommend a 4m high acoustic fence.

CYC Strategic Planning Policy

3.5. Advice regarding current stance of the Draft Local Plan, green belt policy and current status of policy CC1 (renewable and low carbon energy).

CYC Flood Risk Management Team

- 3.6. Based on submitted FRA (revision F, dated 1st July 2024) which shows a pumped surface water connection to the local watercourse at a restricted rate of 1.93 litres per second with appropriate attenuation up to and including the 1 in 100 year event with 40% climate change event is generally acceptable.
- 3.7. Site specific infiltration testing failed and therefore connection to the watercourse subject to consent from IDB is agreed.
- 3.8. Installation of penstock fitted in the flow control device manhole so that in the event of a fire the system can be closed to prevent/reduce the risk of adverse contamination of the watercourse.
- 3.9. The IDB have requested a discharge rate of 1.76l/sec however believe the different between the 1.93l/sec and 1.76l/sec is minimal and the FRMT aren't concerned.

3.10. Recommend condition in the event of an approval.

CYC Urban Design and Conservation

3.11. Development Management to assess for the above.

CYC Housing Services Team (Landlord of adjacent Travellers Site)

- 3.12. Object due to failure to satisfy Policy CC1 requirement that the impact on local communities are demonstrated to be acceptable. Concerns regarding fire safety, noise (in particular impact on caravans) and environmental pollution.
- 3.13. The Outgang Lane access to the site is unsuitable in respect of a number of features that pose a high risk to residents' safety including a narrow, single track, lack of lighting and poor road surface. The risk would heightened in the event of any incident such as a fire. Recommend improvements to Outgang Lane. Any use of Outgang Lane for the site development would be unsuitable.

CYC Landscape Architect

3.14. Adverse harm to the land use of the site is significant and should be given due weight in consideration of the planning balance. Significant adverse effect on the landscape character of the site. Moderately harmful visual impact is relatively localised but insignificant. The adverse effects on visual amenity, in particular from Murton Way, and properties oriented towards the application site, and to a lesser degree from Outgang lane PROW, should be given due consideration in the planning balance.

CYC Highways Officer

3.15. Subsequent to a site visit with the applicant's transport consultant and City of York Council's Streetworks team, at this point in time HDC can not justifiably object to the application on the grounds of unacceptable impact on safety or unacceptable cumulative impact on the network, if suitable traffic management is put in place (this can be conditioned or otherwise secured through a s278 agreement). Recommend conditions in the event of an approval.

EXTERNAL

Canal and River Trust

3.16. No requirement to consult.

Foss Internal Drainage Board

3.17. Recommend a drainage condition in accordance with agreed documents and a condition requiring 9m clear from the beck. Informative regarding discharge into watercourse.

Northern Gas Networks

3.18. Do not object to planning application.

North Yorkshire Fire and Rescue Service

3.19. The National Fire Chiefs Council (NFCC) publication Grid Scale Battery Energy Storage System Planning BESSDesignGuidance (nfcc.org.uk) should be used as current best practice guidance in the design and installation of Battery Energy Storage System (BESS) sites.

The Coal Authority

3.20. No observations.

North Yorkshire Police

3.21. The security arrangements outlined in the application are appropriate. If approved, it is strongly recommended that the construction compound has onsite security to prevent the theft of plant, diesel fuel and materials.

Yorkshire Water

- 3.22. The submitted 'Flood Risk Assessment and Surface Drainage Strategy' P23-1507 (rev E) prepared by Pegasus, dated 28/03/2024' is acceptable.
- 3.23. There will be no foul discharge for the development and surface water will discharge through infiltration.

Environment Agency

3.24. No objection to the proposal as long as it is built in accordance with the submitted Flood Risk Assessment which shows all proposed development is located in Flood Zone 1. Recommend an informative regarding Battery Energy Storage Systems.

Murton Parish Council

- 3.25. Objects on the following grounds;
 - Inappropriate development in the Green Belt.
 - Detrimental impact on the rural separation between Osbaldwick and Murton.
 - Understood another BESS application is due for farmland on the south side of Murton Way
 - Loss of productive farmland is unacceptable
 - Proposed 40 year time limit is unrealistic and the cost of rehabilitation of the site would be prohibitive.
 - Once the land is industrialised it will never return to its former state or use.
 - Access from Murton Way unacceptable.
 - Fire Strategy Plan inadequate.
 - Proposed screening would sacrifice more agricultural land.
 - Recommend conditions in the event of approval

Osbaldwick Parish Council

3.26. Strongly object and support the submission by Murton Parish Council.

Natural England

3.27. No objection.

York Travellers Trust

- 3.28. Object on the following grounds;
 - Continuing intensification of industrial activities in the vicinity of the Traveller Site is incompatible with the residential amenity and poses a significant material threat to human health and wellbeing.
 - Noise Assessment Report indicates that the proposed development would require, amongst other things, the operation of multiple industrial cooling fans throughout its lifetime. It is advanced that these would operate 'without affecting the amenity of the closest residential receptors to the site.' It is not clear from the Report that the particular nature of the residential units has been taken into account as a part of the assessment. Caravans are significantly more vulnerable than bricks and mortar development to noise and vibration pollution.

- The Environment Agency has confirmed that Battery Storage Systems have the potential to pollute the environment, particularly where there is surface and ground water. There have been significant issues with drainage and standing water in the area around the Traveller Site for many years.
- Need to consult the Council's Housing Team (owners of the Traveller Site)
- Expect further reports to take into account cumulative impact of the proposed development with adjacent land uses and activities on the residential amenity of the Traveller Site.
- Expect a full Equality Impact Assessment.

4.0 REPRESENTATIONS

- 4.1. The application has been advertised via site notice, local press notice and neighbour notification letters.
- 4.2. 7 letters of objection (including Councillor Mark Warters) were received. Where the same person has commented multiple times this has been classed as one objection. The objections are summarised on the following grounds;
 - The site isn't suitable for this type of development in the Green Belt.
 - Does not preserve the openness of the Green Belt.
 - Will industrialise an area of open countryside
 - Will lead to coalescence.
 - Lithium battery production is harmful to the planet.
 - Water drainage on Murton Way a problem as the road gets flooded.
 - Groundwater contamination into the beck.
 - Concerns regarding site entrance, traffic, speeding, HGVs and accidents.
 - The other battery site near Grimston Bar is noisy.
 - Noise concerns arising from construction and development and cooling fans.
 - Site entrance should be relocated to Outgang Lane.
 - Connection and construction would be an inconvenience.
 - Affect the outlook from property and value.
 - Poor hedging would not screen the development and is not in ownership of the applicant.
 - Proposed planting insufficient and will take a long time to grow.
 - Pollution from construction vehicles.
 - Road is part of the cycle network and traffic will pose a danger to cyclists.
 - Heavy vehicles may impact surrounding properties.
 - Safety concerns from proposed access point.
 - Hedgerow removal required for site access.
 - Loss of open, agricultural land
 - Loss of natural habitat

- Light pollution
- Insufficient research for battery energy storage near dense areas of housing Murton
- Already have a BESS and believe at the time were told this is the capacity for the area.
- Risks in water from lithium pollution.
- Concerns regarding fire risk, thermal runway and availability of Fire Services.
- Would reduce the re-opening of the DVLR as a light railway from Murton into York.
- Concerns regarding the validity of comments submitted by Shared Voices PR agency and the publication of these comments.
- 4.3. A total of 11 letters of support have been received on the following grounds (which includes one letter of support from the Landowner);
 - Upgrade systems to help save the planet.
 - Good location.
 - Need for battery storage to help distribution of electric and balance the grid.
 - Site is near the transformer station and next to the industrial estate.
 - Landscaping will screen.
 - Store excess energy generated from renewable sources.
 - Ensures a consistent and reliable energy supply for the community.
 - Create new job opportunities
 - Help stabilize energy prices.
 - Bring down bills.
 - Developers have assured that they will adhere to strict environmental standards and implement measures to minimize any potential negative impacts.
 - Good to see something being built rather than hotels and housing.
- 4.4. A petition has been received from the company 'Shared Voices', which was organised by the Applicant. 45 letters of support have been submitted which all come from a Shared Voices email address. The Local Planning Authority have been unable to verify the submissions (in terms of their accuracy and whether consent has been received). The letters were not submitted in the standard way for public consultation, therefore each letter cannot be registered or considered individually.

5.0 APPRAISAL

Key Issues

5.1. The key issues are as follows:

Page 34

- Principle of the development
- Green Belt
- Impact on the character and appearance of the area
- Trees
- Loss of agricultural land
- Flood risk and drainage
- Highways and access
- Amenity and public protection
- Ecology
- Archaeology
- Air quality
- The case for very special circumstances
- Public Sector Equalities Duty

Principle of the development

Policy

- 5.2. Policy CC1 of the Draft Local Plan (2018, as amended 2023) relates to renewable and low carbon energy generation and storage. The policy supports proposals for low carbon energy storage where the stated considerations are demonstrated to be acceptable; this includes impacts on local communities and residential amenity.
- 5.3. Paragraph 032 of the Planning Practice Guidance (PPG) states electricity storage can enable us to use energy more flexibly and de-carbonise our energy system cost-effectively for example, by helping to balance the system at lower cost, maximising the usable output from intermittent low carbon generation (e.g. solar and wind), and deferring or avoiding the need for costly network upgrades and new generation capacity.

<u>Assessment</u>

- 5.4. The proposal will store energy in times of high production, by connecting to the existing substation at Osbaldwick, over 0.5km from the application site and release the energy when needed. The proposal would support the electricity network by providing extra capacity when there are shortfalls, which is afforded substantial weight and is in line with the aims of policy CC1 of the Draft Local Plan (2018, as amended) and planning practice guidance in relation to energy storage.
- 5.5. The Agent attaches very substantial weight to the provision of renewable energy and states the scheme will provide power to 323,795 homes for two hours. Application Reference Number: 23/02030/FULM Item No: 5a

The proposal however is not a generator or provider of renewable energy, therefore moderate weight is given to this argument. The BESS does not produce renewable energy themselves and it cannot be guaranteed that all the energy stored here will be renewable. The BESS is not connected to a renewable energy development such as a solar farm or wind farm.

- 5.6. The applicant states they have a viable grid offer connection which is afforded some weight. The applicant attaches very substantial weight to the lack of alternate sites, however this is given limited weight as there are sites adjacent to Osbaldwick substation which have planning permission for the same type of development and there is also currently a pending planning application for a battery energy storage scheme next to the substation. Closer sites to the substation have not been explored in the alternative sites assessment.
- 5.7. Overall whilst acknowledging the development is not a source of renewable energy and clearly the proposal cannot guarantee that all energy stored at the facility will be from renewable sources, there a clear benefits of energy storage as outlined in the PPG for addressing energy security. The proposal would ensure a continuity of energy supply, in particular when there are shortfalls. Officers give the principle of development (storage of energy) substantial weight, however only moderate weight is given to the argument that the proposal would store renewable energy.

Green Belt

Policy

- 5.8. Paragraph 152 of the NPPF (2023) states inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 of the NPPF states when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 5.9. Paragraph 154 of the NPPF states a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
- a) buildings for agriculture and forestry;

- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 5.10. Paragraph 155 of the NPPF (2023) states certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
- a) Mineral extraction
- b) Engineering operations
- c) Local transport infrastructure which can demonstrate a requirement for a Green Belt location
- d) The re-use of buildings provided that the buildings are of permanent and substantial construction
- e) Material changes in the use of land (such as changes of use for outdoor sport or recreation or for cemeteries and burial grounds) and
- f) Development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.
- 5.11. This is reflected in policy GB1 of the Draft Local Plan (as amended) which is wholly consistent with the NPPF. In this context and as the time of writing this report and given that only one minor objection to policy GB1 remains, policy GB1 can be afforded moderate weight.

5.12. In line with the decision of the Court in Wedgewood v City of York Council [2020] EWHC 780 (Admin), and in advance of the adoption of the emerging Local Plan, decisions on whether to treat land as falling within the Green Belt for development management purposes should take into account the Yorkshire and Humber Regional Spatial Strategy ("RSS") and may have regard to the emerging Local Plan (2018), insofar as can be considered against paragraph 48 of the NPPF (2021). Site specific features must also be considered. The Wedgewood judgement explains that regard may be given to the draft Local Plan (April 2005) (DCLP). Only very little weight should be attached the Green Belt proposals contained within it and its related evidence, which are superseded by the 2018 Local Plan that is now at an advanced stage of examination.

Assessment

- 5.13. In considering the green belt status of the site, TP1: Green Belt Addendum provides material evidence (EX/CYC/59d1). At Section 6: boundary 21, land to the east of Osbaldwick Industrial Estate is assessed against green belt purposes. In relation to Green Belt purpose 1, land is unconstrained by development on more than one side and is therefore not contained.
- 5.14. In relation to Green Belt purpose 4, land should be kept permanently open to maintain York's compactness, to prevent the city coalescing with Murton village, retaining the 'clock-face' of historic villages within a rural setting. The site forms part of an area identified in evidence as necessary to preserve openness to prevent coalescence with the village of Murton. The proposed green belt boundary in this location functions in maintaining the rural character of Murton Way (which is the historic route between Osbaldwick Village and Murton) and preserving openness between York and Murton.
- 5.15. In relation to Green Belt purpose 3, this is agricultural land within which there are limiting urbanising influences; land functions as part of the countryside and contributes to the character of the countryside through openness, views and accessibility. Overall it is concluded that the site serves Green Belt purposes and as such is considered Green Belt for the purposes of this assessment.
- 5.16. The proposed development does not fall within any of the stated Green Belt exceptions set out in policy GB1 of the Draft Local Plan (2018, as amended 2023) and paragraph 154 and paragraph 155 of the NPPF (2023). The proposal is therefore considered inappropriate development in the Green Belt, which is harmful by definition. This is not disputed by the Applicant or Agent.

- 5.17. The proposal would be visible from several public viewpoints due to the number, height and siting of the infrastructure. Spatially, when viewing the development as a whole, it would take up a significant proportion of land. The proposed development would undoubtedly lead to a loss of visual and spatial openness causing significant harm to the Green Belt.
- 5.18. The site provides a clear separation between the village of Osbaldwick and Murton therefore preventing coalescence (conflict with purpose b of paragraph 143 of the NPPF). The development would result in the sprawl of the built up area (conflict with purpose a of paragraph 143 of the NPPF) and would result in countryside encroachment (conflict with purpose c of paragraph 143 of the NPPF). It would conflict with the three purposes of the Green Belt identified at this site, resulting in urban sprawl, countryside encroachment and coalescence.
- 5.19. To conclude on Green Belt matters, the proposal would be inappropriate development in the Green Belt and would be significantly harmful to its openness and purposes, contrary to the NPPF and policy GB1 of the Draft Local Plan (2018, as amended 2023). Substantial harm must be given to these harms to the Green Belt.
- 5.20. In line with paragraph 152 of the NPPF and policy GB1 of the Draft Local Plan (as amended), very special circumstances would need to be demonstrated to clearly outweigh the harm identified to the Green Belt and any other harm resulting from the proposal. Whether very special circumstances exist to justify this inappropriate development in the Green Belt are explored at the end of the report when all the key issues have been assessed and determined whether any other harm as a result of the proposed development has been identified.

Impact on the character and appearance of the area

Policy

5.21. Planning decisions should ensure developments will function well and add to the overall quality of the area (paragraph 135 of the NPPF). This is supported by Policy D1 of the Draft Local Plan (2018) which seeks to ensure the density, massing and design of development respects the local character and its setting. Landscaping is covered within policy D2 of the Draft Local Plan (2018) and this seeks to ensure high quality hard and soft landscaping including suitable lighting. Policy G14 of the Draft Local Plan (2018, as amended) seeks to retain existing healthy tree cover and ensuring any new landscaping is appropriate. Policy WM1 of the Draft Local Plan (2018) relates to waste management requires the integration of facilities for waste

prevention, re-use, recycling, composting and recovery in association with the planning, construction and occupation of new development for commercial sites.

5.22. In particular proposals for renewable and low carbon energy development, including ancillary development, will be permitted where impacts on York's historic character and setting, including the sensitivity of the scheme to the surrounding landscape and proximity to air fields and other sensitive land use are considered acceptable (policy CC1 of the Draft Local Plan (2018), as amended).

Assessment

- 5.23. The application site overlaps district-level, green infrastructure corridor 16 Osbaldwick / Tanghall corridor. The public right of way / bridleway (ref: 28/13/10) runs along the eastern boundary of strategic housing allocation ST7. This neatly aligns with the formal extent of industrial development off Outgang Lane. The proposed development projects further east than this. The development disrupts the clarity of the belt of arable/pastoral fields lying to the east of the existing/proposed extent of the urban edge.
- 5.24. The site is identified as preventing coalescence between the village of Murton and Osbaldwick; the latter being conjoined with the urban extent of the city. The peripheral band of fields between the A64 / ring road and the edge of the city that provides the impression of its rural context.
- 5.25. The battery storage containers are 2.7m in height. Acoustic fencing on the north and south sides of the containers would be 4m in height. The substation in the southwest of the site, almost opposite Gell's Farm, is 6.7m at its highest point. This would therefore project over the top of the hedgerows. The BESS compound would be enclosed with 2.4m high metal palisade fencing. Taking into account the scale and design of the infrastructure, the landscape would become industrialised to the detriment of its setting.
- 5.26. It is proposed to include a significant amount of landscaping to hide the infrastructure (shrub planting, trees and filling of gaps), however the storage units would still be prominent in views in particular in the winter months. The use of landscaping in this regard, in what is a predominately open field, would appear at odds with the existing landscape character and what forms the clear distinction between the villages. However the vegetation alone does have some landscape and ecological benefits. The principal concern in this regard is the use of the proposed landscaping to hide the development and the uncharacteristic nature of its use in this setting.

- 5.27. The most northerly corner of the proposed development encroaches into the dismantled railway line, (which was once the Derwent Valley Light Railway) thus disrupting the line of this historical feature that is still legible in the landscape and reflects the historic cultural link between York and the railway industry. A half-mile length of the DVLR line runs from Murton Way, where it meets the site on the opposite side of the road, and continues eastwards under the A64, adjacent to the Yorkshire Museum of Farming outside of Murton. The line of the DVLR between Osbaldwick and Elvington has been interrupted by a few buildings and development. However, the majority of it is a legible feature of the landscape at the very least aerially. The proposed development reduces the intactness of this marked/identifiable landscape (and also its future potential to contribute to an extended linear recreational network). This presents some harm, although is limited.
- 5.28. The Landscape Officer concludes the proposal would lead to a moderate adverse level of effect on the land use and infrastructure of the site, resulting from the loss of a simple arable field, typical for this rural periphery of the City and the introduction of utilitarian industrial structures and hard surfacing. The Landscape Officer states this aspect of harm is significant. The Landscape and Visual Assessment submitted by the Applicant concludes that long-term there would be a moderate adverse level of effect upon the landscape character of the site itself.
- 5.29. Officers conclude that the harm to the landscape character is significant. The proposal would undoubtedly and adversely change the character and appearance of the site, due to the nature, scale and siting of the proposed development. The most adverse visual effects being experienced from Murton Way and from Outgang Lane PROW bridleway, both of which are actively used, in particular Murton Way which is pedestrian and cycle route (National Cycle Route Network 66), as well as a main vehicular access road. It would appear at odds in this setting by way of its industrial appearance and cannot be supported.
- 5.30. The LVA, submitted by the applicant, does not give an accurate representation of viewpoints, as the viewpoints were taken in August when vegetation was in full leaf. During months when leaf cover is absent or reduced, viewpoints of the development will be more prominent and there will be a greater awareness of the infrastructure, in particular from Murton Way.
- 5.31. Overall the proposed development would have a considerably adverse impact on the landscape character of the site, due to the addition of built forms that would be detrimental to the landscape character of the site. The proposal would extend the sense of industry associated with Osbaldwick industrial estate and Osbaldwick substation, into what is currently an arable field that is contiguous with the open countryside surrounding the city of York, which would be more pronounced in

dormant seasons. The proposal is therefore contrary to paragraph 135 of the NPPF (2023) and policies CC1, D1 and D2 of the Draft Local Plan (2018, as amended).

Loss of agricultural land

Policy

- 5.32. Paragraph 180(b) of the NPPF (2023) states planning decisions should contribute to and enhance the local environment by recognising the wider benefits from natural capital and ecosystem services including the economic and other benefits of the best and most versatile agricultural land. Best and most versatile agricultural land is classed as land in grades 1, 2 and 3a of the Agricultural Land Classification.
- 5.33. Footnote 62 of the NPPF states where development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The availability of land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development.
- 5.34. In particular policy CC1 of the Draft Local Plan (2018, as amended) states renewable and low carbon development will only be acceptable where impacts on agriculture are deemed acceptable.

<u>Assessment</u>

5.35. The application site is undeveloped Grade 3 agricultural land and the proposal would see the temporary loss of 3.4 hectares of good to moderate agricultural land. Even once the site is de-commissioned it is not considered the site could be restored back to its original state in the exact same manner and would take a considerable period of time, due to the amount of hard surfacing and planting proposed. Moderate harm is afforded to loss of 3.4 hectares of Grade 3 agricultural land in York. The proposal is in conflict with policy CC1 of the Draft Local Plan (2018) and paragraph 180 (b) of the NPPF (2023).

Flood risk and drainage

Policy

5.36. Policy ENV5 of the Draft Local Plan (2018) emphasises the need for Sustainable Drainage Systems (SuDS) in new development. Existing land drainage systems should not suffer any detriment as a result of development. Landscaping Application Reference Number: 23/02030/FULM Item No: 5a should be designed to reduce surface water flooding and to enhance local biodiversity. Areas of hardstanding such as driveways and parking areas should be minimised and porous materials used.

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

Assessment

- 5.38. The application is accompanied by a Flood Risk Assessment (revision F, dated 1st July 2024). Site specific infiltration testing failed and therefore connection to the watercourse would be subject to separate consent from the Foss IDB. The drainage strategy shows discharge to watercourse showing a pumped surface water connection to the local watercourse at a restricted rate of 1.93 (one point nine three) litres per second with appropriate attenuation up to and including the 1 in 100-year event with 40% climate change event. The Flood Risk Management Team states this is generally acceptable in principle and recommend conditions in the event of an approval. The Foss IDB have requested the rate should be 1.76 l/sec however the difference between the 1.93 l/sec and the 1.76 l/sec is very minimum and the Flood Risk Management Team are not duly concerned.
- 5.39. The proposal seeks to install a penstock fitted in the flow control devise manhole so that in the event of a fire the system can be closed to prevent/reduce the risk of adverse contamination of the watercourse which is agreed.
- 5.40. The drainage strategy proposed is considered acceptable and in the event of approval could be secured by condition.

Highways and access

Policy

5.41. Paragraph 115 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy T1 of the Draft Local Plan (2018) requires safe and appropriate access, layout and parking arrangements.

Assessment

- 5.42. The existing access from Murton Way is to be widened. The Highways Officer confirms a suitable means of traffic management can be implemented to enable the site access to be widened and the vehicles expected to deliver the BESS components to safely gain entry into and egress from the site.
- 5.43. The Highways Officer raised concerns regarding the bridge limits (in terms of its weighting) however this an environmental restriction which the Developers would have to adhere to regardless, or if it is unsuitable the developers would have to find alternative road access or limit their weighting of their vehicles. This therefore would not be a reason for refusal on highway grounds and would be covered by general construction traffic management to the site. This could be added as a condition in the event of an approval.
- 5.44. Traffic generation from the proposed use once in operation would be low. Sufficient car parking for maintenance / servicing of the proposed use is available within the site.

Amenity and public protection

Policy

- 5.45. Paragraph 135 (f) of the NPPF (2023) seeks to ensure planning decisions create places with a high standard of amenity for existing and future users. Policy ENV2 of the Draft Local Plan (2018) states development will not be permitted where future occupiers and existing communities would be subject to significant adverse environmental impacts such as noise, vibration, odour, fumes/emissions, dust and light pollution without effective mitigation measures. This is further supported by part ii of policy CC1 of the Draft Local Plan (2018, as amended).
- 5.46. Policy ENV3 of the Draft Local Plan (2018) states where there is evidence that a site may be affected by contamination or the proposed use would be particularly vulnerable to the presence of contamination, planning applications must be accompanied by an appropriate contamination assessment.
- 5.47. Paragraph 032 of the PPG encourages the local planning authority to consult with their local fire and rescue service as part of the formal period of public consultation prior to deciding the planning application. This is to ensure that the fire and rescue service are given the opportunity to provide their views on the application to identify the potential mitigations which could be put in place in the event of an incident, and so these views can be taken into account when determining the application. Local planning authorities are also encouraged to

Page 44

consider guidance produced by the National Fire Chiefs Council when determining the application.

5.48. Policy CC1 of the Draft Local Plan (2018) states proposals for renewable and low carbon energy storage developments will be supported and encouraged, subject to demonstrating that impacts are acceptable where relevant. Developments should be sited a suitable distance from major residential areas and https://example.com/havesuitable-fire-suppression-procedures.

<u>Assessment</u>

Fire Safety

- 5.49. The Local Planning Authority consulted North Yorkshire Fire and Rescue Service who advised that "The National Fire Chiefs Council (NFCC) publication Grid Scale Battery Energy Storage System Planning BESS Design Guidance (nfcc.org.uk)" should be used as current best practice guidance in the design and installation of Battery Energy Storage System (BESS) sites. Version 1 was published in April 2023. Version 2 was consulted upon in August 2024 and at the point of writing this report was not published. For the purposes of this report version 1 has been used as the basis for assessment.
- 5.50. The Applicant has submitted a NFCC compliant report detailing how the development is in accordance with the above referenced guidance. However Officers raise the following concerns;
 - The Agent states the North Yorkshire Fire Service raise no objection to the scheme (in the additional cover letter submitted 31st October 2024). To confirm and clarify the North Yorkshire Fire Service provided <u>observations only</u> and referenced the BESS Design Guidance. They did not provide a viewpoint on the application.
 - The NFCC guidance requires at least 2 separate access points to the site to account for opposite wind conditions/direction. Only one access point is proposed from Murton Way. The applicant argues there are two points of access into the compound, however these are reliant on the one single access point from the public highway. The number of access points would contravene the expert national guidance and is not demonstrated to be safe.
 - The NFCC guidance states there should be a minimum of 6m between the BESS Units to prevent further unit to unit spread in the event of a fire. The battery units are arranged in clusters of 8no. and within the groups each unit is located in close proximity to each other. Some are next to each other and at its maximum some are approximately 2.5m. Each group of 8no. is separated by

approximately 5.8m. The guidance suggests where reductions are proposed there must be clear, evidenced based, case for reduction and this should be designed by a competent Fire Engineer. The NFCC compliant report submitted by the applicant states "This separation of 1.5m for LFP BESS is further articulated and supported in the Department of Energy Security and Net Zero guidance document Health and Safety for Electrical Energy Storage Systems [Ref. 9]. The BESS units for the development will be LFP and the distance between BESS units is 6.0m distance between blocks, with the units at a minimum of 3.0m spacing, being orientated such that no vents are opposite each other, providing compliance against the updated FM Global Specification." This evidence is provided by a Principal Consultant at a Risk Consultancy Firm. The Local Planning Authority are not convinced by this evidence and it is unclear whether the author is a Fire Engineer. The detailed layout of battery containers would contravene the expert national guidance and has not been demonstrated to be safe.

- The NFCC Guidance states turning circles, passing places etc size is to be advised by Fire Risk Service depending on the fleet. The NFCC compliant report submitted by the applicant states they will liaise and consult with the FRS to establish if the arrangements are satisfactory. This has not taken place pre planning application and the Local Planning Authority are therefore not convinced that the turning circles and passing places are safe.
- 5.51. Whilst it is acknowledged a fire safety plan (covering matters such as detection, suppression, evacuation and monitoring techniques) could be conditioned in the event of an approval, Officers raise concern with regards to the principle layout of the proposal, turning areas, passing places and the access which raise safety concerns, as set out above. The PPG and the North Yorkshire Fire Service are clear that the Grid Scale Battery Energy Storage System Planning BESS Design Guidance should be taken into account when determining applications. In this instance it has not been demonstrated that the development will be made safe from fire hazards in conflict with policy CC1 and ENV2 of the Draft Local Plan (2018, as amended) and paragraph 032 of the Planning Practice Guidance.

Noise

5.52. The application is accompanied by a Noise Impact Assessment (dated 10/10/2023). The assessment demonstrates that nearby residential receptors will not be affected by noise from the facility as the BS4142 assessment provided demonstrates that the noise levels produced are all below background noise levels. In the event of an approval, a 4-metre-high acoustic fence is required (with no gaps and should be of at least 10kg/m2 density).

5.53. Concerns are raised in the representations regarding noise and the close proximity to the nearby Travellers site at Outgang Lane. The likely effects and issues arising from the scheme on any groups with protected characteristics, as defined by the Equality Act 2010, should be identified and assessed; this will include impacts on residential amenity and human health resulting from emissions, electromagnetic fields, noise, odour, water pollution and disposal of waste. NSR 5 and 6 in the submitted noise report represent the area of the Travellers site. The existing background noise level in this area (this is the noise level at the quietest time of the measurement period) was 42dB during the day and 40dB at night. The noise level from the battery storage plant is 37dB at these locations and this is below the existing background noise levels, therefore it is unlikely that the noise from the battery storage will be audible above the existing noise levels. There will be no change to the noise levels at the Travellers site and therefore no specific requirements in terms of the caravans. Public Protection raise no concerns with the submitted Noise Report and its contents, but recommend in the event of an approval an acoustic fence is conditioned. Subject to condition, it is to be concluded that the proposal would provide satisfactory living conditions for adjacent residents, with regards to noise and disturbance in line with policy ENV2 and CC1 (part ii) of the Draft Local Plan (2018) and paragraph 135(f) of the NPPF (2023).

Ecology

Policy

5.54. Policy GI2 of the Draft Local Plan (2018) relates to biodiversity and access to nature. Paragraph 186 (d) of the NPPF (2023) seeks to ensure development contributes and enhances the natural and local environment by minimising impacts on and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures. This application is not required to provide statutory biodiversity net gain given the date of submission (November 2023).

Assessment

- 5.55. The application is accompanied by an Ecological Impact Assessment, which identifies ecological receptors that require protection throughout the construction phase of the project (e.g. nesting birds and reptiles). In the event of an approval, a Construction Environmental Management Plan could have been conditioned.
- 5.56. The application is accompanied by a Biodiversity Net Gain report (rev P02). The current landscaping design will see significant gains in habitat (25.56%) and hedgerow (28.26%) units. This is given moderate weight in the overall planning Application Reference Number: 23/02030/FULM Item No: 5a

Page 47

balance.. To ensure wildlife mitigation, compensation and enhancement measures, including the projected Biodiversity Net Gain (BNG) provisions are managed and maintained, and in the event of an approval a Landscape and Ecological Management Plan could have been conditioned.

Archaeology

Policy

- 5.57. Policy D6 of the Draft Local Plan (2018) relates to archaeology. Development must not result in harm to the significances of the site or its setting. It should be designed to enhance or better reveal the significances of an archaeological site or will help secure a sustainable future for an archaeological site at risk.
- 5.58. Where harm to archaeological deposits is unavoidable, detailed mitigation measures must be agreed with City of York Council that include, where appropriate, provision for deposit monitoring, investigation, recording, analysis, publication, archive deposition and community involvement.

Assessment

- 5.59. With regards to archaeology, there have been few archaeological interventions in the vicinity of this site and none within the red line boundary itself. Any surviving archaeological resource will relate to a late prehistoric and Romano-British landscape. To the south, extensive excavations have taken place at the Heslington East University Campus while to the north, a Roman settlement has been identified on the Roman road running towards Stamford Bridge.
- 5.60. The site does not appear to contain any significant upstanding ridge and furrow. Any surviving archaeology is likely to be shallow in nature and will be destroyed by the proposed development. The physical impacts of the scheme include the creation of the access road, erection of infrastructure and cabling across the site.
- 5.61. The applicant has confirmed that the access road will require an excavation depth of 500mm. This should remove top and sub soil to reveal any archaeological features which may survive beneath. That the batteries, cabinets, water tank and other structures will be stood on a plinth which will only require shallow scraping to level the ground. The Archaeologist does not believe that this will impact on archaeological levels.

- 5.62. The cabling will require burial at 0.75-1m below ground level (BGL). The deeper cabling will link the site to the grid and will follow the line of the access road. These works may reveal and potentially remove any archaeological resource in these areas. It has not been clarified how much cabling is required across the main body of the site but it is expected this will be extensive although contained within narrow trenches. This will be difficult to monitor archaeologically and unlikely to produce useful results.
- 5.63. The archaeological impact of the scheme is relatively low. In terms of a sizeable area to examine following stripping, the access road would be most useful to monitor archaeologically. An archaeological watching brief should be maintained during the stripping of the access road. In the event of an approval, this could be conditioned.

The case for very special circumstances

Policy

5.64. Inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm is clearly outweighed by other considerations (paragraph 152 and 153 of the NPPF, 2023).

<u>Assessment</u>

5.65. The following harm has been identified;

- Substantial weight is given to the harm arising from being inappropriate development in the Green Belt, the significant loss of openness of the Green Belt and harm to three of the Green Belt purposes contrary to the NPPF (2023) and policy GB1 of the Draft Local Plan (2018, as amended 2023).
- Significant adverse impact on the landscape character, the land use and the proposed infrastructure of the site, resulting from the loss of a simple arable field, typical for this rural periphery of the city and the introduction of utilitarian industrial structures and hard surfacing. Substantial harm is identified.
- The detailed layout of battery units, turning circles, passing places and number of access points would contravene the expert national guidance and have not been demonstrated to be safe. Substantial harm is identified.
- Moderate harm is afforded to the temporary loss of 3.4 hectares of Grade 3 agricultural land in York.

Limited harm arising from the reduction in intactness of the Derwent Valley
Light Railway. This is a historic and legible feature in the landscape and also
reduces its future potential to contribute to an extended linear recreational
network.

5.66. The following benefits are identified:

- Substantial weight is given to the storage provision of energy to address UK energy security (which is released back into the network when needed), however only moderate weight is given to the argument that the proposal would store renewable energy. The BESS does not produce renewable energy themselves and it cannot be guaranteed that all energy will be stored here will be from renewable sources.
- Viable and accepted grid connection offer.
- Moderate beneficial impact arising from the proposed landscaping.
- Moderate beneficial impact arising from biodiversity net gain.
- Limited economic benefit (construction would be short term and minimal staff required when in operation).
- Temporary and reversible nature (however this is a limited benefit only as 40 year timescale is still considered a long time for operation and the site is unlikely to be returned to the exact same condition as before).

5.68Taking the above into account and recognising that it is a matter of planning judgement, it is not considered that these benefits either individually or cumulatively are sufficient to clearly outweigh the harms to the Green Belt and other harms identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Public Sector Equalities Duty

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

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

Page 50

- 5.68. Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
 - a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to the characteristic;
 - b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 5.69. 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.
- 5.70. Officers have given due regard to the equality implications of the proposals in making this recommendation. There is no indication or evidence (including from consultation on this application) that any equality matters are raised that would outweigh the material planning considerations.

6.0 CONCLUSION

- 6.1 To conclude the proposed battery energy storage system would be inappropriate development in the Green Belt. In addition, the development would be significantly harmful to the openness of the Green Belt and conflict would arise with purposes a, b and c of paragraph 143 of the NPPF. Substantial weight is attached to the harm to the Green Belt. The benefits associated with the proposal, set out at paragraph 5.66 above, would be insufficient to clearly outweigh the harms identified at paragraph 5.65 of the report. Consequently the very special circumstances necessary to justify the inappropriate development in the Green Belt do not exist. The proposal is therefore contrary to paragraphs 152-155 of the NPPF (2023) and policy GB1 of Draft Local Plan (2018, as amended 2023).
- 6.2 The proposed development would have a considerably adverse impact on the landscape character of the site, due to the addition of built forms of an industrial appearance that would be detrimental to the landscape character. The proposal would extend the sense of industry associated with Osbaldwick industrial estate and Osbaldwick substation, into what is currently an arable field that is contiguous with the open countryside surrounding the city of York. The proposed development would be a prominent encroachment into the open countryside and would be viewed as an incongruous feature in the landscape,

in particular in dormant seasons. It would not be sympathetic to local landscape character and is a considerable distance from the existing energy infrastructure to the south. The proposal is therefore contrary to paragraph 135 of the NPPF (2023) and policies CC1, D1 and D2 of the Draft Local Plan (2018, as amended).

- 6.3 The detailed layout of battery containers, turning points, passing places and number of access points would contravene the expert national guidance and have not been demonstrated to be safe. The Planning Practice Guidance and the North Yorkshire Fire Service are clear that the Grid Scale Battery Energy Storage System Planning BESS Design Guidance should be taken into account when determining applications. In this instance it has not been demonstrated that the development will be made safe from fire hazards in conflict with policy CC1 and ENV2 of the Draft Local Plan (2018, as amended), the Grid Scale Battery Energy Storage System Planning BESS Design Guidance and paragraph 032 of the Planning Practice Guidance.
- 6.4 The application site is undeveloped Grade 3 agricultural land and the proposal would see the temporary loss of 3.4 hectares of good to moderate agricultural land. The proposal is in conflict with policy CC1 of the Draft Local Plan (2018) and paragraph 180 (b) of the NPPF (2023).
- 6.5 The application is therefore recommended for refusal on the above four grounds.

7.0 RECOMMENDATION: Refuse

1 The proposed battery energy storage system would be inappropriate development in the Green Belt. The development would be significantly harmful to the openness of the Green Belt and conflict would arise with purposes a, b and c of paragraph 143 of the NPPF of including land within the Green Belt. Substantial weight is attached to the harm to the Green Belt. The benefits associated with the proposal, would be insufficient to clearly outweigh the harms identified. Consequently the very special circumstances necessary to justify the inappropriate development do not exist. The proposal is therefore contrary to paragraphs 152-155 of the NPPF (2023) and policy GB1 of Draft Local Plan (2018, as amended 2023).

- The proposed development would have a considerably adverse impact on the landscape character of the site, due to the addition of built forms of an industrial appearance that would be detrimental to the landscape character. The proposal would extend the sense of industry associated with Osbaldwick industrial estate and Osbaldwick substation, into what is currently an arable field that is contiguous with the open countryside surrounding the city of York. The proposed development would be a prominent encroachment into the open countryside and would be viewed as an incongruous feature in the landscape, in particular in dormant seasons. It would not be sympathetic to local landscape character and is a considerable distance from the existing energy infrastructure to the south. The proposal is therefore contrary to paragraph 135 of the NPPF (2023) and policies CC1, D1 and D2 of the Draft Local Plan (2018, as amended).
- The detailed layout of battery containers, turning points, passing places and number of access points would contravene the expert national guidance and has not been demonstrated to be safe. The Planning Practise Guidance and the North Yorkshire Fire Service are clear that the Grid Scale Battery Energy Storage System Planning BESS Design Guidance should be taken into account when determining applications. In this instance it has not been demonstrated that the development will be made safe from fire hazards in conflict with policy CC1 and ENV2 of the Draft Local Plan (2018, as amended), the Grid Scale Battery Energy Storage System Planning BESS Design Guidance and paragraph 032 of the Planning Practise Guidance.
- The application site is undeveloped Grade 3 agricultural land and the proposal would see the temporary loss of 3.4 hectares of good to moderate agricultural land. The proposal is in conflict with policy CC1 of the Draft Local Plan (2018) and paragraph 180 (b) of the NPPF (2023).

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 an attempt to achieve a positive outcome:

- Advised of the recommendation and accepted amendments (however they did not overcome all of the refusal reasons).

Notwithstanding the above, it was not possible to achieve a positive outcome, Application Reference Number: 23/02030/FULM
Item No: 5a

Page 53

resulting in planning permission being refused for the reasons stated.

Contact details:

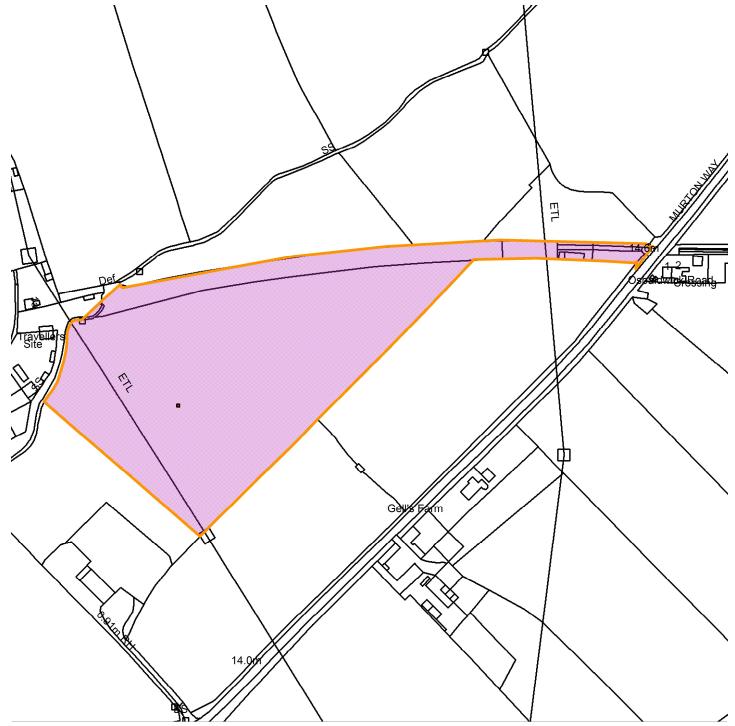
Case Officer: Natalie Scholey Tel No: 01904 555848



23/02030/FULM

Land Lying To The North West Of Murton Way





Scale: 1:2550

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Organisation	City of York Council
Department	Env, Transport & Planning
Comments	Not Set
Date	25 November 2024
SLA Number	Not Set

Produced using ESRI (UK)'s MapExplorer 2.0 - http://www.esriuk.com





Planning Committee A

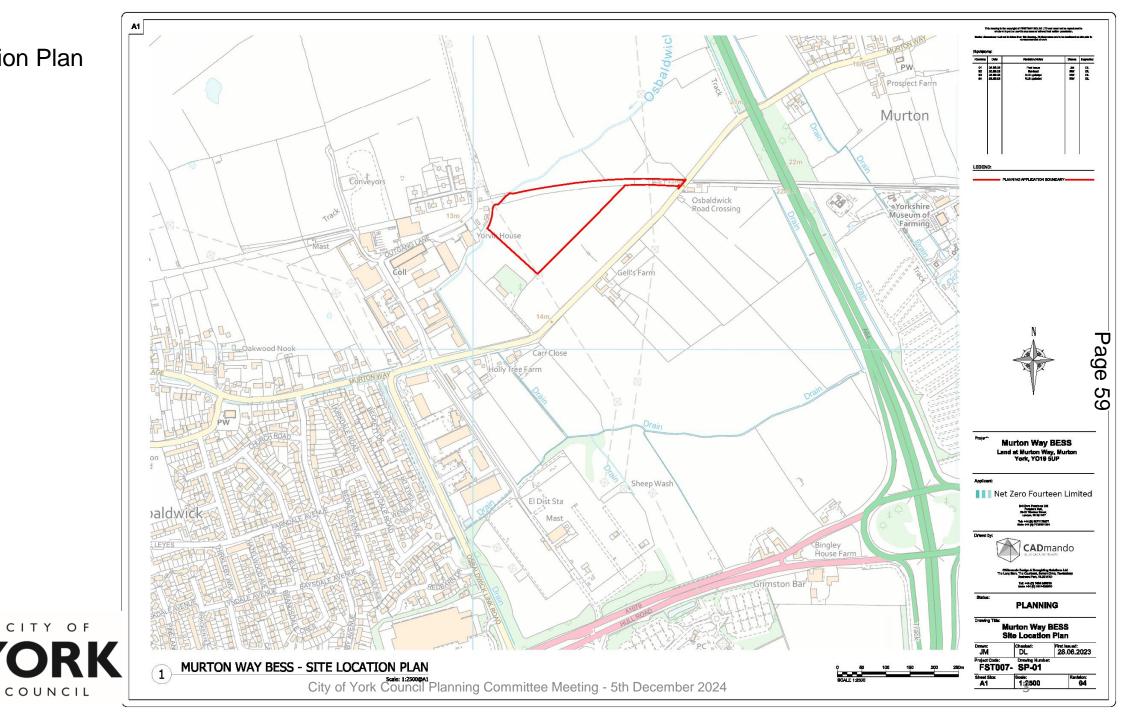
To be held on 5th December 2024

23/02030/FULM - Land Lying To The North West Of, Murton Way, York

Erection of a Battery Energy Storage System with associated infrastructure, site levelling works, access, landscaping and ancillary works.



Site Location Plan



Proposed Site Access





View toward Eastern boundary of the site towards proposed access



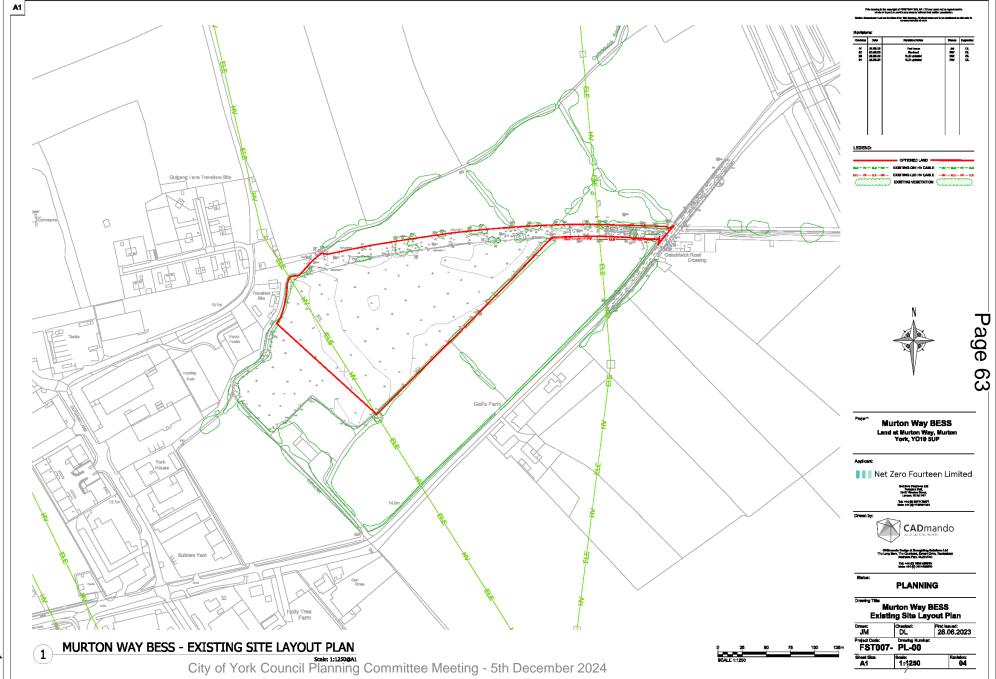


View towards the site with Industrial Estate and Travellers Site beyond



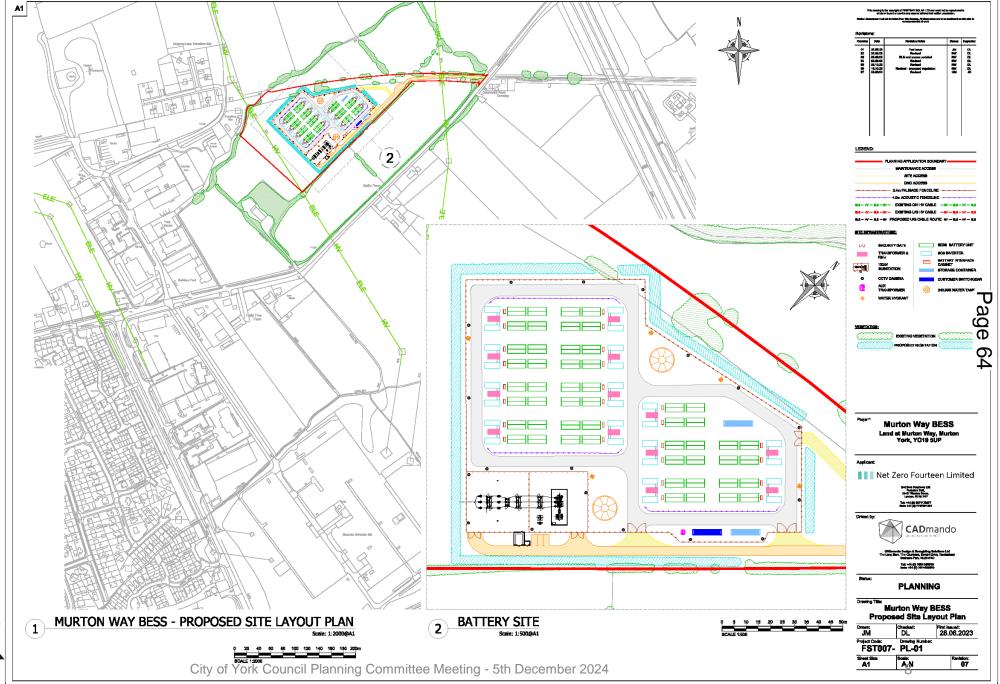


Existing Site Layout Plan





Proposed Site Layout Plan





Proposed Landscape Masterplan





Retained grassland & native shrub area PROPOSED PLANT SPECIES

Overhead line and offsets

EXISTING

Red line boundary

Trees and vegetation

Trees & vegetation to be

removed or cut back

Acer campestre Alnus glutinosa Alnus glutinosa (Large) 14-16cm girth, 400-450cm ht, RB, 3x, Large Feathered, 7 breaks Betula pendula Querous petraea 8-10cm girth, 250-300cm ht, B, 2x, Feathered, 5 breaks 6-8cm girth, 250-300cm ht, B, 2x, Feathered, 5 breaks Querous robur 8-Barn girth, 250-300cm ht. B. 2x. Feathered, 5 breaks Querous robur (Large) 14-16cm girth, 400-450cm ht, RB, 3x, Large Feathered, 7 breaks Som girth, 250-300cm ht, B, 2x, Light Standard, c.s. 150-175cm, 3 br Sorbus aucuparia NATIVE SHRUB MIX PLANT SPECIES 100-125cm ht, B, 1+2, Transplant, seed-raised 80-100cm ht, RB, Leader with laterals Wild flower grassland - Emorsgate 80-100cm ht, B, 1+2, Transplant, seed-raised, Branched, 3 breaks 60-90cm ht, B, 1+1, Transplant, seed-raised, branched, 3 breaks 80-100cm ht, B, 0/1, Cutting, Branched, 2 breaks

I-Born girth, 250-300cm ht, B, 2x, Feathered, 5 breaks

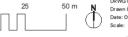
PLANT SPECIES	SIZE	%
(Dianted at 5/lin m double staggered row)	SALE	~
Acer campestre	90-100cm ht, B, 1+1, Transplant, seed-raised	10
Corylus avellana	90-100cm ht, B, 1+2, Transplant, seed-raised, branched, 4 breaks	25
Crataegus monogyna	90-100cm ht, B, 1+2, Transplant, seed-raised	30
lex aquifolium	90-100cm, RB, leader with laterals	10
Prunus spinosa	90-100cm ht, B, 1+2, Transplant, seed-raised, branched, 3 breaks	10
Salix caprea	80-100cm, B, O/I, outting, branched, 2 breaks	10
Sambucus nigra	90-100cm ht, B, 1+1, Transplant, seed-raised, branched, 3 breaks	5



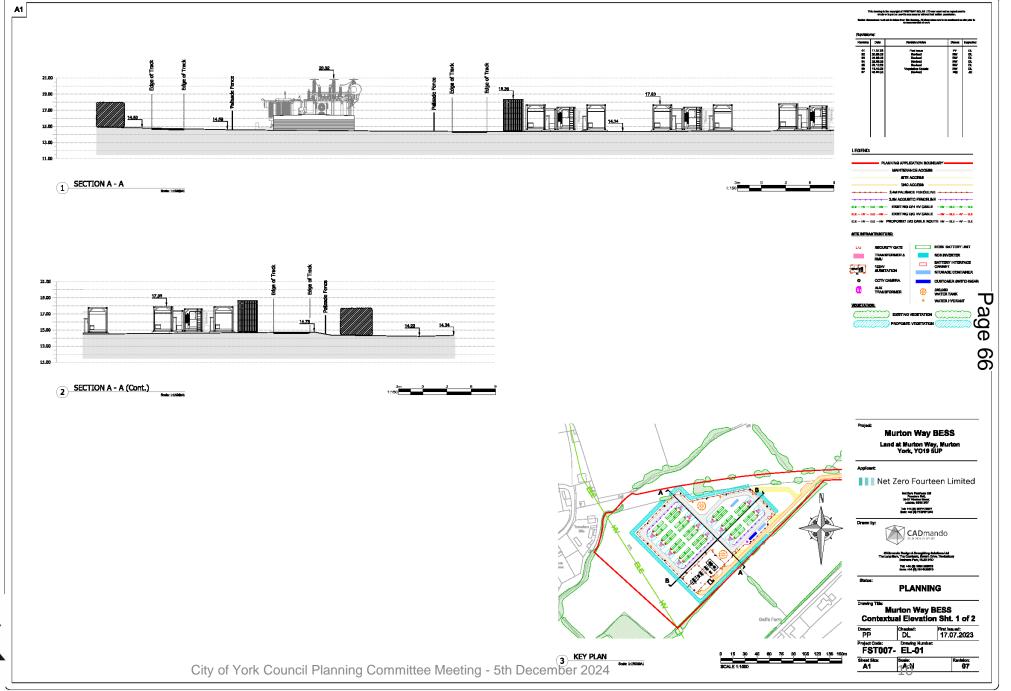
Landscape Masterplan Murton Way Bess

Client: Net Zero Fourteen Limited REV: C

Date: 02/10/2023 Scale: 11,000 @ A2

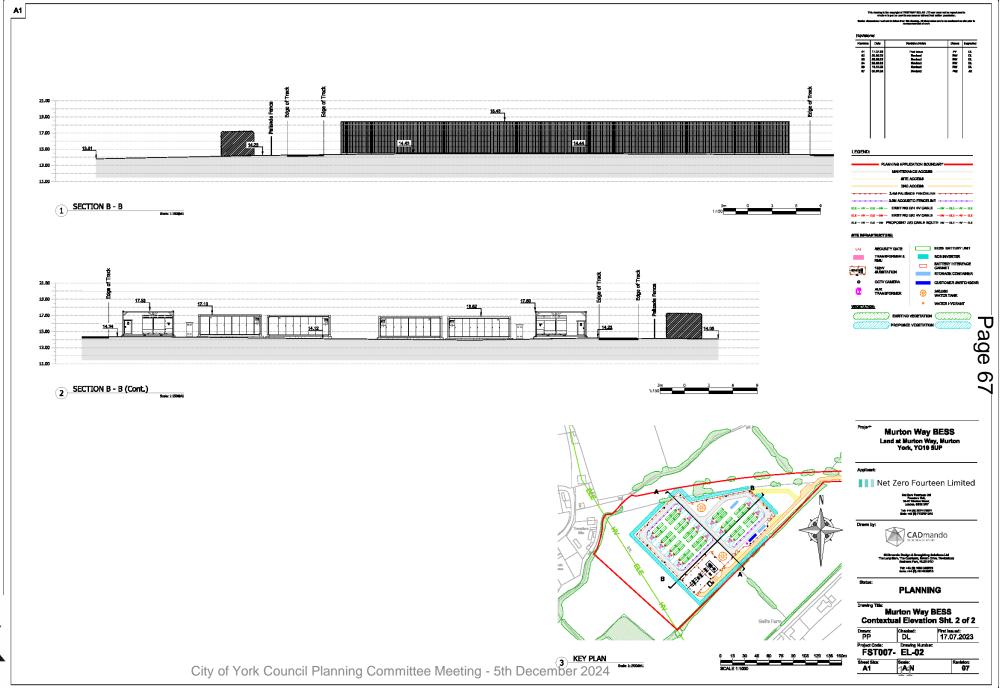


Contextual Elevation Plans (1)





Contextual Elevations (2)





Photomontage: Viewpoint 01 – Existing

From Murton Way looking north west





PEGASUS GROUP

Lens make & focal length

- Canon EF 50mm, f/1.4 USM

Lens make & rocal length
Date & time of photograph
OS grid reference
City of York Council Planning

Projection
Finlergement / Sheet Size
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Fro

Height of camera AGL Page size / Image size (mm) - Type 1 - 39.6" x 27"

View from Murton Way looking north west

P23-1507_EN_07A PHOTOMONTAGES | LAND AT MURTON WAY? NET ZERO FOURTEEN LIMITED

Photomontage: Viewpoint 01 – Year 1

From Murton Way looking north west

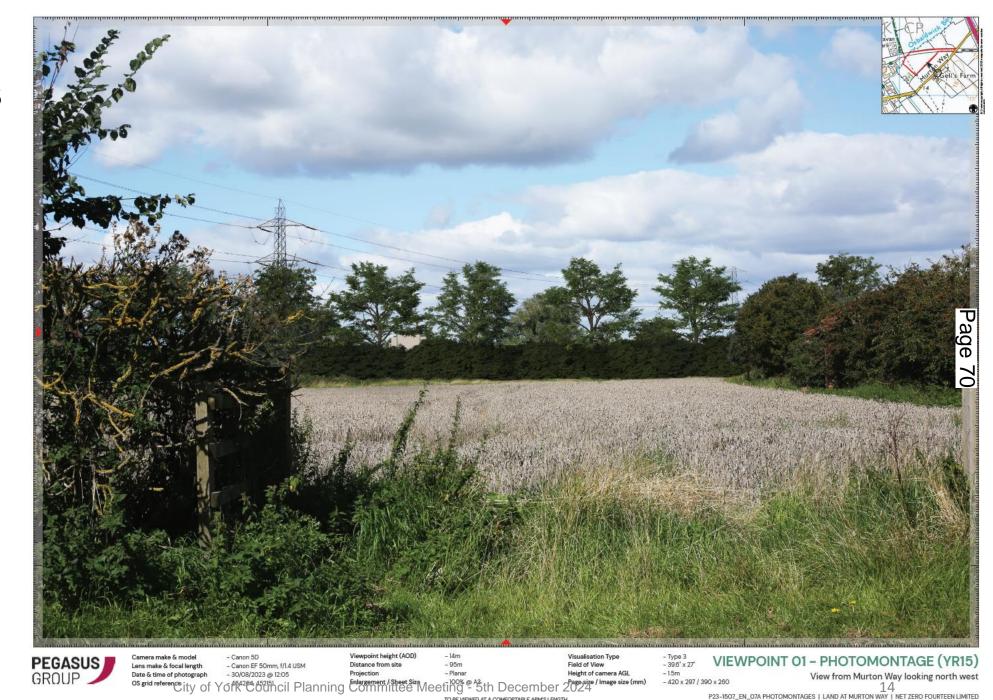




Photomontage: Viewpoint 01 – Year 15

From Murton Way looking north west





Photomontage: Viewpoint 02 -Existing

From Site Entrance on Murton Way





PEGASUS GROUP

Lens make & focal length

- Canon EF 50mm, f/1.4 USM - 30/08/2023 @ 12:22

Height of camera AGL

View from Site entrance on Murton Way

City of York Council Planning Committee Meeting 5th December 2024

P23-1507_EN_07A PHOTOMONTAGES | LAND AT MURTON VAS | NET ZERO FOURTEEN LIMITED

Photomontage: Viewpoint 02 – Year

From Site Entrance on Murton Way





PEGASUS GROUP

- 30/08/2023 @ 12:22

Height of camera AGL

- 420 x 297 / 390 x 260

View from Site entrance on Murton Way

City of York Council Planning Committee Meeting 5th December 2024

P23-1507_EN_07A PHOTOMONTAGES | LAND AT MURTON WAY ONET ZERO FOURTEEN LIMITED

Photomontage: Viewpoint 02 – Year 15

From Site Entrance on Murton Way







City of York Council Planning Committee Meeting 5th December 2024

P23-I507_EN_07A PHOTOMONTAGES | LAND AT MURTON WAY | NET ZERO FOURTEEN LIMITED

Photomontage: Viewpoint 04 – Existing

From Outgang Lane looking south east





Photomontage: Viewpoint 04 – Year

From Outgang Lane looking south east





PEGASUS GROUP

os grid reference ity of York Council Planning Committee Meeting

- Canon EF 50mm, f/1.4 USM - 30/08/2023 @ 14:52

Height of camera AGL -1.5m

- Type 3 - 39.6° x 27°

VIEWPOINT 04 - PHOTOMONTAGE (YR1)

- 420 x 297 / 390 x 260

View from Outgang Lane looking south east 19
P23-1507_EN_07A PHOTOMONTAGES | LAND AT MURTON WAY | NET ZERO FOURTEEN LIMITED

Photomontage: Viewpoint 04 – Year 15

From Outgang Lane looking south east







- Canon EF 50mm, f/1.4 USM - 30/08/2023 @ 14:52

Height of camera AGL

View from Outgang Lane looking south east

City of York Council Planning Committee Meeting 5th December 2024

P23-1507_EN_07A PHOTOMONTAGES | LAND AT MURTON WAYO NET ZERO FOURTEEN LIMITED

COMMITTEE REPORT

Date: 5 December 2024 **Ward:** Copmanthorpe

Team: West Area **Parish:** Copmanthorpe Parish

Council

Reference: 23/02256/REMM and 24/00003/LEGAL

Application at: OS Field Lying To The South Of And Adjacent To No 1

Tadcaster Road Copmanthorpe York

For: Reserved matters application for the scale, layout, appearance

and landscape for the erection of 133no. dwellings, 7no. self-build dwellings and associated infrastructure pursuant to outline

application 18/00680/OUTM

and

Variation of Legal Agreement (affordable housing tenure mix and reallocation of Highways Sim Balk Contribution to provide bus

stops) made under Section 106 of the Town and Country Planning Act 1990 (as amended) dated 27th April 2023 (in

relation to 18/00680/OUTM).

Bv: Mr Robert Carter

Application Type: Major Reserved Matters Application

Target Date: 16 December 2024

Recommendation: Approve subject to variation of Section 106 Agreement

1.0 PROPOSAL

- 1.1. Outline consent was granted on 28th April 2023 for the erection of up to 158no. houses with public open space at land off Tadcaster Road in Copmanthorpe (18/00680/OUTM). All matters, apart from access, were reserved. The application site is an open field of approximately 7.56Ha located adjacent to the north eastern boundary of Copmanthorpe. The site is roughly triangular in shape with the village to the south west, Tadcaster Road/ A64 dual carriageway to the north and East Coast main line to the east of the site. The north eastern half of the site is roughly level and then slopes up gently to meet the edge of the village.
- 1.2. This application is for reserved matters in relation to the following matters; landscaping, appearance, layout and scale. The reserved matters application seeks permission for 133no. dwellings, 7no. self build dwellings and associated infrastructure, pursuant to outline permission 18/00680/OUTM. This meets condition 6 of the outline permission which requires no more than 158 dwellings. The proposal

also seeks a large area of open space to the east, NEAP and soft landscaping. Cycle and pedestrian links are provided throughout.

- 1.3. The principle of residential development at the site and the detailed means of access to the site have already been established by the outline permission and these cannot be re-visited as part of this application for approval of reserved matters. Thus this application is limited to consideration of the detail of the development being its layout, appearance, scale and landscaping and within the scope and parameters of the outline permission and the conditions attached to it.
- 1.4. The proposed housing mix is as follows;

	1 bed	2 bed	3 bed	4 bed+	Unknown	Total
Market	-	27	37	27	-	91 (65%)
Affordable	8	14	14	6	-	42 (30%)
Self Build	-	-	-	-	7	7 (5%)
Totals	8	41	51	33	7	140

- 1.5. As a result of the above housing mix, permission is also sought from the Local Planning Authority to vary the legal agreement in relation to the outline permission (18/00680/OUTM). The following changes to the S106 are sought;
 - Replacement of discount sale affordable dwellings with intermediate rent dwellings. Intermediate Rent Dwellings means housing provided and let by a Registered Provider at a rent (inclusive of service charge where applicable) of no more than 80% of current market rent for the relevant property type and in the relevant rental market area. A tenure mix of Affordable Housing shall be provided in accordance with the following:
- a. 71% of the Affordable Housing shall be Social Rented Dwellings; and
- b. 29% of the Affordable Housing shall be Intermediate Rent Dwellings'
 - 1.6. Additionally as some of the highway works under the S106 have already been carried, therefore it is proposed to delete the Highways 1036/SIM Balk Contribution and it is to be replaced as follows:

"Tadcaster Road Bus Stop Contribution - Means the sum of £40,000 (forty thousand pounds) to be paid to the Council and used by the Council following completion of the Owner's Bus Stop Works towards installing necessary pole, flag, timetable case, cantilever shelter and real time display at the two bus stops."

1.7. The following site history is relevant:

- The application site has been identified as a strategic housing allocation (ST31) in the Draft Local Plan (2018) with an anticipated yield of up to 158 houses.
- AOD/24/00031 Conditions 4, 7, 8, 9, 10, 11, 14, 15, 18, 19, 23 (part A only), 24, 28, 29, 30, 31 and 35 of 18/00680/OUTM. Pending Consideration.
- 22/01988/PAP18 Prior approval for the construction of a footbridge under Part 18 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). No objections from the LPA subject to condition: 24.11.2022.
- 18/00680/OUTM Outline planning application with all matters reserved except for means of access for the erection of 158no. dwellings with public open space, landscaping and drainage. Approved: 28.04.2023.
- 18/01688/TPO Fell Ash tree protected by Tree Preservation Order no. 2/1972. Application refused: 20.09.2018.

2.0 **POLICY CONTEXT**

NATIONAL PLANNING POLICY FRAMEWORK

- 2.1. The revised National Planning Policy Framework (NPPF) was published and sets out the government's planning policies for England and how these are expected to be applied.
- 2.2. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (section 38(6) Planning and Compulsory Purchase Act 2004).
- 2.3. The Statutory Development Plan for the City of York comprises the saved policies and key diagram of the otherwise revoked Yorkshire and Humber Plan Regional Spatial Strategy (2008) and any made Neighbourhood Plan.

PUBLICATION DRAFT LOCAL PLAN (DLP 2018)

2.4. The Draft Local Plan 2018 was submitted for examination on 25th May 2018. The plan has been subject to examination. Proposed modifications regarding policy H5 (Gypsies and Travellers Sites) have recently been subject to consultation. The draft policies can be afforded weight in accordance with paragraph 48 of the NPPF.

2.5. Key policies within the Draft Local Plan (2018) are:

DP2 – Sustainable Development

SS16 – Land at Tadcaster Road, Copmanthorpe

H1 – Housing Allocation

H2 – Density of Residential Development

H3 – Balancing the Housing Market

H4 - Promoting Self and Custom House Building

H9 - Older Persons Specialist Housing

H₁₀ – Affordable Housing

HW7 - Healthy Places

D1 - Placemaking

D2 - Landscape and Setting

D3 - Cultural Provision

GI2 - Biodiversity and Access to Nature

GI4 - Trees and Hedgerows

GI6 - New Open Space Provision

CC2 – Sustainable Design and Construction of New Development

ENV1 – Air Quality

ENV2 - Managing Environmental Quality

ENV4 - Flood Risk

ENV5 - Sustainable Drainage

WM1 - Sustainable Waste Management

T1 - Sustainable Access

T5 – Strategic Cycle and Pedestrian Network Links and Improvements

T8 - Demand Management

3.0 CONSULTATIONS (most recent responses recorded)

INTERNAL

CYC Waste Services

3.1. Comments remain as previously set out. These are:

- Council will only collect waste via roads adopted by City of York Council.
- Swept path analysis used incorrect vehicle spec (this was rectified)
- Road widths must be 5m
- Waste collection vehicle should not be required to reverse more than 12m and then only in exceptional circumstances.
- Parking restrictions required on turning points.

- No waste collection vehicles reversing up or down a slope
- Occupiers to present waste at front of properties.
- Presentation points for waste required and central collection points where needed.

Archaeology (22nd April 2024)

3.2. No further comment to make. There is an approved WSI for forthcoming evaluation. (Officer note: there are archaeology conditions on the outline permission – condition 23).

Self Build Officer (7th May 2024)

3.3. Design code is missing 2 material images. Land owner needs to install drainage and include in design code.

Public Protection (17th August 2024)

3.4. No further land contamination conditions required as this was covered at outline (conditions 10, 11, 12 and 13). Noise assessment measures required within the development to ensure internal and external amenity areas meet the noise requirements. Provided the mitigation measures are installed then no objections. No objections to the application in terms of vibration. More detail required for the discharge of conditions in terms of piling. Informatives regarding EV charging points which is now covered by building regulations.

CYC Ecologist (19th September 2024)

3.5. The BNG information submitted is thorough and contains the information required to achieve the BNG target for the proposal.

CYC Carbon Reduction (28th August 2024)

3.6. Condition 19 of the outline permission refers to reduction in carbon emissions and the applicant has demonstrated a reduction is carbon emissions as per the condition and a water consumption rate of 110l per person per day.

Forward Planning (26th January 2024 and 10th May 2024 which reiterates stance repolicy HW7 and D3)

3.7. Principle green belt issues are not revisited at reserved matters. Extent of open space is established and defined through conditions attached to the outline.

Application Reference Number: 23/02256/REMM Item No: 5b

Support 2 and 3 bedroom properties, affordable homes including larger properties and bungalows, provision of market and affordable older persons accommodation and self build plots. Proportion of 4 bed remains high (Officer note: this is based on original plans and has since been amended). Development density is acceptable. Welcome onsite amenity and play space and substantial open space. S106 agreement already in place. Need to demonstrate compliance with ENV1 (air quality), HW7 (healthy places) and D3 (cultural provision) (Officer note: the applicant has since submitted a healthy places statement).

Flood Risk Management Team (18th October 2024)

3.8. In terms of permitted discharge rates and point of connection for both foul and surface water, the main drainage principles are agreed, and therefore the Site Layout is generally acceptable but until details are submitted and agreed to discharge the relevant flood risk and drainage Conditions 20, 21 and 22, and we know the full extent of the areas to be set aside for the surface water attenuation we are unable to provide full approval. However, content considering the land available, space for appropriate attenuation can be provided.

Affordable Housing Officer (7th November 2024)

- 3.9. In accordance with the Section 106 agreement for the Outline application for this site, a 30% affordable housing provision is proposed comprising 42 dwellings of the total 140 homes. 71% of the homes are for Social Rent. This proposal is strongly supported from an affordable housing perspective, providing much needed homes across a range of types and tenure.
- 3.10. The mix comprises 1-4 bed homes and includes an element of Part M4(3) wheelchair accessible accommodation. The tenure mix of predominantly Social Rent alongside Intermediate/affordable rent is supported on the basis of a positive overall mix that meets identified needs.
- 3.11. The provision is welcomed and would provide a significant positive contribution to meeting the high level of housing needs in the City. The mix provides affordable housing that is predominantly to the Nationally Described Space Standard1 (NDSS) good practice size and includes 6 fully wheelchair accessible Part M4(3) homes as well as a range of sizes from 1 bed flats to 4 bed houses. Scheme design has been intended to minimise the cost of service charges for the intended affordable housing residents.

alongside Social Rent. Intermediate Rent would be set at up to 80% of market rent, which would comply with National Planning Policy Framework Affordable Rent requirements.

CYC Landscape Architect (20th September 2024)

- 3.13. The proposed housing has been pulled back to reinstate the line of development and open space in compliance with the approved outline scheme.
- 3.14. Find the additional open space provided by this latest submission, makes a notable difference to the quality of the sense of space and its functionality; and it improves the relationship with the landscape context. This arrangement pushes properties closer to the existing Oak trees on the western boundary, so the tree protection is slightly less robust, but nonetheless still acceptable.
- 3.15. The western corridor feels slightly narrower, and fewer properties sit immediately adjacent to this boundary. This also means that the western corridor is less integrated and overlooked. Nonetheless most of the adjacent properties have some orientation and relationship with this space; and there is a reasonable degree of openness provided by the three cul-de-sac heads. The pocket park looks to be slightly reduced in size as a result of the changes.
- 3.16. Still a need to inject a better sense of orientation and place along the eastern spine road, by way of a pocket park and/or more robust tree planting within the street. There is too much dependency on trees within front gardens to enhance the street scene along the eastern spine road; and these in themselves have also been reduced in number. There are now even fewer trees adjacent to the eastern spine road (only 7 trees, compared to an initial 13). Unless there are outstanding reasons as to why this is the case, find the proposed development to be unsatisfactory within this area of the design. One way to correct this would be to create a tangible pocket park by losing a unit or condensing smaller units, somewhere within plots 43 to 47.
- 3.17. An Outline Arboricultural Method Statement and Tree Protection Plan has been submitted (dated 02/08/2024). Find the content of this to be suitable.

Highways Officer (8th November 2024)

- 3.18. All the issues and comments previously raised in consultation responses have now been addressed. On conditions, please note some of the conditions listed below may not be required as they might already be included in the outline consent;
- HWAY 10 Prior to the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in Application Reference Number: 23/02256/REMM Item No: 5b

accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority (this is already conditioned on the outline – 17)

- HWAY 19 Then units shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles, including cycle parking, have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes
- 3.19. The Highways Officer notes the updated response from Active Travel England dated 1st November 2024 and provides the following;
- Off street routes are proposed as self-binding gravel or similar due to the nature of the routes and their character/location. I therefore have not requested lighting and surfacing as proposed by ATE.
- Transition between Yorkfield Lane and internal streets although this will be a well-used route for cyclists and pedestrians, a shared use facility is supported by current guidance in this location (based on LTN 1.20 guidance for areas where traffic flows are low and pedestrian and cycle flows would be well under 300/hour)
- Offsite infrastructure this was determined at outline stage and cannot be considered at this stage in the planning process. The provision of a pedestrian crossing facility to the north of the site was assessed and a decision was made to exclude this provision due to the poor visibility on Tadcaster Road in this location which meant that it was not possible to design a safe crossing point for pedestrians in this area. A safe crossing point is instead provided where the current raised table exists, also linking the existing cycle route and the new bus stops.

EXTERNAL

Active Travel England (2nd November 2024)

- 3.20. Defer not currently in a position to support the application on the following grounds:
 - Welcome the provision of an additional raised crossing near Plot 3, connecting pathways between driveways and the pedestrian route in the western part of the site, and the provision of an additional bench on this route.
 - Off street connecting routes within the site should be well-lit and surfaced with a sealed and level material, rather than self binding gravel (Officer note: please see CYC Highway comments above at 3.19).

- Cycle movements should ideally be separated from pedestrian movements at the transition between Yorkfield Lane and the internal street network (as with the corresponding access at Tadcaster Road) (Officer note: please see CYC Highway comments above at 3.19).
- Contributions to improvements to Yorkfield Lane to ensure it is compliant with LTN1/20 (Officer note: the amount allocated for this has already been agreed via the S106).
- Pedestrian crossing point on the northeast corner of the site (Officer note: the Developer states this would be unfeasible given the speed limits and visibility splays which is agreed with the CYC Highways Officer).

Ainsty Internal Drainage Board (17th October 2024)

3.21. Discussions held between IDB and applicant. Agreed soakaways will not work. Applicant is proposing to discharge surface water into the mains surface water sewer in Farmers Way which then discharges into a main river without entering Bord maintained watercourse. The IDB will agree a discharge rate of 4.25 litres per second and for the pump to run at 4.75 litres per second. IDB agree to a catch drain around the attenuation basin. Satisfied the watercourse is free flowing. Rest of existing land drains should be made redundant/removed. No further comments with regards to the reserved matters and expect a discharge of condition application to be submitted in due course.

Historic England (14th October 2024)

3.22. Do not wish to comment.

North Yorkshire Police (26th April 2024)

3.23. No further comments. Original response noted principles of crime prevention through environmental design have been incorporated into the design and layout for this proposal. It is considered that this proposed development accords with the core principles and design objectives set out in the National Planning Policy Framework in respect of developments creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

National Highways (9th August 2024)

3.24. No objection

Yorkshire Wildlife Trust (27th August 2024)

- 3.25. Satisfied the open space provision is in line with the consented landscape parameter plan, which addresses previous concern.
- 3.26. Most native species including in the planting mix.
- 3.27. Appreciate dog waste bin locations have now been included on detailed landscape proposals along with planned dog walking routes. Pleased with dog exercise area and signage for dogs to be kept on leads. This along with walking route around the perimeter (which has increased to over 1.2km) will help manage recreational pressure on Askham Bog Nature Reserve.
- 3.28. BNG figures well in excess of 10%. A 30 year management plan including monitoring protocol should be produced. The biodiversity enhancement and management plan and CEMP should be implemented in full.
- 3.29. License from Natural England is require due to the presence of a day roost within a tree on site. YWT request being kept up to date with construction.

Natural England (16th October 2024)

3.30. Previously comments on the proposal dated 5th September 2024 (no objection subject to mitigation secured via the outline conditions). The advice provided previously applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Parish Council (26th January 2024)

- 3.31. Object on the following grounds (based on the original plans);
 - Inadequate access the delta of the access is misleadingly placed in the middle of Tadcaster Road, raising significant concerns about traffic flow and safety.
 - Speed limit on Tadcaster Road should be re-evaluated.
 - Advocates for the improvement of off-road cycle space from the current crossing point along Tadcaster Road, connecting to the A64 cycle paths and into the upper part of the village. The current plans do not adequately address the safe crossing for pedestrians over the delta.
 - Route for cyclists and the path does not follow the natural desire lines for pedestrians or cyclists.
 - Current allocation of S106 monies for Yorkfield Lane is insufficient.

- Need for safe walking and cycling routes.
- Proposals fail to reflect the existing rural character.
- Inadequate ratio of open space

Yorkshire Water (3rd September 2024)

3.32. No objection.

Network Rail (19th November 2024)

- 3.33. Network Rail objected to outline consent on the basis of the increase in the number of level crossing users and the negative impact this uplift would have on railway safety. Despite objection, outline consent was granted.
- 3.34. Note the applicant has indicatively shown the location of the footbridge consented under 22/01988/PAP18. Although the Transport and Works Act Order was withdrawn in November 2023, it is to be replaced with a further TWAO in due course.
- 3.35. Should be recognised that the proposal would undoubtedly severely limit the bridge design options available to Network Rail. CYC should be satisfied that the outlook for these dwellings and impacts on residential amenity would be acceptable in terms of any solution Network Rail puts forward in future.

Responses not received from:

3.36. Environment Agency, CYC Economic Development Team, CYC Educational Planning Officer, CYC Urban Design and Conservation and CYC Parks, Sport and Open Space.

4.0 REPRESENTATIONS

- 4.1. The application has been advertised via site notice, press notice and neighbour notification letter three times due to amendments received.
- 4.2. 4no. letters of objection received on the following grounds;
 - High amount of traffic
 - Green Belt
 - Impact on wildlife
 - Noise and dust

- Impact on views of the countryside
- Impact it will have on the value of property (not a material planning consideration)
- Removing green space for water to soak into.
- Roads and infrastructure insufficient to cope with this number of houses.
- Loss of character
- Removal of vegetation
- Measures need for safety of pedestrians
- Concerns regarding delivery of open space, play area etc..
- Concerns regarding drainage and flooding
- Queries where the Copmanthorpe Railway Station will be located.
- 4.3. 1no. letter of general comment was received on the following grounds;
 - Additional hedgerow/tree planting on the main access road in and out of the site to increase privacy and minimise vehicle headlights.
- 4.4. 3no. letters of support (one including the partners of the Old School Medical Practise in Copmanthorpe) have been received on the following grounds;
 - Fulfils national policy requirements and the needs of Copmanthorpe as a community.
 - York needs housing.
 - Significant buffer zone.
 - Provides the pedestrian link from Ploughman's Close to Tadcaster Road
 - Affordable housing provision
 - Noise mitigation for existing residents from A64.
 - Hope the green corridors will maintain.
 - Proposed footpaths will add a significant, safe and interesting public walking amenity.
 - Concerns regarding plans to get rid of 13 bus service.
 - Development will provide financial support to extend the doctors surgery.

5.0 APPRAISAL

Key Issues

- 5.1. The key issues are as follows:
 - Site Allocation
 - Appearance
 - Scale
 - Layout

- Access
- Landscape
- Open Space
- Housing Mix
- Ecology
- Variation to Legal Agreement
- Public Sector Equalities Duty

Site Allocation

- 5.2. Policy SS16 and Policy H1 of the Draft Local Plan (2018 and as amended) states the following: Land at Tadcaster Road, Copmanthorpe (ST31) will deliver approximately 158 dwellings at this village extension site. In addition to complying with the policies within this Local Plan, the site must be master planned and delivered in accordance with the following key principles:
- 5.3. i. Create new open space (as shown on the policies map) within the site which should be delivered prior to the first occupation to ensure, in particular, the protection of the adjacent SSSI. There is the opportunity to extend and enhance the local green infrastructure corridor including enhancing links from Copmanthorpe to Askham Bog SSSI along the newly created footway. This would enhance the new tree planting and attenuation wetland area with seating adjacent to the site. This open space will also create a necessary buffer between the new dwellings and the railway line and A64 embankment. The proposed open space is provided to the east of the site in accordance with the parameters set at outline and the policy map within the Local Plan (with regards to policy GI6 New Open Space provision).
- 5.4. ii. Undertake detailed noise, air quality and vibration assessments, which may influence the final layout/masterplan of the site. **Residential amenity, including noise and vibration, is set out in 'layout' section.**
- 5.5. iii. Reflect site topography to ensure that the site's visual impact is minimised particularly from the A64 and railway line. From its north eastern point by the A64 the first half of the site is generally flat however it then starts to gradually rise in a south west direction towards the existing residential properties. The layout and scale of the development in relation to topography are general reserved matters considerations. Street scene visuals are presented to show how the development will look from Tadcaster Road and the railway line.
- 5.6. iv. Provide access via Tadcaster Road. This is adhered too.

- 5.7. v. Optimise pedestrian and cycle integration, connection and accessibility in and out of the site and connectivity to the city and surrounding area creating well-connected internal streets and walkable neighbourhoods, to encourage the maximum take-up of these more 'active' forms of transport (walking and cycling). Pedestrian and cycle paths are provided throughout the site with links to the north and south. Additional paths are provided on site to create a walking loop. This is further explored within the access section.
- 5.8. vi. Secure developer contributions from primary and secondary school provision as necessary to meet the need generated from the development. **This was secured by the S106 agreement at outline permission stage.**
- 5.9. vii. Undertake hydrological investigation and any necessary mitigation.

 Hydrogeological Assessment provided at outline stage (dated January 2022) and prepared by Wardell Armstrong.

<u>Appearance</u> – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development.

- 5.10. Policy D1 of the Draft Local Plan (2018) supports development proposals where they adhere to design principles Design with regards to suitable density, massing, spacing, scale and appearance.
- 5.11. The proposal seeks a number of materials including different types of brick, render, slate grey tiles and pantile roof tiles. This adds variety within the development and creates interest. The materials are mixed throughout. Condition 30 on the outline permission requests samples to be viewed and approved on site before use. These have been viewed and are provisionally agreed via the AOD application. Boundary treatments are suitable for the residential setting, with high fencing and walling reserved to the rear of dwellings (this is further covered by condition 31 on the outline permission). Hedging is proposed to the frontage of dwellings. The open space is attractive and inviting and includes two ponds, a play park, pathways and soft landscaping. The external built form of the development in terms of sustainable design is dictated by a condition on the outline permission with regard to policy CC2 of the Draft Local Plan (2018). Overall the appearance of the built form within its surroundings is considered acceptable.

<u>Scale</u> – the height, width and length of each building proposed within the development in relation to its surroundings.

- 5.12. Policy H2 of the Draft Local Plan (2018, as amended) supports development that delivers densities that make efficient use of the land. The number of dwellings on this site is informed by the outline consent which granted a maximum of 158no. dwellings. This application seeks 140no. dwellings, which is slightly less than the maximum, however this is still considered an appropriate number for the site, taking into account the site developable area which is clearly defined at outline stage.
- 5.13. The majority of houses are two storey. 20no. houses are two and half stories and 4no. houses are bungalows. The dwellings are a mix of detached, semi-detached and short terraced properties. These principles were agreed at outline permission stage and so they can be supported. Bungalows in particular are welcome, especially the split of 2no. affordable and 2no. for market sale. This encourages a wider variety of house types and such houses are particularly attractive to older persons. The LHNA (2022) states the Council should consider the role of bungalows within the mix and this adhered to in accordance with condition 29 of the outline permission which requires provision for older persons. The scale of development is considered acceptable.

<u>Layout</u> – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

- 5.14. The layout includes buildings, routes and open spaces within the development and the way they are laid out in relations to buildings and spaces outside the development.
- 5.15. Policy HW7 of the Draft Local Plan (2018) relates to healthy places and requires developers for major residential development to provide a statement showing how healthy design principles have been followed. The application is accompanied by a Healthy Places Statement which adequately considers how the layout of the development allows for a safe, accessible and welcoming development.
- 5.16. Paragraph 130(f) of the NPPF seeks to create safe, inclusive and accessible developments with a high standard of amenity for existing and future users. Policy ENV2 of the Draft Local Plan (2018) states development will not be permitted where future occupiers and existing communities would be subject to significant adverse impacts such as noise, vibration, odour etc without effective mitigation measures.
- 5.17. The site entrance off Tadcaster Road is wide, tree lined and vegetated which is inviting and welcoming. Boundary treatments are generally soft. The National Design Guide requires an understanding of context and that schemes enhance their Application Reference Number: 23/02256/REMM Item No: 5b

Page 92

surroundings. The site is adjacent to the access road that leads into Copmanthorpe, which transitions to Top Lane and Hallcroft Lane and runs right through the village. The main street facing Tadcaster Road follows the alignment and houses are set behind front gardens, similar to existing houses on Tadcaster Road and respects the spatial qualities and local character.

- 5.18. A mixture of house styles form the frontage along Tadcaster Road, however larger house types are predominant which reflects the vernacular along Tadcaster Road. Moving into the site it is considered the layout has a clear hierarchy with a good spatial layout and dwellings fronting the internal highways. Progression points and destinations are clear. Buildings are positioned to create focal points and dual aspect dwellings are utilised. Whilst it is acknowledged there is significant hardstanding for roads, pavements and driveways, this is complemented by green verges, street trees and hedges. The NPPF emphasises the need for street trees in new development and there are a number throughout, in particular along the main access road from Tadcaster Road, creating a verdant entrance.
- 5.19. The new residential dwellings are located a sufficient distance from existing dwellings to the west (over 20m). In terms of construction, working hours are covered by condition 25 in the outline and condition 24 with regards to a CEMP. In terms of new occupiers, it is considered there are adequate distances between the new dwellings to ensure no privacy concerns arise. Windows are adequately positioned to ensure no significant overlooking. All dwellings are provided with private, outdoor amenity space. The site is located in close proximity to the A64, Tadcaster Road and the railway line. The application is accompanied by an updated Noise Assessment (ref 232156, dated July 2024). Noise mitigation measures are required (upgraded glazing and acoustic fencing). The site plan included in this noise report is now superseded, therefore is not conditioned. Condition 27 of the outline permission requires a detailed scheme for noise insulation measures (to be submitted and approved to the LPA) prior to above ground works. Additionally acoustic noise barriers that are required need to be approved via condition 26 of the outline permission. These outline conditions are considered adequate to address this matter.
- 5.20. The public protection team's records show that this site is located adjacent to past activities that could have given rise to land contamination and as such conditions on the outline permission cover land contamination adequately. The layout of the houses in terms of residential amenity is considered acceptable.
- 5.21. The proposal includes a mixture of adopted and unadopted roads. There is a clear hierarchy of movement corridors from a primary connection route through to secondary connections. Where unadopted roads are proposed (private drives), bin Application Reference Number: 23/02256/REMM Item No: 5b

collection points are provided at the junction with an adopted highway, the majority of which are within 30m of dwellings. Whilst some dwellings may need to wheel their bins slightly more than 30m to the collection point (e.g plot 22), this would be an inconvenience to the resident rather than a reason for refusal of reserved matters. Waste storage has been adequately considered through the provision of rear and side bin storage. Terraced properties have rear external access to their bin storage provisions. Policy WM1 of the Draft Local Plan (2018), which encourages sustainable waste management, is met.

5.22. The layout of the open space is logical and is as approved at outline stage. The NEAP is suitably positioned and overlooked. The layout allows for a full walking route around the site allowing for connectivity and options to explore in and out of the site easily. Benching is provided throughout and it is considered recreationally this walking route will become an important part of the development and aids in creating a semi-rural character. A 20m landscape buffer is maintained between the western boundary, which is as approved at outline stage. The proposal includes attenuation ponds for SUDs and the Flood Risk Management Team are content with the layout in terms of the principle of surface water and foul water drainage requirements (and policy ENV4 and ENV5 of the Draft Local Plan 2018 with regards to sustainable drainage and reducing flood risk), however it is noted that the drainage conditions on the outline still need to be discharged (condition 21). Overall the layout of the development can be supported.

Housing Mix

5.23. The proposed housing mix is as follows;

	1 bed	2 bed	3 bed	4 bed+	Unknown	Total
Market	-	27	37	27	-	91 (65%)
Affordable	8	14	14	6	-	42 (30%)
Self Build	-	-	-	-	7	7 (5%)
Totals	8	41	51	33	7	140

5.24. Policy H3 of the Draft Local Plan (2018) as modified states: The Council will expect developers to provide housing solutions that contribute to meeting York's housing needs, as identified in the latest Local Housing Needs Assessment (LHNA) (most recent July 2022) and in any other appropriate local evidence. New residential development should therefore maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.

- 5.25. Condition 29 of the outline permission requires submission of a site wide housing mix strategy prior to the submission of the first reserved matters application. This AOD application is currently pending separate consideration. Condition 29 states: No later than the submission of the first reserved matters application which includes residential dwellings, a Site Wide Housing Mix Strategy for the proposed mix of dwellings (defined by number of bedrooms), and including that suitable for older persons, shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved Strategy, or any such strategy subsequently approved by the Local Planning Authority. Each reserved matters application relating to a phase or sub-phase (including a building) for residential development shall include a schedule of the mix of dwellings proposed within that phase, or sub-phase (including a building) and explain how this relates to the amount and mix of housing approved for the overall development.
- 5.26. The accommodation mix is acceptably aligned with local need, predominantly providing 2 and 3 bed sized homes, as set out in the Local Housing Needs Assessment 2022, whilst providing a mix of type, tenure and size as required under policy H3 of the Draft Local Plan (balancing the housing market) and condition 29 of the outline permission.
- 5.27. Condition 29 on the outline permission specifically refers to provision for older persons in relation to policy H9 of the Draft Local Plan (2018, as amended) Older Persons Housing. The Local Housing Needs Assessment studies the characteristics and housing needs of the older person population and the population with some form of disability. The two groups are taken together as there is a clear link between age and disability. It responds to national Planning Practice Guidance on Housing for Older and Disabled People published by Government in June 2019. It includes an assessment of the need for specialist accommodation for older people and the potential requirements for housing to be built to M4(2) (accessible and adaptable dwellings) and M4(3) (wheelchair user dwellings) housing technical standards.
- 5.28. Policy H3 of the Draft Local Plan (2018, as amended) states "housing should be built as flexible as possible to accommodate peoples' changing circumstances over their lifetime. The Council will encourage developers to deliver an appropriate proportion of housing that meets the higher access standards of Part M Building Regulations (Access to and use of buildings), unless it is demonstrated that characteristics of the site provide reasons for delivery to be inappropriate, impractical or unviable."
- 5.29. In this case, 68no. dwellings are to be built to M4(2) compliant standards and 8no. dwellings are to be built to M4(3) compliant standards (wheelchair accessible), 4no. of the M4(3) plots are to be bungalows (2no. affordable and 2no. for open Application Reference Number: 23/02256/REMM Item No: 5b

market). Not including the self-build plots, this equates to 51% of the total dwellings achieving M4(2) and 6% of the total dwellings achieving M4(3). This is considered acceptable for this site and provides a good housing mix. It should also be acknowledged that the self build plots could also achieve these standards and this would be up to the individual self builder to implement.

Affordable Housing

- 5.30. 30% affordable homes are required on this site, which is met and complies with policy H10 of the Draft Local Plan (2018, as amended) affordable housing. Affordable homes are acceptably distributed across the site creating a mix and integrated community. The affordable housing is indistinguishable from open market housing. It is proposed that the affordable split is altered via a change in the S106 legal agreement. Currently the approved split is 80% social rent and 20% discount sale. It is proposed to remove discount sale dwellings in their entirety and replace these with intermediate rent dwellings. The split will therefore become 71% social rent and 29% intermediate rent. For reference, intermediate rent means housing provided and let by a Registered Provider at a rent (inclusive of service charge where applicable) of no more than 80% of current market rent for the relevant property type and in the relevant rental market area. This complies with the NPPF affordable rent requirements.
- 5.31. The Affordable Housing Officer strongly supports the affordable housing proposal as it provides much needed homes across a range of types and tenures. The mix comprises 1-4 bed homes and includes an element of Part M4(3) wheelchair accessible accommodation. The tenure mix of predominantly Social Rent alongside Intermediate/affordable rent is supported on the basis of a positive overall mix that meets identified needs, as recommended in the Local Housing Needs Assessment. The provision would be a significant positive contribution to meeting the high level of housing needs in the City.
- 5.32. The mix provides affordable housing that is predominantly to the Nationally Described Space Standard1 (NDSS) good practice size and includes 6no. fully wheelchair accessible Part M4(3) homes as well as a range of sizes from 1 bed flats to 4 bed houses. Scheme design has been intended to minimise the cost of service charges for the intended affordable housing residents.

Self Build and Custom Build Housing

5.33. Condition 28 of the outline permission and policy H4 of the Draft Local Plan (2018, as amended) requires a strategy for at least 5% of dwellings to be self or custom build dwellings. 7no. self build plots are located in the south west corner of Application Reference Number: 23/02256/REMM Item No: 5b

the site. Siting the self-build plots in a single area is logical and can be supported. This meets the requirements of the condition. A design code and marketing strategy is submitted under the pending separate AOD application.

- 5.34. This reserved matters application by the developer, establishes the detailed layout and self-build plot areas and access only. The developer will provide services (access to a highway and connections for electricity, water and waste water) so it can be defined as a serviced plot of land as defined in The Self Build and Custom Housebuilding Regulations 2016.
- 5.35. There is no consideration at this stage of the scale, appearance and layout of the self build dwellings. The new owners of the self-build plots must submit their reserved matters application for the detailed design of each dwelling within 3 years of 28th April 2023 (last line of condition 28). This must be in accordance with the design code approved through the separate AOD. Overall the location of the self build plots can be supported.

<u>Access</u> – the accessibility to and within the site, ... in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.

- 5.36. Paragraph 115 of the NPPF states 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. Paragraph 116 requires development to 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.
- 5.37. Policy T1 of the Draft Local Plan (2018) supports the approach in the NPPF in ensuring safe and appropriate access to the adjacent highway and giving priority to pedestrians and cyclists. Policy D1 of the Draft Local Plan (2018) promotes ease of public pedestrian and cycle movements, alongside policy T5 of the Draft Local Plan (2018).
- 5.38. Development should comply with the Council's latest parking standards guidance, incorporate appropriate demand management measures that reduce congestion, improve public transport journeys, ease pedestrian and cycle access to, within and through the development and improve the streetscape policy T8 of the Draft Local Plan (2018).

- 5.39. The main vehicular access into the site has already been approved by the outline permission from Tadcaster Road. Condition 18 of the outline permission requires details of the junction between the internal access road and highway to be submitted and approved via the LPA. As part of this reserved matters application, consideration must be given to the access roads within the development and parking arrangements, although condition 14 of the outline does request further technical details of the internal road layout via separate condition.
- 5.40. The site is considered to be located in a sustainable location. There are two bus stops within walking distance on Tadcaster Road, providing frequent services to Leeds and York. During consideration of this application and as requested by the Developer (following conversations with the Council's Highway Team), it is proposed to vary the s106 legal agreement by re-allocating the £40,000 contribution secured for signal controller upgrade works at the 1036/Sim Balk Lane corridor (as the works have already been carried out) towards instead new bus stops close to the pedestrian/cycle entrance on Tadcaster Road (to the north of Plot 12) including a pole, flag, timetable case, shelter, associated bus stop road markings, easy access kerbs and real time display. A bus stop is proposed both west bound and east bound. This is considered a significant benefit of the scheme and provides closer bus stops than previously approved. The bus stops will be provided within 6 months of commencement of development and subject to securing the relevant S278 Highway works agreement.
- 5.41. With regards to car parking, dwellings are either provided with a driveway or garage for parking. Where detached or integral garages are utilised, off-street parking is still available (in the event the garages are used for purposes other than storing a car). With regards to cycle parking, in accordance with LTN 1/20, 1no. secure and covered cycle space is required per bedroom. This is met. Where garages aren't provided, secure and covered cycle sheds are provided for dwellings. The Highways Officer requests a condition to ensure the parking is in place prior to the occupation of each residential dwelling and is retained as such. This is considered appropriate and meets the tests for the imposition of the condition.
- 5.42. Pedestrian routes are provided throughout the site either via dedicated footpaths or paths adjacent to adopted highways. The links are acceptable and allow for connectivity throughout the site and also connections north and south. A segregated cycle link is provided linking the cycle path on Tadcaster Road with the new right of way on Yorkfield Lane. Condition 35 on the outline permission requires further technical details of this connection. These details have been submitted as part of the AOD application and is currently pending consideration. A number of routes have been designed within the scheme to allow cycle permeability through

Page 98

and around the site. The improvements to Yorkfield Lane have already been secured at outline permission via the developer paying a sum to upgrade this. The fee has been fixed for these works.

- 5.43. It is considered designing out crime has been adequately considered. Footpaths and public areas are well overlooked allowing for natural surveillance. Public and private spaces are clearly defined. Boundary treatments are robust and secure where required. Windows are carefully positioned on a number of elevations overlooking highways.
- 5.44. Overall it is considered the access within the site for all vehicles and pedestrians is considered acceptable. A Travel Plan is conditioned by the outline permission condition16. Phasing of the road network, pedestrian and cycle access points and public realm and green infrastructure are covered by condition 4 on the outline permission.

<u>Landscape</u> – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;

- 5.45. Policy D2 of the Draft Local Plan (2018) supports developments which protect or enhance landscape quality and the public's experience of it. Proposals should include sustainable, practical and high quality soft and hard landscape proposals that make a positive contribution to the street, spaces and landscape. Policy GI4 of the Draft Local Plan (2018) relates to trees and hedgerows and states consideration should be given to both existing and new trees to ensure overall tree cover is sustained and maintained.
- 5.46. Condition 5 of the outline permission requires broad compliance with the Landscape Strategy Plan (3543_111_D). During consideration of this application, the built form has moved west to ensure compliance with this plan. This creates a clear separation between the residential dwellings and the public open space. Condition 7 of the outline permission requires a detailed landscaping scheme (which has also been submitted as part of this reserved matters).
- 5.47. Landscaping is varied and provides interest to the development, with a high amount of green infrastructure such as trees, hedging and open field. The mix includes formal and informal open spaces for the benefit of new and existing Application Reference Number: 23/02256/REMM Item No: 5b

residents. The areas of open space and new landscaping shown follow the principles of the Illustrative Masterplan agreed at the outline stage, providing new open space for informal recreational activities, including walking, resting areas, picnic areas and informal play.

- 5.48. During consideration of the application, a dog exercise area has been included in the north east corner of the site, to encourage dog owners to utilise this area and footpaths on site rather than the neighbouring Askham Bog SSSI. This request ties in with condition 9 of the outline permission which requires a scheme for the management of open space to accommodate features to encourage responsible dog walking.
- 5.49. The NEAP is suitably located with appropriate landscaping around the area to denote the use, providing a range of equipment for all ages. A pocket park is proposed centrally within the development. The park has an active frontage and would encourage social interaction.
- 5.50. A single ash tree is to be removed, alongside 6no. individual trees (within G3) and approximately 9m of G1 along Tadcaster Road, however this will be mitigated with new tree and hedgerow planting and landscape corridors. Street trees line the principal access route into the site. This gives the street identity and aids orientation around the development. They provide a visual focus and a pleasant environment. Large-specie trees are proposed throughout the development to create landmark features, viewable outside of the development which creates a verdant setting on approach and from public viewpoints outside of the site.
- 5.51. The Landscape Officer raises concern with regard to the eastern spine route not including enough trees and/or a pocket park, however it is Officer opinion that on planning balance and taking into account the significant tree provision and informal recreation space elsewhere on site, the housing density requirement and the parameters set at outline stage, this would not be a reason for refusal of the reserved matters.
- 5.52. A variety of surface materials are proposed to distinguish between the adopted highway, private drives, footpaths and individual driveways. This is welcomed and adds variety to the hard surfacing materials creating interest.
- 5.53. The pumping station is located in the eastern public open space surrounded by landscaping to aid in screening. During the course of the application the pumping station has been relocated away from the end of a street, which takes the eye away

Page 100

from the infrastructure and prominent viewpoints. The substation near the site entrance off Tadcaster Road is suitably screened with hedging.

- 5.54. Landscape management is adequately covered by condition on the outline permission (condition 32) which requires a LEMP to be submitted and approved by the LPA.
- 5.55. To conclude on landscaping matters and following the amendments made during consideration of this application it is considered the landscape structure conforms to that approved at outline creating a pleasant, verdant and meaningful space with a variety of soft landscaping to create character and context.

Open Space

- 5.56. Policy GI6 of the Draft Local Plan (2018, as amended) indicates new significant areas of open space to the east of the housing allocation. This new open space will be complemented by further on-site provision of local green and open space (as required in this and other relevant sections of the plan) and both should be planned cohesively in order, where appropriate, to:
- manage impacts on the city's historic character and setting;
- mitigate and compensate for ecological impacts, and provide for ecological enhancement:
- meet open space requirements arising from new development;
- accommodate drainage infrastructure, flood storage and attenuation;
- retain and enhance landscape and heritage features; and
- frame pedestrian and cycle linkage
- 5.57. During the course of the application, the open space to the east has increased to ensure compliance with the approved outline plans. The open space is considered to adequately provide sufficient green space for recreation and helps frame pedestrian and cycle links around the site. It is attractive and welcoming. The open space is also used to accommodate drainage infrastructure which policy GI6 allows.
- 5.58. The landscape plan prepared at outline stage identifies a NEAP.: 'The play area' is defined in the s106 agreement as meaning a neighbourhood equipped area for play for use by the general public to be provided on the site in accordance with the planning permission. The children's play area is suitably sited away from the railway line and overlooked by residential dwellings. The play area caters for a range of ages and needs and allow for active and passive recreation and socialising. Play facilities are considered to merge with the wider landscape through design and Application Reference Number: 23/02256/REMM

 Item No: 5b

planting. It is well defined in this space. Condition 8 of the outline permission requires further detail of the children's play space.

Ecology

- 5.59. Policy GI2 of the Draft Local Plan (2018) relates to biodiversity and access to nature. Given the date of submission and that this application is for reserved matters, it is not subject to the statutory requirement for biodiversity net gain. However, the applicant has submitted a Biodiversity Net Gain Assessment which confirms: "the habitats present on-site are considered to be widespread and common, with the majority of the site comprising arable land. The main habitats of value are considered to be the areas of hedgerows on the boundaries of the Site and a single mature tree. The hedgerows will be retained as part of the development proposals, and a single mature tree will require removal.
- 5.60. The results of the biodiversity net gain assessment for the habitat areas demonstrated that the post development habitats proposed for the Site would result in a net change of +10.73 habitat units, resulting in an overall net change of +55.18%. The baseline score of the hedgerows within the Site totals 11.25 hedgerow units with the on-Site post-development hedgerow and units totalling 14.80. The development will therefore result in an overall unit change of +3.54 hedgerow units providing an overall net change of +31.47%. The results of the metric show that the trading rules are satisfied."
- 5.61. The Ash Tree on site which includes a bat roost is to be felled. Condition 36 of the outline permission includes adequate bat mitigation to compensate for this (a license by Natural England or bat mitigation class license or statement from the relevant licensing body). Additionally condition 37 of the outline permission requires measures to mitigate for the loss in relation to enhancements. These details need to be approved by the LPA prior to the felling.
- 5.62. A CEMP and Lighting Strategy is adequately covered by conditions on the outline (condition 33 and 34) in the interests of biodiversity.

Variation to Legal Agreement

5.63. Permission is sought from the Local Planning Authority to vary the legal agreement in relation to the original outline permission (18/00680/OUTM - Land at Tadcaster Road).

- 5.64. It is proposed that the affordable split is changed via a change in the S106 legal agreement, tied to the outline permission. Currently the approved split is 80% social rent and 20% discount sale. It is proposed to remove discount sale dwellings in its entirety and replace this with intermediate rent dwellings. The split will therefore become 71% social rent and 29% intermediate rent. This is set out at 5.53 and 5.54 of this report. The variation of the Legal Agreement in this respect is considered acceptable.
- 5.65. During consideration of the reserved matters application, it was noted that the works for the Highways 1036/Sim Balk contribution had already been carried out. It is therefore proposed to vary the legal agreement by re-allocating the £40,000 to the Highways 1036/Sim Balk contribution to create the Tadcaster Road Bus Stop Contribution. The £40,000 will instead be spent on a new bus stops close to the pedestrian/cycle entrance on Tadcaster Road (to the north of Plot 12) including a pole, flag, timetable case, shelter, associated bus stop road markings, easy access kerbs and real time display. This is further set out at 5.27 of this report. The variation of the Legal Agreement in this respect is therefore considered acceptable.

Public Sector Equalities Duty

- 5.66. Section 149 of the Equality Act 2010 contains the Public Sector Equality Duty (PSED) which requires public authorities, when exercising their functions, to have due regard to the need to:
 - a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) Foster good relations between persons who share relevant protected characteristic and persons who do not share it.
- 5.67. Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
 - a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to the characteristic;
 - b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

- c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 5.68. 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.
- 5.69. Officers have given due regard to the equality implications of the proposals in making this recommendation. There is no indication or evidence (including from consultation on this application) that any equality matters are raised that would outweigh the material planning considerations.

6.0 CONCLUSION

- 6.1 The proposed layout, appearance, scale, access and landscaping of the development for 140no. dwellings and open space at land off Tadcaster Road is considered acceptable and adheres to the parameters plans approved at outline planning stage. The development provides a range of house types and tenures, including bungalows, in accordance with local need. Affordable housing and self build plots are provided in accordance with outline permission conditions and the s106 legal agreement for the site. The layout provides an attractive, verdant development promoting active travel through provision of the infrastructure for walking and cycling. Amenity is protected for existing neighbours and proposed residents. The scheme accords with NPPF advice and the National Design Guide, in particular in respect of place-making and the promotion of sustainable and active travel. The scheme is also consistent with relevant policies in the Draft Local Plan (2018, as amended in 2023).
- 6.2 A condition is deemed necessary in respect of the listing of the approved plans. A condition requiring parking to be in place prior to occupation (and retained as such) is also deemed necessary. Other matters are already dealt with via the conditions on the outline permission. Approval is therefore recommended subject to conditions and subject to varying the s106 legal agreement with regard to the affordable housing change to intermediate rent dwellings and the inclusion of the contribution towards bus stops on Tadcaster Road.

7.0 RECOMMENDATION: Approve with conditions, subject to variation to Section 106 Agreement to secure:

- £40,000 towards bus stops on Tadcaster Road (instead of towards signal controller upgrade works at the 1036/Sim Balk Lane corridor)
- Affordable housing mix of 71% social rent and 29% intermediate rent dwellings.

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

Location Plan; drawing number 22:5630:02, revision 0, dated 30/11/2023.

Proposed Site Layout; drawing number 22:5630:01W, revision W, dated 17/10/2024.

Materials Layout; drawing number 2120.02, revision E, dated 03.11.2023, received and uploaded to the public file 8th October 2024.

Detailed Landscape Proposals Overview Sheet; drawing number c-2206-01, revision I, dated 30/09/2024.

Detailed Landscape Proposals Sheet 1 of 4; drawing number c-2206-02,k revision H, dated 30/09/2024.

Detailed Landscape Proposals Sheet 2 of 4; drawing number c-2206-03, revision F, dated 30/09/2024.

Detailed Landscape Proposals Sheet 3 of 4; drawing number c-2206-04, revision G, dated 30/09/2024.

Detailed Landscape Proposals Sheet 4 of 4; drawing number c-2206-05, revision G, dated 30/09/2024.

Proposed House Types, all received 5th December 2023, except where explicitly stated.

- o MH-V HOMESFORD 5B9P AS
- o MH-V HOMESFORD 5B9P OP
- o MH-V CHESTERWOOD 3B6P AS
- o MH-V CHESTERWOOD 3B6P OP
- o MH-V KIPTON 3B6P AS-OP
- o MH-V BRAXTON 3B4P AS
- o MH-V BRAXTON 3B4P OP
- o MH-V CLEVEMONT 2B3P AS-OP
- o MH-V CLEVEMONT 2B3P OP
- o MH-V TORWOOD 4B6P AS-OP
- o MH-V EASTON 3B6P AS-OP
- o MH-V EASTON 3B6P AS-OP-OP
- o MH-V BEAUWOOD 4B6P AS
- o MH-V BEAUWOOD 4B6P OP
- o MH-V DELMONT 2 2B4P CHILTON 3B4P AS-AS-OP, received 15th November 2024
- o MH-V DELMONT 2 2B4P CHILTON 3B4P AS-OP

Page 105

- o MH-V CHILTON 3B4P DELMONT 2 2B4P AS-OP-OP
- o MH-V INGLEMONT 2 2B3P AS-AS-OP
- o MH-V INGLEMONT 2 2B3P AS-OP, received 15th November 2024.
- o MH-V FIELDING-FARTHING 1B2P SHERMONT 2B4P AS-AS-OP (REV B), received 15th November 2024.
- o MH-V FIELDING-FARTHING 1B2P SHERMONT 2B4P AS-OP (REV B), received 15th November 2024.
- o MH-V SHERMONT 2B4P FIELDING-FARTHING 1B2P- AS-OP (REV B), received 15th November 2024.
- o MH-V SHERMONT 2B4P AS-AS-OP, received 15th November 2024.
- o MH V SHERMONT 2B4P AS-OP
- o MH-V DENSTONE 3B6P AS
- o MH-V DENSTONE 3B6P OP
- o MH-V DELMONT 2 2B4P AS-OP, received 15th November 2024.
- o MH-V CHARLESWOOD 4B8P AS
- o MH-V FAVERWOOD 4B OP received 5th August 2024.
- o MH-V FAVERWOOD 4B AS received 5th August 2024.

Sales Garage Drawing No: 811109-152

Twin Garage Drawing No: 811109-151

Single Garage Drawing No: 811109-150

Proposed Cycle Sheds; drawing number 22:5630:07A, revision A, dated 11.04.2024.

Proposed Boundary Treatments; drawing number 22:5630:08A, revision A, dated 23.07.2024.

Proposed Tree Pit Details; drawing number 22:5630:111, revision 0, dated 10.04.2024.

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

2 Each residential unit shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles, including cycle parking for each unit, have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: To ensure adequate parking facilities for the new residents in the interests of highway safety and promote sustainable travel with cycle parking provision.

Application Reference Number: 23/02256/REMM Item No: 5b

Page 106

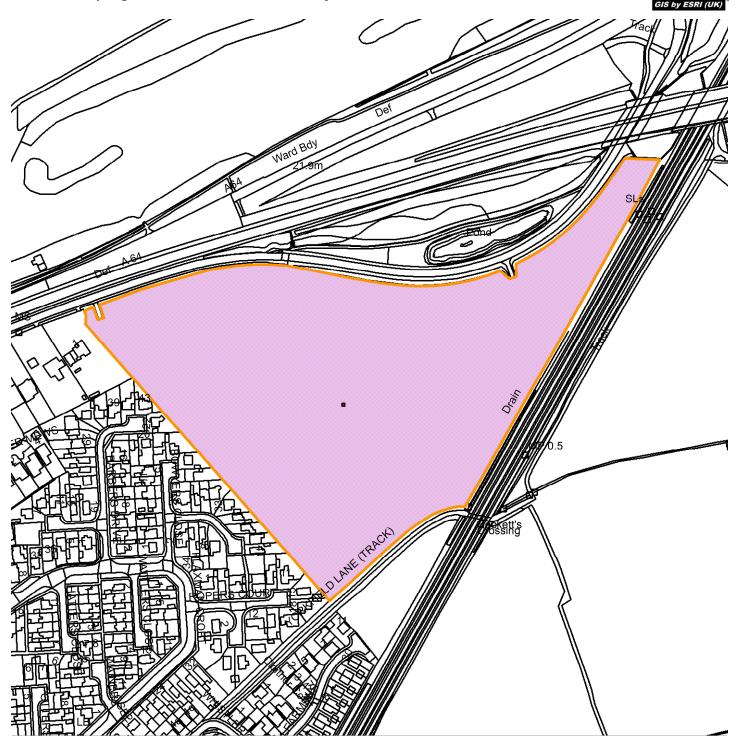
8.0 INFORMATIVES:

Contact details:

Case Officer: Natalie Scholey **Tel No:** 01904 555848

23/02256/REMM

OS Field Lying To The South Of And Adjacent to No1 Tadcaster Road



Scale: 1:3260

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Organisation	City of York Council		
Department	Env, Transport & Planning		
Comments	Not Set		
Date	22 November 2024		
SLA Number	Not Set		

Produced using ESRI (UK)'s MapExplorer 2.0 - http://www.esriuk.com





Planning Committee A

To be held on 5th December 2024

23/02256/REMM - OS Field Lying To The South Of And Adjacent To No 1, Tadcaster Road, Copmanthorpe

Reserved matters application for the scale, layout, appearance and landscape for the erection of 133no. dwellings, 7no. self-build dwellings and associated infrastructure pursuant to outline application 18/00680/OUTM.



Site Location Plan CLIENT: MILLER HOMES PROJECT: TADCASTER ROAD, COPMANTHORPE 02 / LOCATION PLAN City of York Council Planning Committee Meeting - 5th December 2004

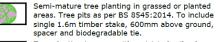


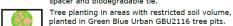


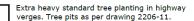
Google Earth Aerial Image

Proposed Site Layout









Extra heavy standard tree planting POS areas as mitigation for removed T22.

Extra heavy standard tree planting in grassed or planted areas. Tree pits as per BS 8545:2014. To include single 1.6m timber stake, 600mm above ground, spacer and biodegradable tie.

Heavy standard tree planting in grassed or planted areas. Tree pits as per BS 8545:2014. To include single 1.6m timber stake, 600mm above ground, spacer and biodegradable tie.

Ornamental shrub planting, including 50mm depth no-fines bark mulch. Individual species to be planted in groups of no more than 7 plants.

Ornamental hedge planting, including 50mm depth no-fine bark mulch.

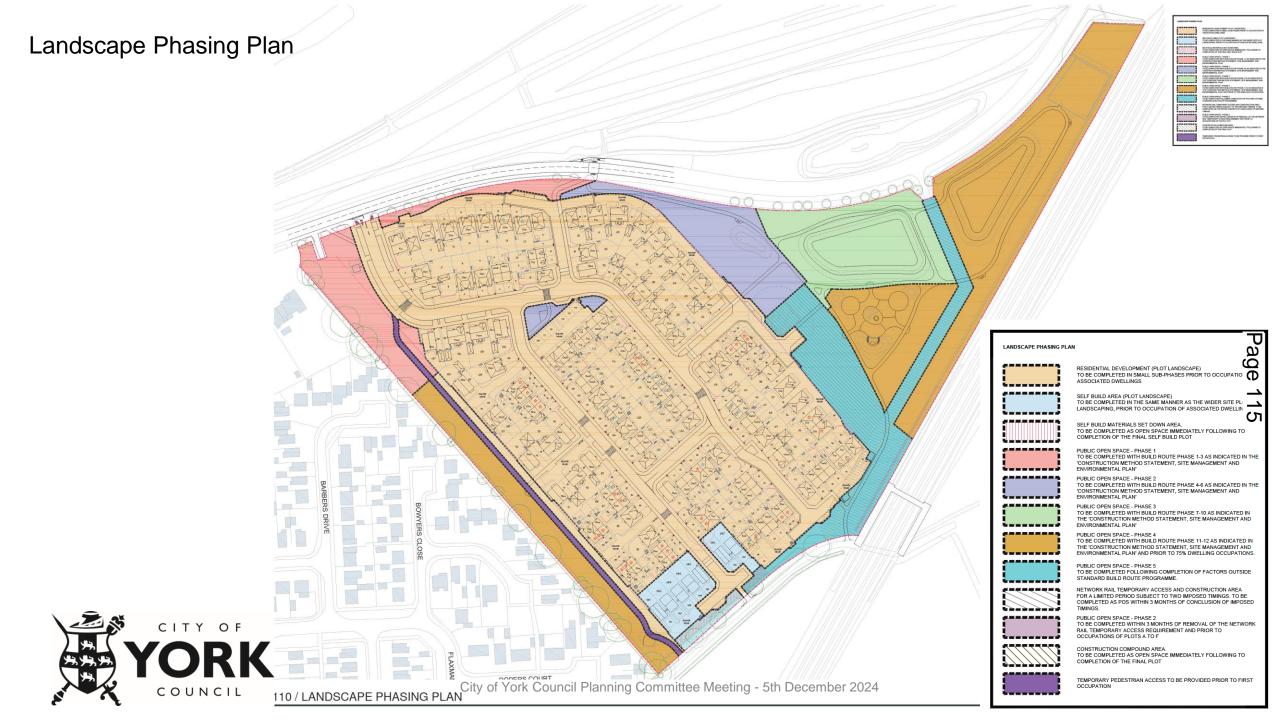
Native hedge planting. Plants to be pit planted at 0.33m spacing in a double staggered row (6 plants per linear metre). Shelters to all plants. Species to be planted in random, single species groups of no

more than 5 plants.

Areas to be turfed.



ROPERS COURT



Copmanthorpe, York NEAP Miller Homes Yorkshire

SITE INFORMATION:

Site leveling and groundworks by others

Fencing and gates by others.

Softworks by others.

Premium grade turf (by others) - Soil thickness: 10mm to 15mm, Grass height: Approx. 25mm.

Self binding gravel (by others) to 50mm depth - Aggregate Size: 0-10mm, laid onto MOT type 1 retained with timber edging.

Tarmac (by others) - Binder Course: 50mm, Wearing Course: 25mm laid onto 100mm MOT type 1 with PCC

Mounding (by others) up to 1.2m high created using spoil from site excavations Additional fill and topsoil.

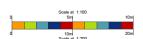
Grass matting safety surfacing to areas where CFH is greater than 1.5m or required to reduce wear. Over 2.0m $\,$ CFH will include a shockpad.

Kompan advise relocation of equipment to ensure compliance to BS-EN1176 and best practice guidelines.

Compan assumes all softworks, pathways, landscaping & groundworks are to be completed by others to the specified requirements on this plan at the point of installation (unless specified on the plan & quotation)









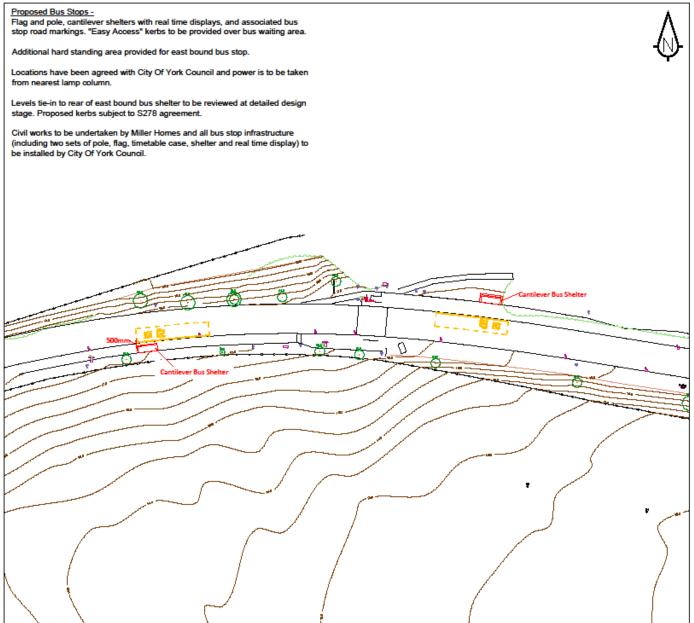
S.T Scale 1:100(

EQUIPMENT:

Page

KOMPAN Ltd. www.KOMPAN.co.s. Serent y House T. 2/1908 201002 Mitton Keynes F. 5/1908 201007 MK4 10A E.KOMPAN.LK.@KC

Proposed Bus Stops



- Sanderson Associates Consulting Engineers ("the consultant"), has not checked or verified, and shall have no liability whatsoever for any inaccuracies which may be attributable to any data, reports, base plan(s) and drawings provided by the client, or purchased by the consultant on the client's behalf, that may have been utilised within this drawing.
- The consultant shall not be liable for the use by any person of any document for any purpose other than that for which the same were provided by the
- No liability whatsoever is accepted by the consultant for any error or omissions.
 The consultant accepts no liability for any vehicle specification errors within the vehicle track software used and / or it's vehicle libraries.
- The locations of utilities apparatus, if shown, is reproduced from plans supplied to the consultant, sithough care has been taken when duplicating this information. These locations are approximate only and no guarantee can be given for their accuracy. It is the client's or it's appointed agent/contractors responsibility to verify the exact locations on site by hand dug trial holes or other appropriate means prior to mechanical excavation.
- Service connections are not shown but their presence should be anticipated.
- Reference to any third party equipment shown on this drawing was only relevant
 at the time the drawing was prepared.
- It is the client's responsibility to ensure that any equipment ordered meets the design.

Layout Amended CP May 24 KS Layout Amended SB May 24 KS



Project Name

Tadcaster Road, Copmanthorpe

Drawing Title

Bus Stop Design

Sedie 1:500		Drawn By St	1
Drawing Size A3		Checked By KS	
Dots April 2024		Approved By KS	
	Drawing Number		Rev
	158045-004		c



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