



Notice of a public meeting of

Planning Committee B

To: Councillors Merrett (Chair), Cullwick (Vice-Chair),
Fenton, Moroney, Nelson, Orrell, Vassie, Warters and
Wilson

Date: Tuesday, 15 July 2025

Time: 5.00 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 7 - 8)

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

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

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

- 3. Minutes** (Pages 9 - 14)
To approve and sign the minutes of the last Planning Committee B meeting held on 12 June 2025.

- 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 Friday, 11 July 2025.**

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.

- 5. Plans List**
This item invites Members to determine the following planning applications:
- a) RSPCA, Landing Lane, York, YO26 4RH** (Pages 15 - 40)
[24/00919/FULM]
Erection of 6no. animal shelter buildings, 2no. aviaries, screen fencing and associated alterations following demolition of existing animal shelters. [Holgate Ward]

b) 1 Museum Street, York, YO1 7DT (Pages 41 - 78)
[25/00532/LBC]

Internal and external works in conjunction with proposed use as bookshop to include new/replacement platform lift, internal reconfigurations to include new staircase, alterations to internal openings and partitions, installation of shelving and other replacement joinery, redecoration and repair works, new/replacement plumbing and services and rainwater goods, secondary glazing and repairs to fenestration, new/replacement flooring, mezzanine structure and balustrade, and solar PV panels. [Guildhall Ward]

c) York Designer Outlet, St Nicholas Avenue, (Pages 79 - 108)
York, YO19 4TA [24/01633/FULM]

Change of use of amenity field to temporary (3 years) seasonal (November and December) overflow car park for the use of employees only. [Fulford and Heslington Ward]

6. Urgent Business

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

Democracy Officer:
Jane Meller

Contact details:

- Telephone: (01904) 555209
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For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

Declarations of Interest – guidance for Members

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

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

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

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

City of York Council

Committee Minutes

Meeting	Planning Committee B
Date	12 June 2025
Present	Councillors Merrett (Chair), Cullwick (Vice-Chair), Fenton, Moroney, Orrell, Vassie, Warters, Baxter (Substitute) and Whitcroft (Substitute)
Officers Present	Gareth Arnold, Development Manager Jonathan Kenyon, Principal Officer, Development Management Jodi Ingram, Lawyer

1. Apologies for Absence (4.33 pm)

Apologies were received and noted from Cllrs Wilson and Nelson. They were substituted by Cllrs Whitcroft and Baxter respectively.

2. Declarations of Interest (4.34 pm)

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

None were declared.

3. Minutes (4.34 pm)

Resolved: That the minutes of the last meeting held on 24 April 2025 were approved as a correct record.

4. Public Participation (4.35 pm)

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

5. Plans List (4.35 pm)

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

**6. 5 Main Street, Heslington, York, YO10 5EA
[24/01377/FULM] (4.35 pm)**

Members considered a major full application by Miranda Lam for the change of use of offices (use class E) to 25no. bed purpose-built student accommodation, erection of a single storey extension to The Hive and associated external works.

The Development Manager gave a presentation on the plans and noted that the application had been deferred at committee in March 2025. Since then, the Local Plan proposal's map had been published showing the site to be within the university campus. Therefore, the application had been re-appraised and considered in accordance with policy ED1 and ED2 of the adopted Local Plan.

An update to the published report was provided by the Principal Officer, Development Management, this covered further representations from Heslington Parish Council and Heslington Village Trust and the officer's response to these, further information on the reason for deferral and an explanation of policy ED2: Campus West.

In response to questions on the plans, officers showed the location of the pub in relation to the site, the distance was approximately seventeen metres.

Public Speakers

David Blacketer spoke on behalf of the Parish Council in objection to the application, stating that the 24/7 operation of the proposed student housing would have a detrimental effect on residential amenity and the character and setting of the conservation area. He asked the committee to refuse the application.

In response to questions, he stated that the village was quiet at evening and weekends, the benefit would not outweigh the harm.

Nicholas Allen spoke on behalf on the Heslington Village Trust also in objection to the application, he stated that the site being within the

university campus was not correct and he believed that policy EC2 applied in this instance; the application should be judged on the loss of employment land.

Janet O'Neill, the agent for the applicant, spoke in support of the application. She noted the difficulties associated with working in a listed building, which was in a poor condition. She highlighted the user rights for university use and that a change of ownership did not remove those rights.

She responded to questions from Members and gave an indication of demand for student accommodation, reporting that there were two students for every student bed. It was not the intention to remove the Hive, although its condition had worsened recently, and this would be re-evaluated in due course.

In response to questions from Members, officers reported that the policy referred to the proposals map and campus, the sale of the land by the University did not affect its lawful use. It covered a range of uses including housing, sports and education and did not rule out other use. Ownership was not a material planning consideration. The adopted local plan has the full weight of Planning Act behind it. It was confirmed that the number of parking spaces would be reduced from nine to three. It was not considered reasonable to condition the construction management plan, however the working hours could be considered for a condition. A noise assessment had been addressed in condition 7.

Following debate, the Chair proposed the officer recommendation to approve the application, subject an amendment to condition 9 to specify swift boxes and the inclusion of an additional condition concerning the hours of demolition, construction, and deliveries to be included and an amendment to the positive and proactive approach informative regarding the committee's consideration of the loss of employment use. This was seconded by Cllr Cullwick.

On being put to a vote, with eight members in favour and one against it was:

Resolved: That the application be approved.

Reason: In principle the scheme is regarded policy compliant. The site is designed as part of the university campus in the adopted Local Plan and the relevant policy ED1 advises student housing will be permitted on campus. The scheme also has the following benefits:

It involves re-use of what were redundant university buildings to contribute towards meeting evidenced student housing need, in a sustainable location. The scheme accords with the sustainable development and environmental objectives of the Local Plan and NPPF; the reuse and environmental improvement of existing buildings is aligned with the objective to minimise waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The proposals preserve and better reveal the significance of a listed building and would bring it into a sustainable new use, consistent with its conservation, improving its environmental performance and addressing defects which are causing the building to deteriorate. The proposals are beneficial in respect of the impact on the listed building. The scheme (as revised) does not harm the significance of heritage assets.

**7. 5 Main Street, Heslington, York, YO10 5EA [24/01378/LBC]
(5.47 pm)**

During consideration of item 5a, Members also considered the listed building consent application for internal and external alterations to facilitate change of use of offices (use class E) to purpose-built student accommodation.

The Chair proposed the officer recommendation to approve the application, and this was seconded by Cllr Cullwick. On being put to a vote, Members voted eight in favour and one against. It was therefore:

Resolved: That the application be approved.

Reason: The scheme does not conflict with Local Plan policy D5 as no harm to significance has been identified. The proposals are desirable in reverting the building back to its original domestic use; it is in accordance with NPPF paragraph 210 which states that “in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the

significance of heritage assets and putting them to viable uses consistent with their conservation”.

The scheme has been revised to address officer concerns in respect of impact on the original plan form. It will address existing issues with the building in a sympathetic way. The works to accommodate re-use, in terms of energy efficiency and fire safety are also sympathetic. The works adhere with NPPF paragraph 213 in that they have clear and convincing justification. No harm to significance has been identified and there is therefore no conflict with NPPF policy on heritage assets. It is recommended consent be granted subject to conditions.

8. Planning Appeal Performance and Decisions (5.48 pm)

The Development Manager presented a report which provided information on the planning appeal decision determined by the Planning Inspectorate between 01 January and 31 March 2025.

Resolved: That the report be noted.

Reason: To keep members informed of the current position of planning appeals against the council's decisions as determined by the Planning Inspectorate.

Cllr D Merrett, Chair

[The meeting started at 4.31 pm and finished at 5.53 pm].

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COMMITTEE REPORT

Date: 15 July 2025 **Ward:** Holgate
Team: West Area **Parish:** Holgate Planning Panel
Reference: 24/00919/FULM
Application at: RSPCA Landing Lane York YO26 4RH
For: Erection of 6no. animal shelter buildings, 2no. aviaries, screen fencing and associated alterations following demolition of existing animal shelters
By: Mr P Gorbet
Application Type: Major Full Application
Target Date: 18 July 2025
Recommendation: Approve

1.0 PROPOSAL

1.1 RSPCA Landing Lane Acomb comprises a low-rise brick and concrete animal rehoming centre incorporating kennels, offices, a vet's surgery, offices, a dog exercise area and RSPCA Inspector's accommodation. The site lies to the northwest of the City Centre, adjacent to the York Water Treatment Works and in close proximity to the River Ouse. It lies within Flood Zone 3 and is therefore felt to be at high risk of river flooding. Planning permission is sought for reconstruction of the complex. The proposal has been amended since submission to address concerns in respect of the biodiversity impact of the proposals along with flood risk and surface water drainage.

2.0 POLICY CONTEXT**DEVELOPMENT PLAN**

2.1 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).

2.2 The Statutory Development Plan for the City of York comprises the City of York Local Plan adopted 27th February 2025 whose policies carry full weight, and any made Neighbourhood Plan. The below policies are considered most relevant to this application:

- D1 Placemaking
- GI2 Biodiversity and Access to Nature
- GI4 Trees and Hedgerows
- ENV4 Flood Risk
- ENV5 Sustainable Drainage
- T1 Sustainable Access
- CC2 Sustainable Design and Construction

2.3 Other material considerations include:

- the National Planning Policy Framework ('the NPPF') December 2024
- national Planning Policy Guidance

3.0 CONSULTATIONS

INTERNAL

Highway Network Management

3.1 Raise no objection to the proposal.

Public Protection

3.2 No response.

Design and Conservation (Trees and Landscape)

3.3 Raise no objection in principle to the proposal subject to the provision of additional and replacement on the site boundaries. Conditions covering landscaping and tree protection measures are sought in respect of any permission.

Design and Conservation (Ecology)

3.4 Raise no objections in principle to the proposal but raise some concern in terms of how the proposal has been designed to incorporate BNG principles. The standard BNG condition together with conditions covering a lighting plan, bird and bat boxes and a Construction Environment Management Plan (Biodiversity) are recommended as part of any permission.

Front Line Flood Risk Management

3.6 Raise no objection to the scheme as amended subject to any permission being conditioned to require adherence to the submitted drainage strategy and to an Environmental Permit under the relevant regulations being obtained from the Environment Agency as the proposal envisages surface water drainage into a main water course for which the Environment Agency is responsible for its management.

EXTERNAL

Holgate Planning Panel

3.5 No response.

Ainsty (2008) Internal Drainage Board

3.6 Wish to make no comment in respect of the proposal deferring to the advice of the Front-Line Flood Risk Management Authority and the Environment Agency as the relevant responsible bodies.

Environment Agency

3.8 Raise no objection to the proposal as amended subject to an Environmental Permit being obtained for the proposed surface water drainage works.

4.0 REPRESENTATIONS

4.1 One letter of support has been received in respect of the proposal.

5.0 APPRAISAL

5.1 The key issues are as follows:

- Principle of Development
- Highways and Access
- Drainage & Flood Risk
- Trees and Landscape
- Ecology
- Sustainable design and construction

PRINCIPLE OF DEVELOPMENT

Application Reference Number: 24/00919/FULM

Item No: 5a

5.2 The application site comprises a 1,220 square metre small animal re-homing centre with an associated operational base for the RSPCA in the York Area. It was constructed in the mid-1970s with some limited extension in the 1980s. The current small animal accommodation falls below modern standards with the cat pens in particular not licensable with areas decommissioned due to potential for overcrowding and if not resolved the site may have to close in the longer term with animals having to be transferred long distances to other facilities which may also be under-pressure. Most animals held are rehomed after a short time span. However, those held in conjunction with a criminal investigation can be held for up to two years.

5.3 The proposal envisages the demolition of the existing agglomeration of structures except for the central office, reception and Inspector's accommodation. The existing buildings would be replaced with a building some 645 square metres larger that would include 2 aviaries, a detached veterinary surgery and isolation unit together with enhanced dog and cat provision in terms of space and design and a small animal unit. The overall number of dogs kept on site would be reduced with some relocated to fostering and to other sites. The dog provision would include separate accommodation for puppies and adult dogs including indoor training facilities to complement the existing outdoor facility. In terms of the cat accommodation a separate reception area would be provided where potential adopters can meet cats separate from the main cattery. The existing veterinary facility within the main reception building would be repurposed to provide enhanced staff accommodation, a shop for use by pet adopters and a donations centre. The isolation unit would be capable of use by cats or dogs receiving treatment at the adjacent veterinary centre.

5.4 The proposal secures the long-term future of the site and the services it provides at a time of increased pressure. The submitted details record the attempts of the RSPCA to find alternative sites to build a new purpose-built re-homing centre but that has not proved feasible and being within Flood Zone 3 the development potential of the existing site is highly limited.

5.5 In terms of compliance with Policy D1 of the Adopted Local Plan the application site is set well back from the adjoining pattern of development within its own grounds. The new structures would be single storey and modular in form with an external cladding. The existing area of hard surfacing would be utilised and any increase in overall built footprint would be minimal. The density and massing of the proposal would parallel that of the existing development and as with the current development and layout there would not be any material impact upon the form and

character of the wider street scene. The requirements of Policy D1 of the Local Plan would therefore be complied with.

HIGHWAYS AND ACCESS

5.6 Policy T1 of the Local Plan indicates that development will be supported where it minimises the need to travel and provides safe, suitable and attractive access to all transport users to and within it. To do so development would be needed to demonstrate safe and appropriate access to the adjacent adopted highway and provide sufficient convenient, secure and covered cycle storage ideally within the curtilage of the new buildings.

5.7 The proposal envisages the demolition and reconstruction of the existing animal holding areas together with the construction of purpose built veterinary and associated isolation units to allow for the existing accommodation within the main reception building to be repurposed to provide enhanced staff facilities. Access to the site by members of the public is by appointment only and will remain so with the level of accommodation for dogs taken in reduced. Staffing levels at the site would remain as currently and both cycle and vehicle parking arrangements would remain unchanged. The existing first floor RSPCA Inspector's accommodation would remain as is. The site is accessed via Landing Lane which is very lightly trafficked with the only other user being the adjacent Yorkshire Water Wastewater Treatment Works. The existing pattern of deliveries would remain unchanged. The proposed replacement buildings are of modular construction which would further minimise construction related deliveries.

The proposal would not therefore materially harm the safety and convenience of highway users, and the requirements of Policy T1 of the Local Plan would be complied with.

DRAINAGE AND FLOOD RISK

5.8 Policy ENV4 of the Local Plan indicates that new development should not be subject to unacceptable flood risk and shall be designed and constructed in such a way that mitigates against current and future flood events. An assessment of whether development is likely to be affected by flooding and whether it would increase flood risk locally and elsewhere in the catchment must be undertaken. Where flood risk is present development will only be permitted when the local planning authority is satisfied that any flood risk within the catchment can be successfully managed and there are details of proposed mitigation measures.

5.9 The application site lies within Flood Zone 3 being in close proximity to the bank of the River Ouse with partial flooding of the adjoining waterworks site common during wider flooding events. The site itself has not been subject to a significant flooding event in recent times although the external dog training and exercise area does flood and is rendered unusable periodically during wider flooding events. As a consequence of its high flood risk category the site is not suitable for more vulnerable employment or residential use which has informed the decision of the RSPCA to re-develop on site. The application has been accompanied by a Site-Specific Flood Risk Assessment which has been amended during the course of process together with a flood evacuation procedure. This indicates that the site may be satisfactorily evacuated to the rear via Landing Lane and Water Lane in the event of a serious flooding event which is defined as the River Ouse reaching 10.95 metres AOD or above. The site would at the same time be re-constructed to be flood resilient in terms of the new blocks.

5.10 In terms of the vulnerability of the site to flooding a small animal rehoming centre does not sit within any use class but is considered to fit more closely with the business type uses within the less vulnerable category. The new buildings would take place within existing areas of hard surfacing and pre-development levels would be retained across the site including in respect of the external dog training area. With the new building there would be no change in the flood vulnerability classification. With no change to existing flood storage there would be no impact upon flood risk locally from the proposal or in terms of the wider catchment. The requirements of Local Plan Policy ENV4 would therefore be complied with.

5.11 Policy ENV5 of the Local Plan indicates that for development on brownfield sites surface water runoff should be restricted to 70% of the existing run off rate unless it may be demonstrated that it is not reasonably practicable to achieve such a reduction. Sufficient attenuation and long-term storage should be provided to ensure that surface water flow does not exceed the restricted run off rate. Such attenuation measures must accommodate run off from at least a 1 in 30-year storm and any runoff from a 1 in 100-year storm must be capable of being accommodated within the site without harm to people or property or overflowing into adjoining areas.

5.12 A detailed drainage strategy has been submitted and has been the subject of amendment during the course of processing. This shows an area of attenuation to the northwest of the site beneath the existing dog exercise/training area. That then connects with the Holgate Beck by means of an existing connection which would be upgraded, further to the northwest in the vicinity of the former York Water Works with an agreed discharge rate of 13.1 litres per second.

5.13 It is felt that the proposed flood risk measures and submitted drainage strategy are acceptable and would secure compliance with Policies ENV4 and ENV5 of the Local Plan. Because of the relationship of the site to the Ouse riverbank it would separately require an Environmental Permit from the Environment Agency under the Environmental Permitting Regulations (England and Wales) 2016.

TREES AND LANDSCAPE

5.14 Policy GI4 of the Local Plan indicates that development will be supported where it retains trees and hedgerows that make a positive contribution to the setting of the development and are of value to general public amenity in terms of visual benefits, shading and screening. The boundaries of the site notably that to Water End are well landscaped but the trees are not of particular townscape quality. An Arboricultural Impact Assessment has been submitted for the proposal which indicates that there would be some loss of semi-mature trees to allow the development to be constructed. The development gives rise to opportunities to improve the management of the existing landscape and also to introduce some hedge planting along the boundary with Landing Lane where the dog exercise/training area is and there is some degree of conflict with passing dog walkers. Such provision maybe secured by condition seeking tree protection for existing planting and the provision of replacement and reinforcement planting in strategic locations. Subject to such conditions being included as part of any permission then the requirements of Policy GI4 of the Local Plan would be complied with.

ECOLOGY

5.15 Policy GI2 of the Local Plan indicates that any development where appropriate result in net gain to biodiversity and help to improve biodiversity. Such a commitment to secure biodiversity has recently become a formal requirement by virtue of an amendment to Schedule 7 of the 1990 Town and Country Planning Act to require an improvement of a minimum of 10% in biodiversity above the existing situation according to a standard methodology.

5.16 The application has been accompanied by a Preliminary Ecological Appraisal and a standard BNG metric. Further bat surveys have been submitted to address concerns of the Environment Agency during the course of processing. The submitted bat surveys indicate that the site is on a principal foraging route for bats travelling along the River Ouse corridor with roosts clearly in the direct vicinity but outside of the application site. In terms of the existing buildings of the complex and the central reception and office building which would be retained but altered shows no evidence of bat roosting activity and neither do the smaller animal housing

buildings which are due to be demolished and re-developed. In view of the location of the site on a major foraging route there is clear potential to enhance provision by providing nest boxes at appropriate locations within the site. Such provision may be secured by means of condition to any planning permission.

5.17 In terms of other protected species there is no evidence of activity by Great Crested Newts in the vicinity with no suitable water bodies and no evidence of badger, hedgehog or reptile activity. In terms of bird activity, the surveys produced no evidence of any nesting activity and little evidence of any foraging activity over and above that associated with movement along the adjacent river corridor. There is clear potential to provide biodiversity enhancement by providing nesting boxes of suitable design within the new buildings and such provision may be secured by means of condition attached to any permission.

5.18 In respect of Biodiversity Net Gain (BNG) a matrix has been submitted illustrating the base line for the site. It indicates that 5.54 standard habitat units would be lost through the reconstruction works, which would principally low and middle grade grassland and tree and shrub planting. That would create a deficit of 6.09 standard habitat units. The applicant is committed to submitting a detailed plan to address the identified deficit through new planting and habitat creation on site and if necessary, by purchasing credits or part credits from an official provider for off site work. This may be secured by means of condition to any permission.

5.19 Subject to the submission and prior approval of a Biodiversity Net Gain plan along with the identified biodiversity enhancements it is felt that the proposal is felt to be acceptable in ecological terms.

SUSTAINABLE DESIGN AND CONSTRUCTION

5.20 Policy CC2 of the Adopted Local Plan indicates that new non-residential development must meet high standards of sustainable design and construction.

5.21 It is envisaged that the proposed new structures would have reduced energy consumption through a fabric first approach with zones of natural unheated and mechanical ventilation and heating to most appropriately secure animal welfare. The current gas-powered heating system would be replaced with electric. Some areas require continuous use, and it is envisaged that the energy use implications of that would be addressed with the use of LED lighting and “smart controls” for heating, lighting and specifically ventilation. The arrangement of activities would also be designed to minimise any over-heated or over-lit spaces.

5.22 It is further envisaged that provision would be made for energy generation on site by solar PVs subject to the suitability of the roof spaces to be used and their overall viability. Taking account of the site circumstances it is felt that the proposed works would secure compliance with Policy CC2 of the Local Plan.

6.0 CONCLUSION

6.1 The proposal seeks permission for the reconstruction of the existing RSPCA Small Animal Rehoming Centre in a form to comply with Modern standards. It lies within Flood Zone 3 but comprises a less vulnerable use and would be designed to be flood resilient. The proposal is felt to be acceptable in drainage terms and with additional planting and biodiversity enhancements would be acceptable in landscape and ecology terms. The public benefits of retaining the facility on site are felt to carry substantial weight in the planning balance and approval is therefore recommended.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

RSPCA09-PA-001 REV(0.00)	Topographical Survey
RSPCA09-PA-003 REV(0.00)	Existing and Proposed Site Plan
RSPCA09-PA-004 REV(0.00)	Proposed Site Plan
RSPCA09-PA-005 REV(0.00)	Proposed: 24 Unit Cattery Building
RSPCA09-PA-006 REV(0.00)	Proposed: Veterinary and Storage Building
RSPCA09-PA-007 REV(0.00)	Proposed: 33 Unit Main Kennel Building
RSPCA09-PA-008 REV(0.00)	Proposed Small Animal Building
240630_C2C_XX_XX_DR_C_501 P04	Drainage Strategy

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

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

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

Reason: So as to achieve a visually cohesive appearance.

4 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the construction of the development commences beyond foundation level and shall be provided in accordance with the approved details before the development is occupied.

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

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

Reason: To ensure that the site is satisfactorily and efficiently drained and to secure compliance with Policy ENV5 of the Local Plan.

6 The development shall be carried out in accordance with the details shown on the submitted Proposed Drainage Strategy Revision P04 dated 25th March 2025, unless otherwise approved in writing with the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage and to secure compliance with Policy ENV5 of the Local Plan

7 Prior to commencement of development, protective fencing to BS5837 shall be erected around all existing trees shown to be retained in accordance with the Tree Protection Plan ref: BA12174TPP Rev A, dated 09/03/23 submitted with the application. The protective fencing line shall be adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zone: excavation, raising of levels; storage of any machinery, apparatus, materials, or top soil; lighting of fires; parking or manoeuvring of vehicles, et al. There shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, or pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing. A copy of the document will be available for reference and inspection on site at all times.

Reason: To ensure protection of existing trees before, during and after development that make a significant contribution to the amenity of the area and/or development

and to secure compliance with Policy GI4 of the Local Plan.

8 Before the commencement of development (including demolition, excavations, and building operations et al), a comprehensive, site-specific Arboricultural Method Statement (AMS) in accordance with the recommendations of the Tree Protection Plan ref: BA12174TPP Rev A, dated 09/03/23 submitted with the application, and a scheme of arboricultural supervision regarding protection measures for existing trees within the application site shown to be retained on the approved drawings, shall be submitted to and approved in writing by the Local Planning Authority. Amongst other information, this statement shall include a schedule of tree works where applicable, site rules and prohibitions, phasing of protection measures, non-dig construction techniques, with particular reference to the removal and replacement of hard surfacing adjacent to G2, G3 and T4 and the proposed construction of the Cattery adjacent to T6. The content of the approved document shall be strictly adhered to throughout development operations. A copy of the document will be available for reference and inspection on site at all times.

Reason: To ensure every effort and reasonable duty of care is exercised during the development process to protect existing trees and the amenity of the development and to secure compliance with Policy GI4 of the Local Plan.

9 Within three months of the development commencing a detailed landscape scheme shall be submitted to the local planning authority and shall be approved in writing. The scheme shall include the species and position of new tree planting. The trees shall be a minimum size of 8-10cm girth (measured at 1m) and 2.5-3.0 metres in height, and be planted, supported and maintained in accordance with good arboricultural practice. This scheme shall be implemented within 6 months of completion of the development or within 2 years of the date of the first felling of the existing trees approved for removal whichever is the sooner. Any trees which within the lifetime of the development die, are removed or become, in the opinion of the local planning authority, seriously damaged or defective or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing. This also applies to any existing trees that are shown to be retained within the approved landscape scheme.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of replacement trees as they are integral to the public amenity of the development and conservation area.

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

- a) Specified lighting should be made in-line with current guidance - Bat Conservation Trust (2023) Bats and Artificial Lighting at Night:
<https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>
- b) Demonstrate that it has taken account of the recommendation set out in the Bat Survey Report provided by Wold Ecology August 2024.
- c) Demonstrate how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications), clearly demonstrating where light spill will occur, both within and outside the site boundary.

Any new external lighting shall be implemented in accordance with the approved lighting design plan.

Reason: To maintain the favourable conservation status of bats and ensure the site remains attractive to other light sensitive species and to secure compliance with Policy GI 2 of the Local Plan.

11 No development shall take place (including ground and enabling works, and vegetation removal) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include, but not be limited to the following:

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

The approved CEMP:Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To facilitate the protection of notable/sensitive habitats and species within the local area and to secure compliance with Policy GI2 of the Local Plan.

12 In accordance with the recommendations of the Wold Ecology Preliminary Ecological Appraisal (PEA) (December, 2023) and Bat Report (August, 2024) 2no. bat boxes to the specification set out in paragraph 8.2.5.1 of the PEA, and 3 no. nest boxes, 1 starling box, 2 no. swift boxes, 2 no. sparrow terrace as detailed to the

specification set out in paragraph 8.4.7.3 and 8.4.7.4 of the PEA shall be provided as set out in the PEA prior to the development being first brought into use and maintained as such thereafter.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to comply with Policy GI2 of the Local Plan to contribute to and enhance the natural and local environment by minimising impacts on, and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.

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 39) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- i) Sought clarification of the site surface water drainage arrangements
- ii) Sought clarification of the proposed means of bat mitigation
- iii) Sought clarification of the flood evacuation procedure
- iv) Sought clarification of the provision for sustainable construction.
- v) Sought clarification of the provision for Biodiversity Net Gain within the site layout.

2. The Environmental Permitting (2016) Regulations require that a permit be obtained for activities taking place :

- On or within 8 metres of a main river (16 metres if tidal)
- On or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- In the flood plain of a main river if the activity could affect flood flow or flood storage and potential impacts are not controlled by planning permission.

The applicant should not assume that a permit will be forthcoming once planning permission has been granted and should consult with the Environment Agency at the earliest opportunity.

3. BIODIVERSITY NET GAIN (BNG)

The statutory framework for Biodiversity Net Gain (BNG) set by paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 requires a Biodiversity Gain Plan to be submitted and approved prior to the commencement of development. The development cannot be lawfully commenced until this condition is satisfied.

Development may not begin unless:

- (a) A Biodiversity Gain Plan has been submitted to the planning authority; and
- (b) The planning authority has approved the plan

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, which is required in respect of this permission, is the City of York Council.

SUBMISSION REQUIREMENTS:

Under paragraph 14(2) of Schedule 7A, a Biodiversity Gain Plan must include the following:

- a) Information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat,
- b) The pre- and post-development biodiversity value of the onsite habitat,
- c) Any registered off-site biodiversity gain allocated to the development, and
- d) Any biodiversity credits purchased to off-set the development and whether or not from a registered provider.

In addition, under Articles 37C(2) and 37C(4) of The Town and Country Planning (Development Management Procedure) (England) Order 2015, the following specified matters are required, where development is not to proceed in phases:

- Name and address of the person completing the Plan, and (if different) the person submitting the Plan;
- A description of the development and planning permission reference number (to which the plan relates);
- The relevant date, for the purposes of calculating the pre-development biodiversity value of onsite habitats and if proposing an earlier date, the reasons for using this earlier date;
- The completed biodiversity metric calculation tool(s), stating the publication date of the tool(s), and showing the calculation of the pre-development onsite value on the relevant date, and post-development biodiversity value;
- A description of arrangements for maintenance and monitoring of habitat enhancement to which paragraph 9(3) of Schedule 7A to the 1990 Act applies (habitat enhancement which must be maintained for at least 30 years after the development is completed);
- (Except for onsite irreplaceable habitats) a description of how the biodiversity gain

hierarchy will be followed and where to the extent any actions (in order of priority) in that hierarchy are not followed and the reason for that;

- Pre-development and post-development plans showing the location of onsite habitat (including any irreplaceable habitat) on the relevant date, and drawn to an identified scale and showing the direction of North;
- A description of any irreplaceable habitat on the land to which the plan relates which exist on the relevant date, and any part of the development for which planning permission is granted where the onsite habitat of that part is irreplaceable habitat arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat; and

If habitat degradation has taken place:

- A statement to this effect;
- The date immediately before the degradation activity;
- The completed biodiversity tool showing the calculation of the biodiversity value of the onsite habitat on that date, and
- Any available supporting evidence for the value.

There is a standard Biodiversity Gain Plan template available to complete which brings together many of these matters into one document.

https://assets.publishing.service.gov.uk/media/65df0c4ecf7eb16adff57f15/Biodiversity_gain_plan.pdf

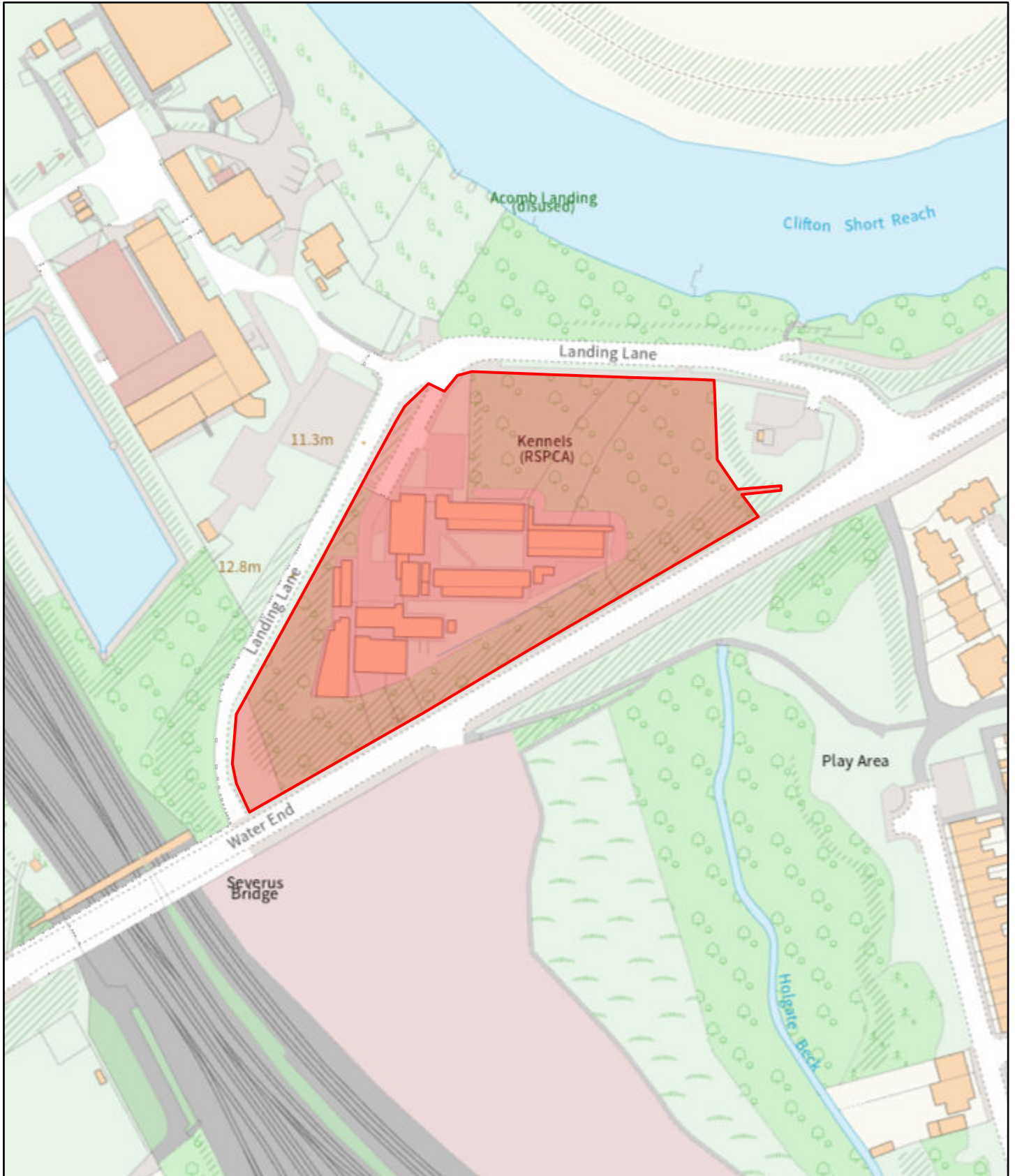
Failure to submit a Biodiversity Gain Plan prior to the commencement of development will lead to formal enforcement action being considered, which could be in the form of a Temporary Stop Notice (that will require all development on site to stop, for a period of 56 days).

Contact details:

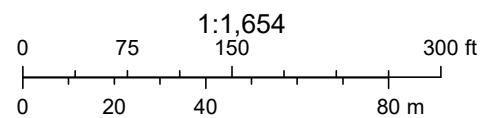
Case Officer: Erik Matthews

Tel No: 01904 551416

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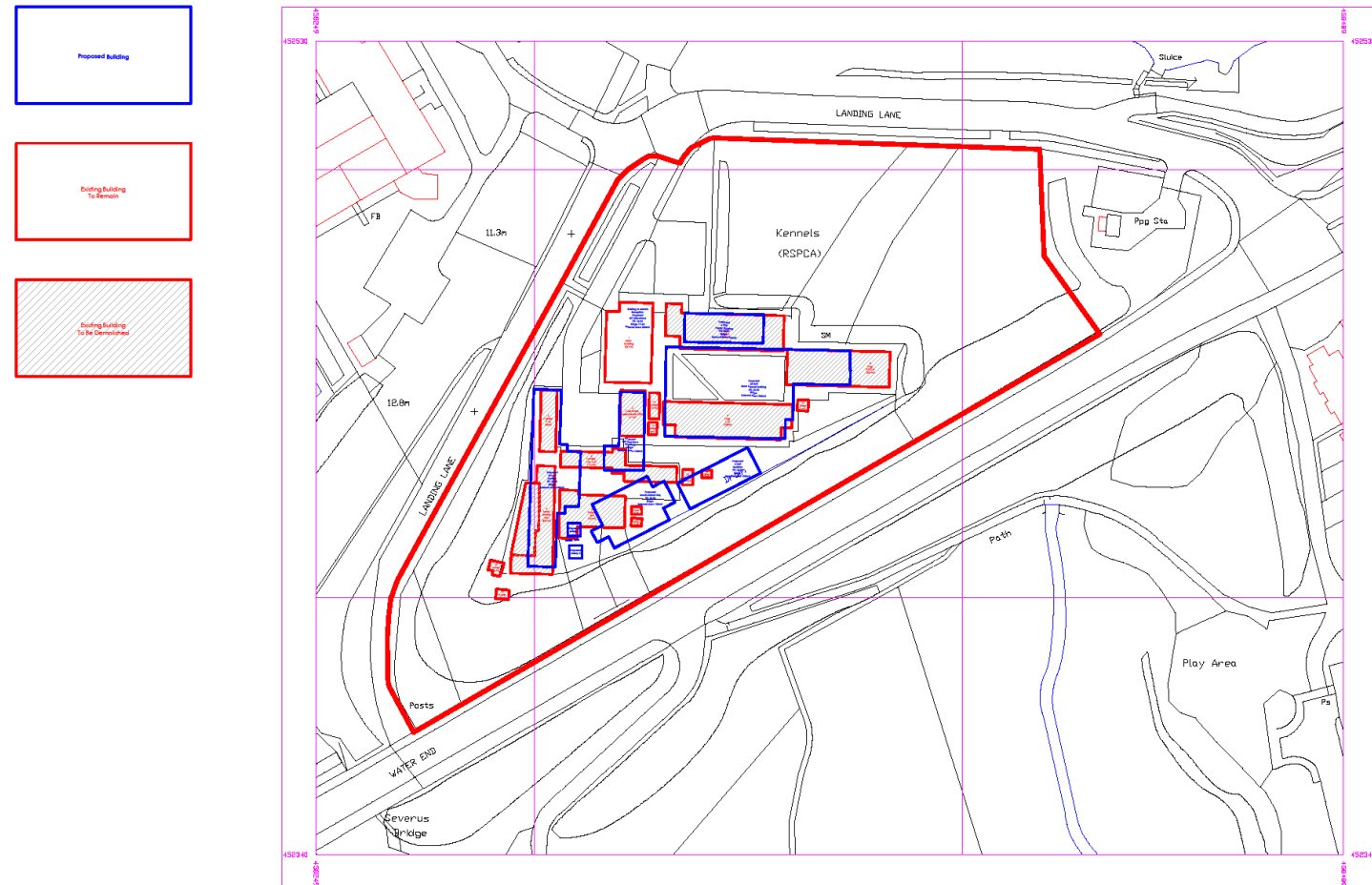
Planning Committee B

24/00919/FULM

RSPCA Landing Lane



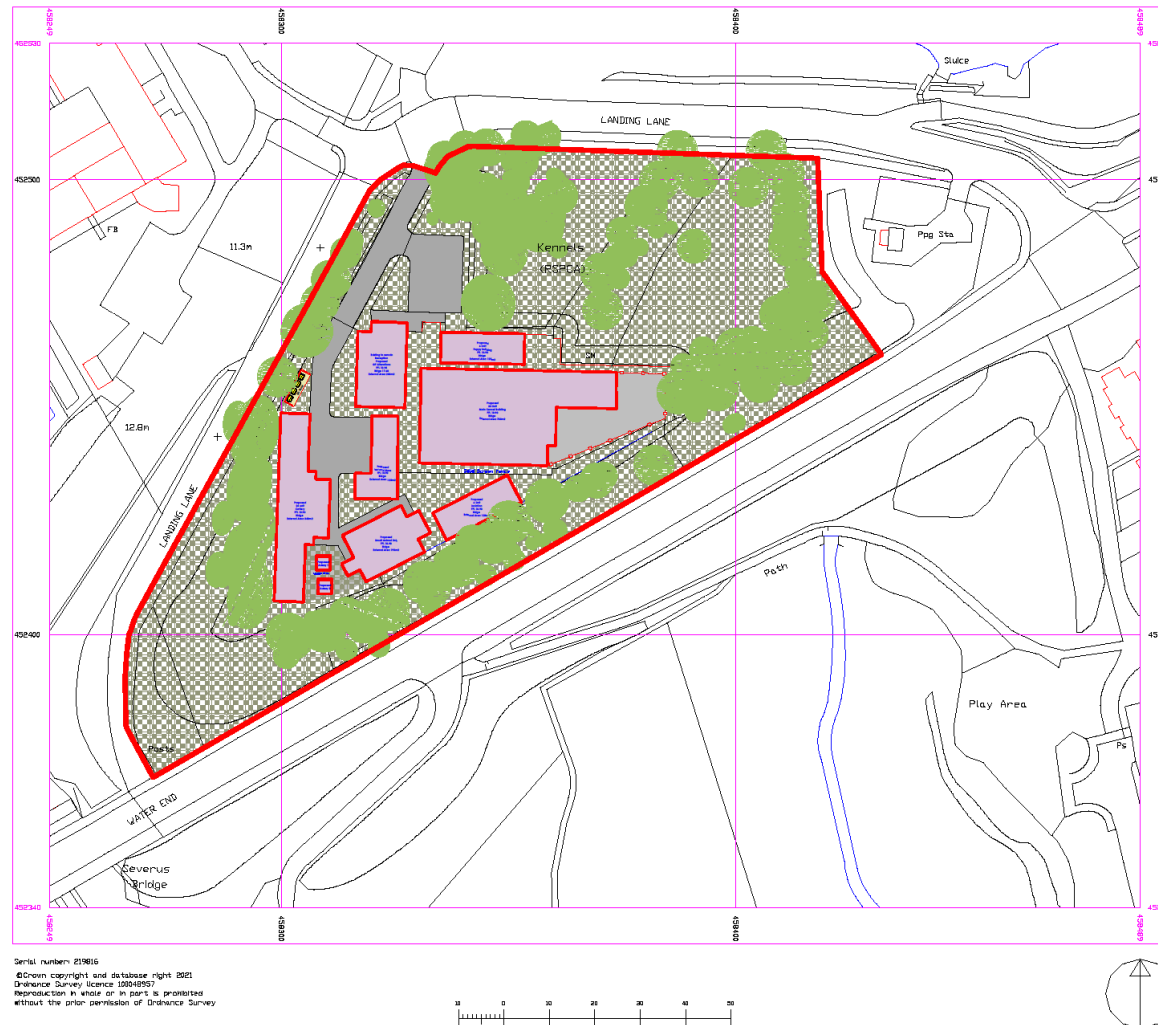
Existing site plan
(with demolitions
hatched)



- NOTE:**
- IF IN DOUBT PLEASE CONTACT ENR BUILDING INFORMATION SERVICES (800) 368-7232 ON SITE THE FOLLOWING FIRMS SHOULD BE SUBMITTED BY THE PRINCIPAL DESIGNER:
- 1. FID NOTIFICATION TO THE IRM (IF REQUIRED)
 - 2. BUILDING INFORMATION SERVICES (BIS) INFORMATION (PCI)
 - 3. BUILDING SERVICES INSULATION CERTIFICATES ARE ISSUED (GAS, ELECTRIC, WATER, ETC.)
 - 4. REVIEW RAD GAS/ESTAS SURVEY FOR BUILDINGS BUILT PRIOR TO 1980
 - 5. PRODUCE A FIRM MAINTENANCE PLAN
 - 6. REVIEW FOR THE MOST RECENT SEISMIC EVENT OF AN EMERGENCY
 - 7. REVIEW FOR THE MOST RECENT FACILITIES HAVE BEEN PROVIDED.
 - 8. BUILDING SERVICES ARE COMPETENT TO CARRY OUT THE TASK REQUIRED. EVIDENCE OF SKILL, CARED ETC.
 - 9. REVIEW CERTIFICATES AND BORES OF MACHINERY OR PLANT EQUIPMENT TO SITE -
 - 10. REVIEW AND OLD OR NEW (AS/MS) WASTE CARRIERS LICENCE ETC.
 - 11. REVIEW RAD/ESTAS SURVEY TO IDENTIFY POTENTIALLY BURIED SERVICES
 - 12. GAS, ELECTRIC, WATER (PREVIOUS AND LATEST) AND FIRM BUILDING SERVICES COMPANY
 - 13. INSURE THE SITE HEALTH & SAFETY FIRM IS COMPETENT TO DO THE TASK
 - 14. IF MORE THAN 1 CONTRACTOR (S) ENGAGE

<h1 style="margin: 0;">Kennelbuild</h1> <p style="margin: 0;">The professional kennel specialists</p> <p style="margin: 0;"> 95 Sawcut Court Electric Way Crewe Business Park CW1 6LD </p> <p style="margin: 0; text-align: right;"> T: 01272 753 493 E: info@kennelbuild.co.uk W: www.kennelbuild.co.uk </p>				
<div style="border: 1px solid black; height: 100%; width: 100%;"></div>				<div style="border: 1px solid black; height: 100%; width: 100%;"></div>
DECLARATION		REV	DATE	SIGNATURE
<p>Scheme</p> <p style="text-align: center;">RUSKA York Site Redevelopment</p>				
<p>Client</p> <p style="text-align: center;">RUSKA York, Hargreaves & District Branch</p>				
<p>Site</p> <p style="text-align: center;">Landing Lane York YO26 4HH</p>				
<p>Title</p> <p style="text-align: center;">Existing/Proposed Site Plan</p>				
<p>DRAWN</p> <p>APPROVED</p>		<p>DATE April 26</p> <p>REVISION (X)</p>		
<p>DRAWING NUMBER</p> <p style="text-align: center;">RPS/ADP/PA-003</p>		<p>SCALE</p> <p style="text-align: center;">1:200</p>		
<p>PAPER SIZE</p> <p style="text-align: center;">A1</p>		<p>REVISION</p> <p style="text-align: center;">Preliminary</p>		

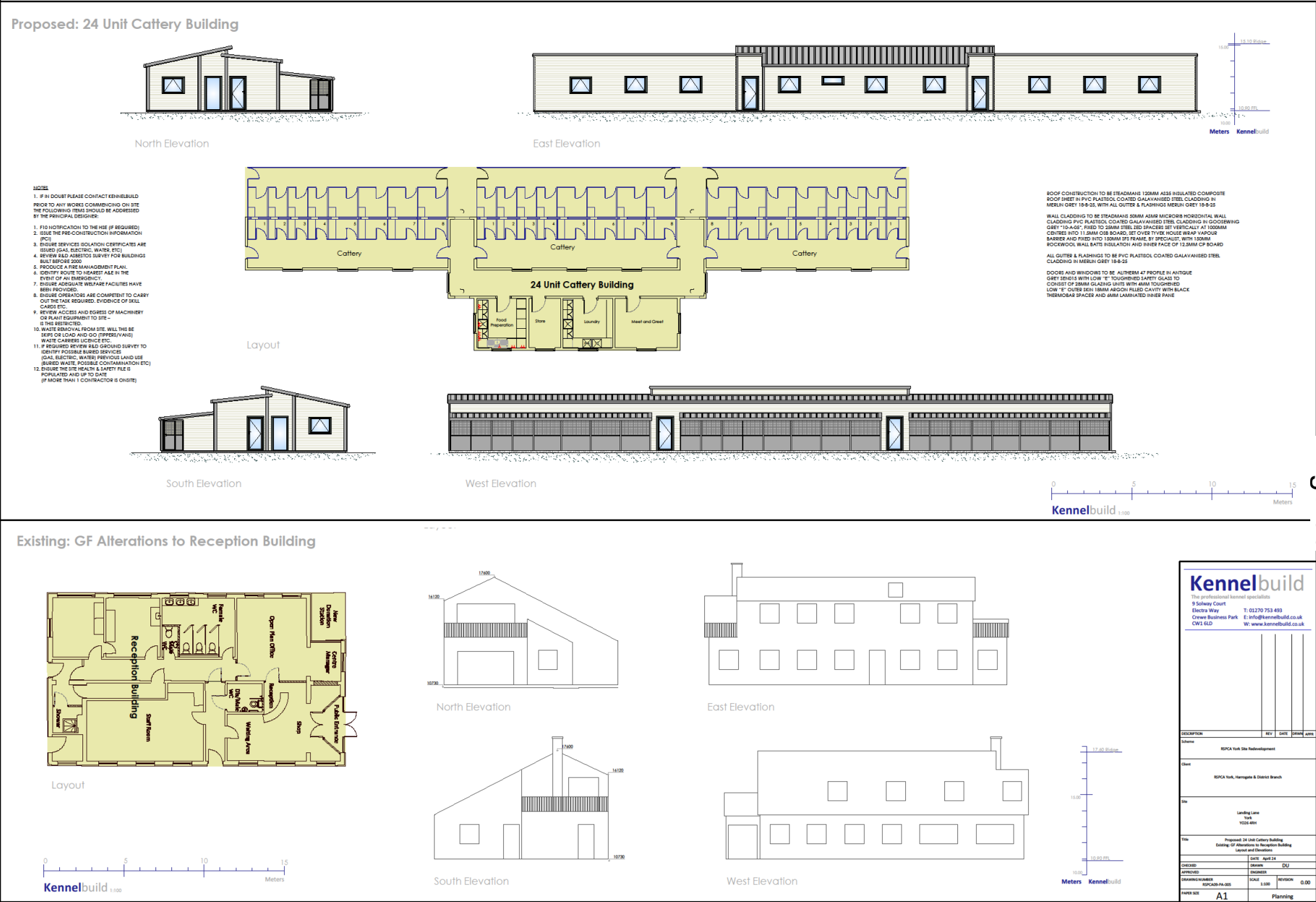
Ordnance Survey®
Ukmapcentre.com



- 1. IF IN DOUBT PLEASE CONTACT ENVIRONMENTAL PRIOR TO ANY WORKS COMMENCING ON SITE THE FOLLOWING INFORMATION SHOULD BE OBTAINED BY THE PRINCIPAL DESIGNER:**
- 1.1 FIO NOTIFICATION TO THE HSE (IF REQUIRED)
 - 1.2 FIO PRE-CONSTRUCTION INFORMATION (PCI)
 - 1.3 ENVIRONMENT SERVICES (LANDFILL CERTIFICATES ARE ISSUED (GAS, ELECTRIC, WATER ETC))
 - 1.4 REVIEW OF ALL EXISTING AND PROPOSED BUILDINGS BUILT BEFORE 2000
 - 1.5 PROPOSED SITE MANAGEMENT PLAN
 - 1.6 IDENTIFY ROUTE TO HARBEST ARE IN THE EVENT OF AN EMERGENCY.
 - 1.7 IDENTIFY ALL EXISTING FACILITIES HAVE BEEN PROVIDED.
 - 1.8 ENSURE OPERATORS ARE COMPETENT TO CARRY OUT THE WORK. EVIDENCE OF STAFF CARDS ETC.
 - 1.9 REVIEW SERVICES AND EGRESS OF MACHINERY OR PLANT EQUIPMENT TO SITE - IS THIS RESTRICTED.
 - 1.10 WATER MAINS TO FIRM - WILL THE BE SKIPS ON LOAD AND GO THRU (PUMP) SURVEY WASTE CARRIERS LICENSEE TO CARRY OUT A SURVEY TO IDENTIFY POSSIBLE BURIED SERVICES (ELECTRICITY, WATER, PHONES AND GAS) (BURIED WATER, POSSIBLE COMBINATION ETC)
 - 1.12 ENSURE THE SITE HEALTH & SAFETY FILE IS UP TO DATE (IF MORE THAN 1 CONTRACTOR IS ON SITE)

<h1 style="margin: 0;">Kennelbuild</h1> <p style="margin: 0;">The professional kennel specialists</p> <p style="margin: 0;">5 Solway Court T: 01270 751 493</p> <p style="margin: 0;">Cresse Business Park E: info@kennelbuild.co.uk</p> <p style="margin: 0;">CW12 8LD W: www.kennelbuild.co.uk</p>				
<p>DESCRIPTION</p>	REV	DATE	DRAWN	BY
Scheme				
EDPCA Park Site Redevelopment				
Client				
EDPCA Park, Harrogate & District Branch				
Site				
Landing Lane York YO24 4HY				
This				
Proposed Site Plan				
APPROVED	DATE	BY	FOR	END
DRAWING NUMBER	ENGINEER	SCALE	REVISION	0.00
PAPER SIZE	<div style="display: flex; justify-content: space-between; align-items: center;"> A1 Planning </div>			

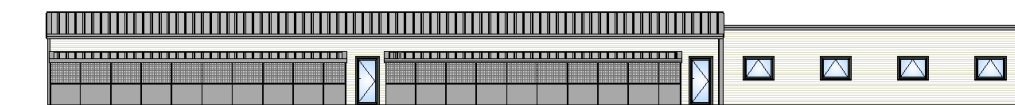
Proposed cattery building and retained (altered) Reception building



Proposed: 33 unit Main Kennel Building



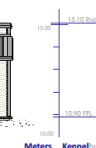
West Elevation



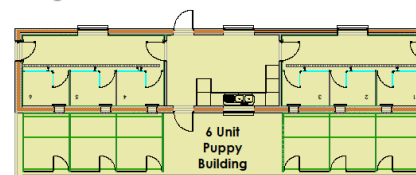
South Elevation



North Elevation



Proposed: 6 Unit Puppy Building



Layout

- NOTES:**
1. IF IN DOUBT PLEASE CONTACT EKH-REHLEND PRIOR TO ANY WORK COMMENCING ON SITE THE FOLLOWING ITEMS SHOULD BE ADDRESSED TO THE CONTRACTOR:
 - 1.1. F10 NOTIFICATION TO THE HSE (IF REQUIRED)
 - 1.2. ISSUE THE PRE-CONSTRUCTION INFORMATION (PCI)
 - 1.3. OBTAIN SERVICES LOCALITY CERTIFICATES ARE ISSUED (GAS, ELECTRIC, WATER, ETC.)
 - 1.4. REVIEW RED ASBESTOS SURVEY FOR BUILDINGS
 - 1.5. OBTAIN A FIRE RISK ASSESSMENT
 - 1.6. PRODUCE A FIRE MANAGEMENT PLAN
 - 1.7. ENSURE ACCESS TO READING AREA IN THE EVENT OF AN EMERGENCY
 - 1.8. ENSURE ADEQUATE WAREFARE FACILITIES HAVE BEEN PROVIDED
 - 1.9. ENSURE OPERATORS ARE COMPETENT TO CARRY OUT THE TASK REQUIRED. EVIDENCE OF SKILL CERTIFICATION SHOULD BE PROVIDED
 - 1.10. REVIEW ACCESS AND EGRESS OF MACHINERY TO AND FROM THE SITE - IF THIS IS RESTRICTED.
 - 1.11. WASTE REMOVAL FROM SITE. THIS WILL BE THE RESPONSIBILITY OF THE CONTRACTOR (S) AND WASTE CARRIERS LICENSE ETC.
 - 1.12. IF REQUIRED REVIEW RED DRINKING SURVEY TO DETERMINE IF THERE ARE BURIED CABLES (GAS, ELECTRIC, WATER) POSSIBLE OTHER LAND USES AND ADJACENT PROPERTIES
 - 1.13. ENSURE THE SITE HEALTH & SAFETY PLAN IS POPULATED AND UP TO DATE
 - 1.14. ENSURE THE CONTRACTOR IS ON SITE

ROOF CONSTRUCTION TO BE STEADMAN 120MM ASBEST INSULATED COMPOSITE ROOF SHEET IN PVC PLASTISOL COATED GALVANISED STEEL CLADDING IN MERLIN GREY 18-25. WITH ALL GUTTER & FLASHINGS MERLIN GREY 18-25

WALL CLADDING TO BE STEADMAN 50MM ASBEST MICROBRIE HORIZONTAL WALL CLADDING IN PVC PLASTISOL COATED STEEL CLADDING IN COORDENING WITH ROOF SHEET TO BE STEADMAN 120MM ASBEST INSULATED COMPOSITE CENTRED INTO 1.5MM OGS BOARD, SET OVER TYKE HOUSE VAPOUR BARRIER WITH INSULATION TO BE STEADMAN 100MM ASBEST MICROBRIE 100MM ROCKWOL BATT INSULATION AND FINER FACE OF 12.5MM CP BOARD

ALL GUTTER & FLASHINGS TO BE PVC PLASTISOL COATED GALVANISED STEEL CLADDING IN MERLIN GREY 18-25

DOORS AND WINDOWS TO BE ALUMINUM 47 PROFILES IN ANTIQUE GREY SENS16 WITH 1" EIGHTHOUNSED SILENT GLASS TO CONSIST OF 1200 GLASS UNITS WITH 1200 GLASS UNITS WITH 1200 GLASS UNITS 1" OUTER SILEN 18MM AROUND FILLED CAVITY WITH BLACK



North Elevation



South Elevation



West Elevation



East Elevation



Existing Buildings to be Demolished



ROOF CONSTRUCTION TO BE STRAIGHTENS 120MM X35 INSULATED COMPOSITE ROOF SHEET IN PVP PLASTIC COATED GALVANIZED STEEL CLADDING 9R
MERLIN GUE 18-25, WITH ALLUO & FLASHINGS MERLIN GUE 18-25

WALL CLADDING TO BE STRAIGHTENS 60MM XMM ARMOREX HORIZONTAL WALL CLADDING IN LATEX COATED GALVANIZED STEEL CLADDING IN COLOURS
GUE "10-AF": FIVE TO SEVEN STEEL WALL SPACERS SET VERTICALLY AT 1000MM CENTRES INTO 11MM ØB NAIL STAKE SET OVER TIE HOUGE WAD VAPOR BARRIER INTO INSULATION AND INNER FACE OF 12.0MM GP BOARD ROCKWOOL WALL BATTS INSULATION AND INNER FACE OF 12.0MM GP BOARD

ALL OUTDOOR & FLASHINGS TO BE PVP PLASTIC COATED GALVANIZED STEEL CLADDING IN MERLIN GUE 18-25

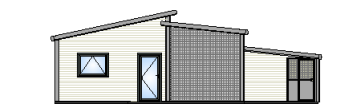
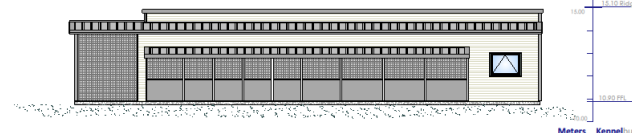
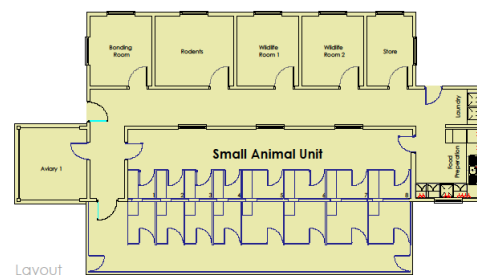
DOORS AND WINDOWS TO BE ALUMINUM PROFILE IN GLASS GUE FRAME IN LOW E DOUBLE GLAZING UNIT WITH 16MM ARGON GAS TO CONSIST OF 25MM GLAZING UNITS WITH 4MM TONGUED
LOW E OUTSIDE SLIP ALUMINUM ARGON FILLED COVERED WITH BLACK ANODIZED BRASSER AND 4MM CLEAR GLASS

NOTE

1. IF IN DOUBT PLEASE CONTACT CHIEF ENGINEER
2. PRIOR TO ANY WORKS COMMENCING ON SITE THE FOLLOWING ITEMS SHOULD BE ADDRESSED BY THE DESIGNER:
 1. FLOOD NOTIFICATION TO THE HSE (IF REQUIRED)
 2. ISSUE THE PRE-CONSTRUCTION INFORMATION
 3. ENSURE SURVEILLANCE LICENSES ARE ISSUED (GAS, ELECTRIC, WATER, ETC)
 4. OBTAIN ACCESS TO ALL UTILITIES BUILDINGS BUILT BEFORE 2000
 5. OBTAIN THE WASTE MANAGEMENT PLAN
 6. IDENTIFY ROUTE TO NEAREST A&E IN CASE OF AN EMERGENCY
 7. ENSURE ALL WASTE WASTE FACILITIES HAVE BEEN PROVIDED
 8. ENSURE ALL WASTE ARE COMPETENT TO CARRY OUT THE TASK REQUIRED. EVIDENCE OF SKILL
3. REVIEW ACCESS AND EGRESS OF MACHINERY OR PLANT EQUIPMENT TO SITE -
 1. UNRESTRICTED
 2. WASTE REMOVAL FROM SITE: WILL BE THE RESPONSIBILITY OF THE OWNER AND GOVERNED BY WASTE WASTE CARRIAGE LICENSE ETC
 3. IF REQUIRED REVIEW ALL GROUND SURVEY TO IDENTIFY POSSIBLE BURIED UTILITIES (GAS, ELECTRIC, WATER) PREVIOUS LAND USE TO IDENTIFY POSSIBLE CONTAMINATION (PCB, FUEL, OIL, ETC)
 4. ENSURE THE SITE HEALTH & SAFETY FILE IS POPULATED AND UP TO DATE
 5. ENSURE ALL WASTE CARRIAGE IS (ON SITE)



Proposed: Small Animal Unit

[illegible]

COMMITTEE REPORT

Date: 15 June 2025 **Ward:** Guildhall
Team: East Area **Parish:** Guildhall Planning Panel
Reference: 25/00532/LBC
Application at: 1 Museum Street York YO1 7DT
For: Internal and external works in conjunction with proposed use as bookshop to include new/replacement platform lift, internal reconfigurations to include new staircase, alterations to internal openings and partitions, installation of shelving and other replacement joinery, redecoration and repair works, new/replacement plumbing and services and rainwater goods, secondary glazing and repairs to fenestration, new/replacement flooring, mezzanine structure and balustrade, and solar PV panels
By: Mr Hugh Topping
Application Type: Listed Building Consent
Target Date: 13 June 2025
Recommendation: Refuse

1.0 PROPOSAL

1.1 No.1 Museum Street is a Grade II listed building located at the junction of St Leonards Place, Blake Street, Museum Street, and Duncombe Place. The site is also positioned within the Central Historic Core Conservation Area. The building has been most recently used as the city's primary Tourist Information Centre with associated office space to the upper floors, although the building has been more recently vacated. The building was constructed 1860 as a register office by Rawlins Gould Architects with later alterations including during the 1930's.

1.2 The application seeks Listed Building Consent for internal and external works in conjunction with the proposed use of the building as a bookshop to include new/replacement platform lift, internal reconfigurations to include new staircase, alterations to internal openings and partitions, installation of shelving and other replacement joinery, redecoration and repair works, new/replacement plumbing and services and rainwater goods, secondary glazing and repairs to fenestration, new/replacement flooring, a mezzanine structure and balustrade, and solar PV panels.

1.3 Relevant Property History - Internal works to include removal of partition walls and modern shop fit-out, approved 19.03.2025, reference 25/00092/LBC.

Call-In Request

1.4 The application has been called-in to Planning Committee by Councillor Melly on the following grounds:

- Impact on the listed building.
- The long-term preservation of the listed building.
- Its impact on the setting of other listed buildings, including York Minster.

2.0 POLICY CONTEXT

2.1 Planning applications should be determined in accordance with the development plan unless there are material considerations that indicate otherwise. The development plan is the City of York Local Plan. In this instance, the application site does not fall within a district of the Authority subject to either a Neighbourhood Plan or Village Design Statement.

City of York Local Plan

2.2 The Local Plan was adopted on 27 February 2025. Local Plan Policy relevant to the determination of this application is detailed below:

2.3 Policy D5 (Listed Buildings) states that proposals affecting a listed building, or its setting will be supported where they (i) preserve, enhance or better reveal those elements which contribute to the significance of the building or its setting. The more important the building, the greater the weight that will be given to its conservation; and (ii) help secure a sustainable future for a building at risk; (iii) are accompanied by an appropriate, evidence-based heritage statement assessing the significance of the building. Changes of use will be supported where it has been demonstrated that the original use of the building is no longer viable and where the proposed new use would not harm the significance of the building. Harm to an element which contributes to the significance of a listed building, or its setting will be permitted only where this is outweighed by the public benefits of the proposal. Substantial harm or total loss of a listed building will be permitted only where it can be demonstrated that the proposals would bring substantial public benefits.

Planning (Listed Buildings and Conservation Areas) Act 1990

2.4 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 creates a statutory presumption for the Local Planning Authority to have special regard to the desirability of preserving the Listed Building or its setting or any special historic or architectural features it possesses. As this is a statutory duty it must be given considerable importance and weight in determining the planning

application. Where harm is identified to a Heritage Asset there will be a strong presumption against the grant of permission.

2.5 The application site is also within a Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid, also, to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)

2.6 The NPPF sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development. The NPPF and the PPG forms a material consideration in planning decisions. Relevant policies and sections of the NPPF are as follows:

2.7 The legislative requirements of Sections 16 and 72 are in addition to the government policy contained in chapter 16 of the NPPF. The NPPF classes listed buildings and Conservation Areas as "designated heritage assets" and advises on heritage assets as follows. Paragraph 208 states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal. They should consider the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 210a) states that when determining planning applications, Local Planning Authorities should take account of sustaining and enhancing the significance of any heritage asset. Paragraph 212 adds that in considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting.

2.8 Paragraph 214 states that where a proposed development will lead to substantial harm to or the total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 215 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

3.0 CONSULTATIONS

INTERNAL:

Design, Conservation and Sustainable Development

Application Reference Number: 25/00532/LBC

Item No: 5b

3.1 Concerns raised with regard to the following:

- Mezzanine would erode evidence of the original layout of the building and the private administrative function of the rooms, harming the illustrative, historic value of the building.
- Low level bookshelves to first floor (obscuring original fireplaces) would diminish status of some of the most important rooms in the building. Revisions suggested to retain first floor fireplaces.
- Lift would have negligible harm to original layout of ground and second floor, however, would erode historic layout to the first floor.
- Fire lobby arrangement to ground and first floor would harm character of the building, as a result of their intersection into the proportions and architectural features of the existing spaces. Revisions suggested to minimise their impact.

3.2 Other new openings proposed would result in a loss of fabric but have a minor impact on the historic value of the building, resulting in negligible change to the circulation.

3.3 No objections raised to revised glazing and solar panels, subject to detail of the routes of cables and location of related plant, in association with the solar PV panels, to ensure any damage to features of special interest is avoided.

3.4 No objections raised to widening of Blake Street entrance to ground floor, given minimised loss of fabric and sense of enclosure maintained.

3.5 Structural works have been designed by a conservation accredited structural engineer. All of the new work is additive and is concealed within the existing floor structure. It is considered this aspect of the scheme would preserve the significance of the building.

EXTERNAL:

Guildhall Planning Panel

3.6 Welcomed use of the building, however raised concerns about extent of internal refurbishment.

York Civic Trust

3.7 Commented in support.

York Conservation Areas Advisory Panel

3.8 Commented in support.

York Conservation Trust

3.9 Commented in support.

4.0 REPRESENTATIONS

Neighbour Notification and Publicity

4.1 No representations were received.

5.0 APPRAISAL

KEY ISSUES:

- Impact on the Special Architectural or Historic Interest of the Listed Building and Conservation Area.

ASSESSMENT:

5.1 The application seeks Listed Building Consent for internal and external works in conjunction with the proposed use of the building as a bookshop to include new/replacement platform lift, internal reconfigurations to include new staircase, alterations to internal openings and partitions, installation of shelving and other replacement joinery, redecoration and repair works, new/replacement plumbing and services and rainwater goods, secondary glazing and repairs to fenestration, new/replacement flooring, a mezzanine structure and balustrade, and solar PV panels.

5.2 The significance of the building, in terms of its special architectural and historic interest, is principally derived from its age, character and well-preserved appearance as a Victorian register office, illustrative of the administration of poor relief and registration in the 1860's and subsequent transition to local government administration, and the development of York in the 1860's, as well as internal and external features of interest. This includes the composition of its built form and internal layout which remains largely legible, along with historic joinery and plasterwork which reflect the hierarchy of its internal spaces.

In terms of the conservation area, the building is within the Central Historic Core Conservation Area and is within Character Area 4 Museum Gardens and Exhibition Square. The character area contains a series of large public buildings which illustrate the cultural life of York across the centuries, and a high concentration of listed buildings.

5.3 The works proposed (as consolidated from the Schedule of Work submitted) are detailed below:

External

- Install solar PV panels to roofscape

Ground Floor

- Install metal framed glazing picket door system, cupboards and bookcases
- Install timber steps to landing
- Install platform lift
- Widen existing door opening and install bi-fold timber door
- Alter existing sash windows to remove modern glazing bar and install metal frame secondary glazing
- Install bookcase joinery items
- Rehang/re-establish existing timber panelled doors
- Replace existing modern handrail
- Install partition wall and door set to form storage
- Fix shut existing timber panelled doors
- Install metal framed glazing door system and fanlight
- Make good plaster
- Install partition wall to form WC and refit existing timber panelled door
- Install new sanitary fittings and finishes
- Install platform lift and locally alter modern concrete floor to suit levels
- Form door opening to lift within existing wall
- Form opening within existing wall
- Reinstate original door opening to strongroom
- Install fire rated partition walls with high level glazing
- New solid oak boards to be overlaid over assumed original finish to suspended floors
- Remove internal partitions that form non-original opening
- Reinstate original fireplace and surround

First Floor

- Fix shut existing timber panelled door and replace modern glass with painted timber panel
- Rehang existing timber panelled door
- Replace existing modern handrail
- Install desk fittings
- Remove existing secondary glazing/modern glazing bars and install metal frame secondary glazing
- Install bookcase joinery items

- Reinstall original door opening
- Install platform lift and supporting wall
- Remove modern door-set, widen existing opening, and install timber lining
- Install timber-framed staircase to second floor
- Form opening within existing wall and install timber lining
- Fix shut timber panelled doors/infill door opening
- New solid oak boards to be overlaid over assumed original finish to suspended floors
- Install fire rated partition walls with high level glazing
- Install fire rated timber panelled doors
- Make good plaster ceiling and cornice
- Reinstall original fireplace and surround

Second Floor

- Install sanitary fittings and finishes
- Install partition wall and door set to form WC
- Install platform lift and supporting wall/door opening
- Form new openings within existing walls and install timber linings
- Install bookcase joinery items
- Install mezzanine structure and balustrade
- Remove modern timber door sets/infill door openings
- Install kitchen fittings and finishes
- Remove modern partition wall
- Install timber floor with solid oak board finish
- Replace carpet tiles with linoleum sheet finish

5.4 It is noted that there is an extant consent for removal of the tourist information fit out and dated electrical and mechanical services under planning reference 25/00092/LBC. The proposed use as a bookshop does not require Planning Permission, as the building as existing falls within the relevant Use Class to support this function.

IMPACT ON THE SPECIAL ARCHITECTURAL OR HISTORIC INTEREST OF THE LISTED BUILDING AND CONSERVATION AREA

5.5 The scheme proposes extensive intrusive alterations to the building including the installation of a lift, forming new openings and installing mezzanines in connection with a proposed change of use to a book shop. Following correspondence with the applicant, a number of changes have been made to revise the application, as addressed within the appraisal. Fundamentally, formation of the mezzanine, however, remains unacceptable in principle.

External Alterations

Fenestration

5.6 A number of the original 1 over 1 paned windows have been altered by the addition of crude glazing bars in the 1930's, detracting from the high quality of the original design. It is proposed to revert to the original pattern by the removal of the later glazing bars where these are featured to the existing windows. At the same time, the visually intrusive secondary glazing is to be replaced with high quality aluminium secondary glazing matching the pattern of the sashes and fixed within the staff beads. The proposed changes would significantly enhance the aesthetic value of the asset, restoring elements of the original design, while retaining effective measures to mitigate climate change. The works proposed are therefore not deemed to have an adverse impact on the special architectural or historic interest of the building or the character or appearance of the Conservation Area.

Solar Panels

5.7 Historic England have provided detailed guidance for the installation of PV panels in 'Energy Efficiency and Historic Buildings: Solar Electric (Photovoltaics) (2018). The Introduction advises that the installation of any renewable energy source should be seen as part of a 'whole building approach' to improve the energy efficiency of a building. Taking a whole building approach is a logical process which enables the best possible balance to be struck between saving energy and reducing carbon emissions, sustaining heritage significance, and maintaining a healthy building. It goes on to explain that the setting and significance of the building and the location and managing the visual appearance of the panels is an important part of the design process. It is generally not considered sympathetic to a building's appearance to have a solar panel or other equipment fixed to its main elevations. The NPPF also recognises that even small-scale projects for renewable and low carbon energy provide a valuable contribution to cutting greenhouse gas emissions.

5.8 The reflective quality of the flat panels and their protrusion above the plain of the roof slope would draw attention and contrast markedly with the mellowed and uneven appearance of the historic slate covering. At the same time, the proposed location of the panels would ensure that the panels would not be intrusive in high level views from upper floors and would not draw attention in views of the building in the street scene. Whilst there would be some harm to the character of the building and the character and appearance of the conservation area, it is of a low degree and less than substantial and would be outweighed by the public benefit of making efforts to mitigate climate change. Full details of routes of cables and location of related plant should be required to ensure damage to features of special interest is avoided. This could be secured by condition.

Internal Alterations

Bookshelves

5.9 It is proposed to form well-designed low-level bookshelves across the panelling beneath windows on both floors. Currently on the ground floor, the panels are boxed in and consequently the alteration would result in no additional harm. On the first floor, the panelling remains exposed, forming an integral part of the design of the building and evidence of the high status of the spaces. Covering the panels, as originally proposed, was considered to hide evidence of the original design from view, diminishing the status of some of the most important rooms in the building. The scheme has been subsequently revised to omit these bookcases, retaining visibility of the moulded panelling.

Fire Lobbies

5.10 New fire lobbies are proposed in two locations. Both proposals have been revised in design as part of this application's consideration to omit the glazed upper sections, now reading as modular vestibules around the doorways. This now allows for the original dimensions of the rooms to be more readily appreciated, including a set away from the adjacent chimney breast to the ground floor (R013). To the first floor (R010), the lobby has been re-orientated so that the chimneybreast and fireplace remain legible within a single space. The re-designed proposals allow the architectural character and features of the spaces, including cornices and fireplaces, to be more easily read. It is acknowledged that the lobbies resulted from efforts to avoid lobbies to the main staircases. Whilst the ground floor lobby would result in minor harm to the plan form, this would be to a lesser degree than the initial scheme. The first-floor alteration would be formed in a room already greatly disrupted by partitions. Overall, their installation would result in than less substantial harm to the historic character of the building but at a minor level. The harm is reversible and outweighed by the bringing of the building back into viable use.

Other New Openings

5.11 With the exception of the door openings proposed for the mezzanines and the related staircase, proposed new openings result in a loss of fabric but would have only minor less than substantial harm impact on the special interest of the building, resulting in negligible change to the circulation areas, this harm is outweighed by the public benefits of bringing the building into use. The reinstatement of the main ground floor room in the Blake Street range by removal of a 1930's partition would reflect a positive change to the building, better revealing its significance. Revised plans now propose to uncover two fireplaces which have been historically concealed.

Structural Interventions

5.12 In addition to some minor structural repair work, strengthening of the floors is required in some areas to support the additional floor loading resulting from the

proposed use. The structural works have been designed by a conservation accredited structural engineer. All of the new work is additive and is concealed within the existing floor structure. It is considered this aspect of the scheme would preserve the significance of the building.

Access From Blake Street

5.13 It is also proposed to widen an existing opening between the Blake Street entrance and the adjoining room on the ground floor to improve circulation (noted is that this accessible entrance also serves Ask Italian, which is located within the Assembly Rooms on Blake Street to the southwest). Reference to the 1860 plans suggest that the existing opening has been narrowed slightly from its original form. The alteration would result in some loss of fabric and a further erosion of the cellular plan form. However, by widening the existing doorway instead of forming a new central opening, the loss of fabric would be minimised and the sense of enclosure maintained. In accordance with paragraph 215 of the NPPF, this less than substantial harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. It is considered that the public benefit of improving this access outweighs the harm identified.

Lift

5.14 The proposed lift would be an overtly modern addition located in minor rooms at the back of the Museum Street range. On the ground floor, the room where the lift would be located is currently subdivided to provide toilets and an access lobby leaving little of the original layout of the room legible. The first-floor room, however, retains its original layout. Whilst the location of the lift seeks to minimise the impact on the special interest of the building by not locating it in the more prestigious rooms, the installation would further erode the historic layout of the first floor, although the impact on the ground and later second floor would be negligible. The alteration would have the benefit of making the upper floors accessible, in addition assisting with finding a viable use for the building, for which historically public access to at least the first floor would have been required. It is considered that the public benefit of improving this access outweighs the less than substantial harm identified.

Mezzanine

5.15 The mezzanines would be formed in two rooms at the front of the Museum Street range, originally a committee room and audit office. The rooms are currently subdivided, although retain their high ceilings and cornices, reflecting their original status. The scheme would reverse the subdivision of these spaces, but at the same time the new additions, occupying nearly half the depth of each room would dominate the respective spaces. The introduction of the structures would erode evidence of the original layout of the building and the private administrative function

of the rooms, harming the illustrative, historic value of the building. The introduction of new doorways at second floor level availing access to the mezzanines would compound the loss of evidence of the design and purpose of the building. The principal access to the mezzanines would be by a new stair rising from the first floor. Whilst the staircase would be located in a less prestigious part of the building, the addition would further dilute evidence of the layout of the building and how it was intended to be used, further harming its character. It is understood that the mezzanines are proposed so that the bookshop could provide a wider range of books to be stocked. However, this is not considered clear and convincing justification for the resulting harm.

5.16 Policy D5 of the Local Plan states that proposals affecting a Listed Building, or its setting will be supported where they preserve, enhance or better reveal those elements which contribute to the significance of the building or its setting, and help secure a sustainable future for a building at risk. Harm to the significance of a Listed Building or its setting will be permitted only where this is outweighed by the public benefits of the proposal.

5.17 Paragraph 20 of Government Planning Practice Guidance for the Historic Environment states that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in paragraph 8 of the NPPF. Examples of heritage benefits may include the sustaining or enhancing the significance of a heritage asset and the contribution of its setting, reducing or removing risks to a heritage asset, or securing the optimum viable use of a heritage asset in support of its long-term conservation. Paragraph 215 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

5.18 Whilst the application points to commercial viability as the reason for installing the mezzanine, no robust evidence has been presented as part of the application process to specifically demonstrate that this proposal would not be viable without the proposed alteration. The Heritage, Design and Access Statement submitted states that the mezzanine would enable 38 additional bookcases within the shop, facilitating an additional 7,800 books. The supporting statement remarks that the commercial success of the building is entirely driven by the number of bookcases that can be installed, which depend on a suitable number of walls for cases to be affixed to. The case is made that a reduced stockholding limits the number of and variety of different subjects available, as well as more limited floorspace.

5.19 The applicant engaged in pre-application advice, in which it was advised that formation of the mezzanine could not be supported. More widely, an active effort has been made to respond to wider pre-application discussions, to better reveal the significance of the asset, such as the reinstatement of much of the original

fenestration and partial reinstatement of parts of the earlier floor plan. However, the proposed addition of the mezzanine and associated staircase would represent serious harm to the character of the building. The case made by the applicant is understood in that increasing the prospective capacity of the building sets reasonable objectives to maximise viability of the building within this use, however it is not considered that the harm to the fabric of the building is outweighed by such case. No financial details have been put forward to suggest that the development proposal, in the absence of the mezzanine's formation, would amount to an unviable business proposal. Further, the building may otherwise serve a variety of alternative uses which may not require or propose such alterations.

5.20 The building has been vacant since 2021 and the proposed new use for the building is welcomed. The proposals are more widely well designed and have sought to minimise impact on the character of the building where possible, based on a thorough assessment of its significance as a designated heritage asset. The building's built form and internal layout remain largely legible, along with historic joinery and plasterwork which reflect the hierarchy of its internal spaces. It is considered that installation of the second-floor mezzanine, as a result of its subdivision of the existing committee room and audit office, would undermine the hierarchy of its internal spaces and amount to serious less than substantial harm to the heritage asset. In contrast to other alterations which may result in some modest harm to the character of the building, there is no clear and compelling convincing justification for this alteration. Whilst serious, the degree of harm is less than substantial. It is not considered that the degree of harm is justified by public benefits which would derive from the scheme.

6.0 CONCLUSION

6.1 The proposed formation of the mezzanine structure and associated doorways and staircase would erode evidence of the original layout of the building and the private administrative function of the rooms, harming the illustrative, historic value of the building. Whilst the degree of harm overall from the scheme would be less than substantial, nevertheless paragraph 212 of the NPPF requires this harm to be given considerable importance and weight and given the duties of the decision maker under S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 special regard is to be had to the desirability of preserving the building and its setting. It is not considered that the public benefits deriving from the proposed change of use and those works noted above which enhance the special interest of the building would outweigh the harms to the listed building. The development is therefore considered to harm the special architectural or historic interest of the listed building and would conflict with guidance contained in the National Planning Policy Framework, Policy D5 (Listed Buildings) of the City of York Local Plan, and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7.0 RECOMMENDATION: Refuse

1 The proposed formation of the mezzanine structure and associated doorways and staircase would erode evidence of the original layout of the building and the private administrative function of the rooms, harming the illustrative, historic value of the building. Whilst the degree of harm overall from the scheme would be less than substantial, it is not considered that the public benefits deriving from the proposed change of use would outweigh the harm. The development is therefore considered to harm the special architectural or historic interest of the listed building and would conflict with guidance contained in the National Planning Policy Framework, Policy D5 (Listed Buildings) of the City of York Local Plan, and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

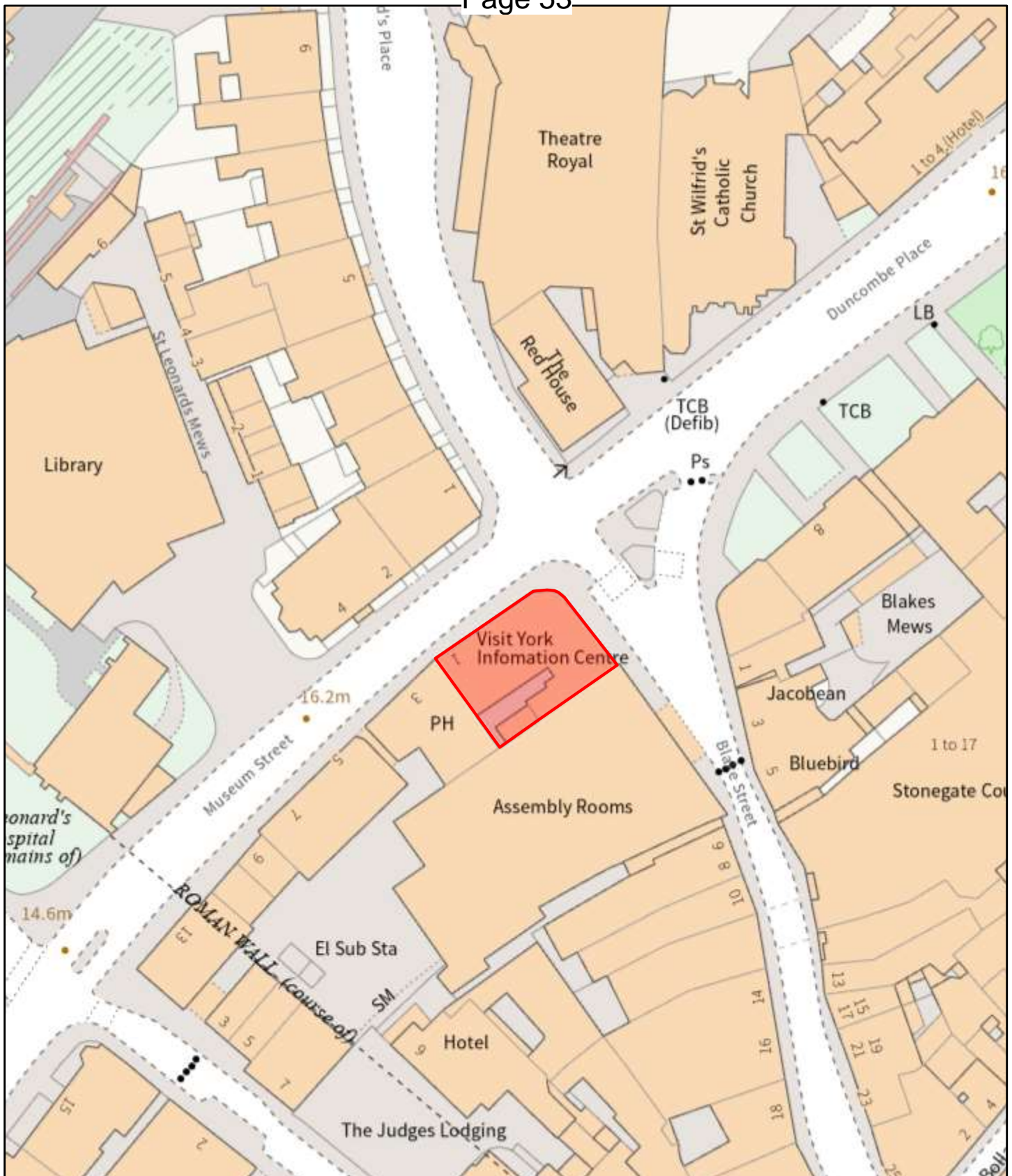
8.0 INFORMATIVES:

Contact details:

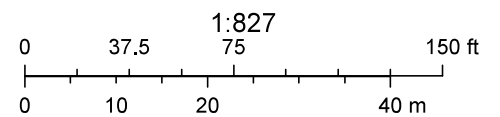
Case Officer: Owen Richards

Tel No: 01904 552275

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Planning Committee B

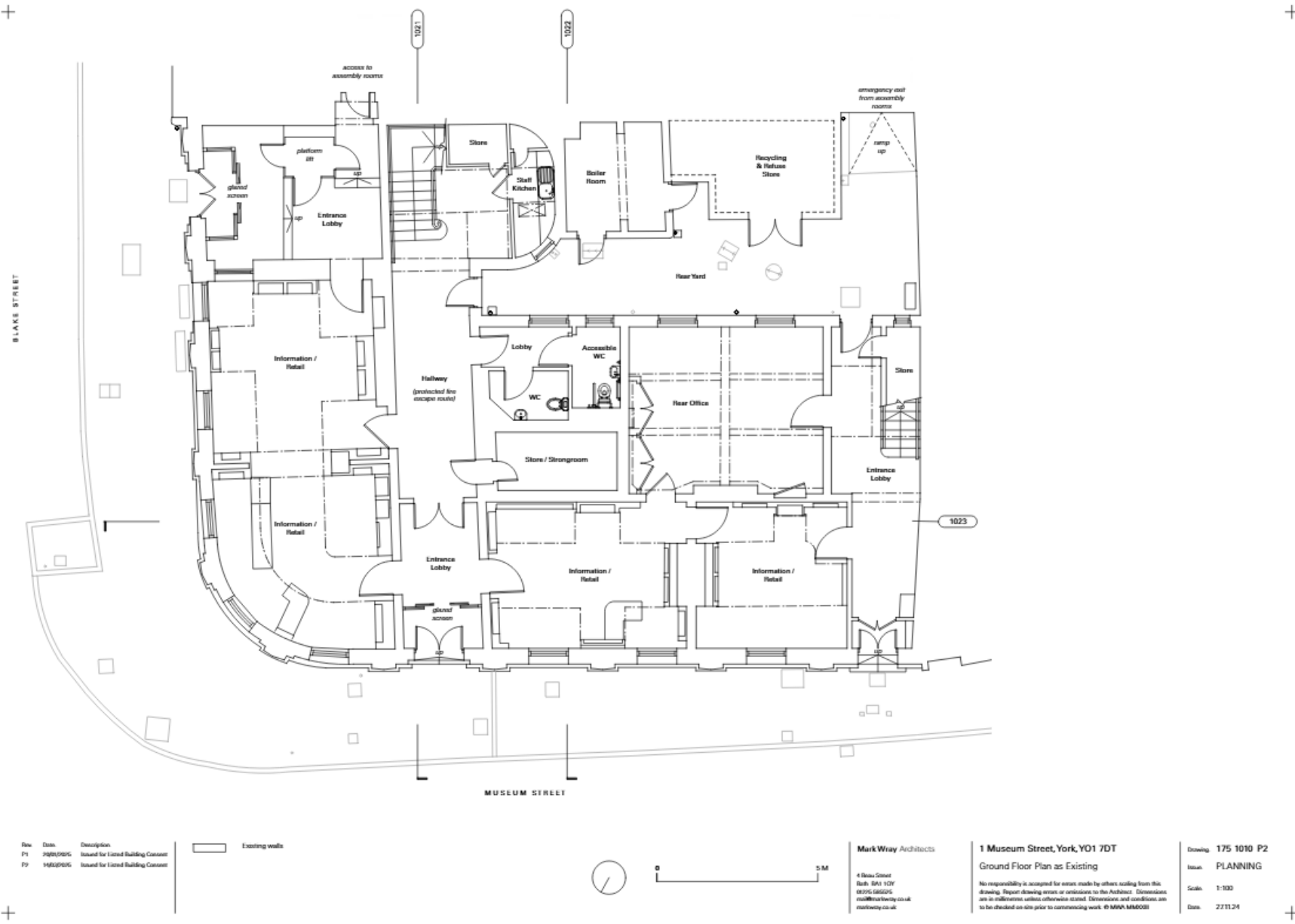
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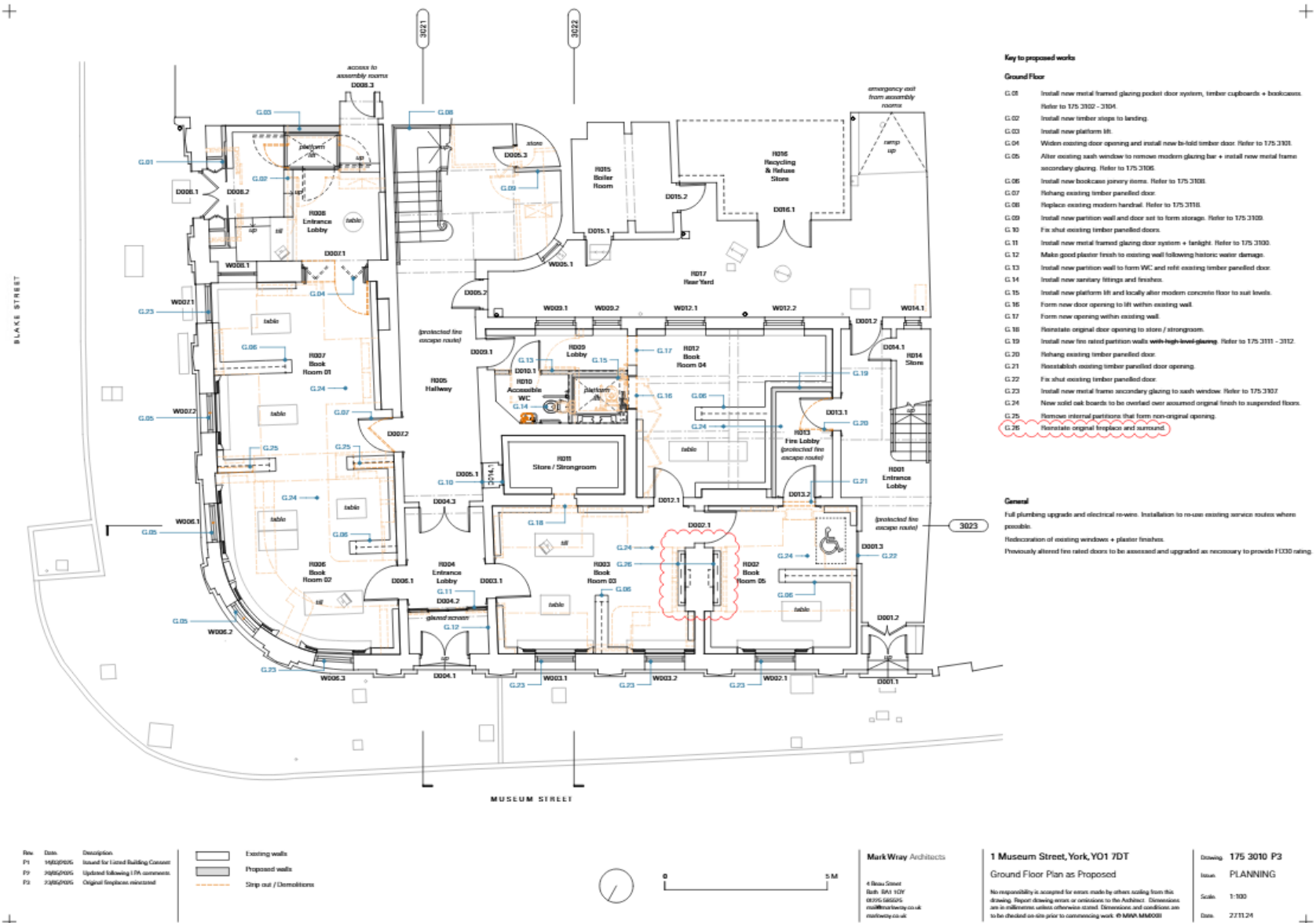
Site Plan



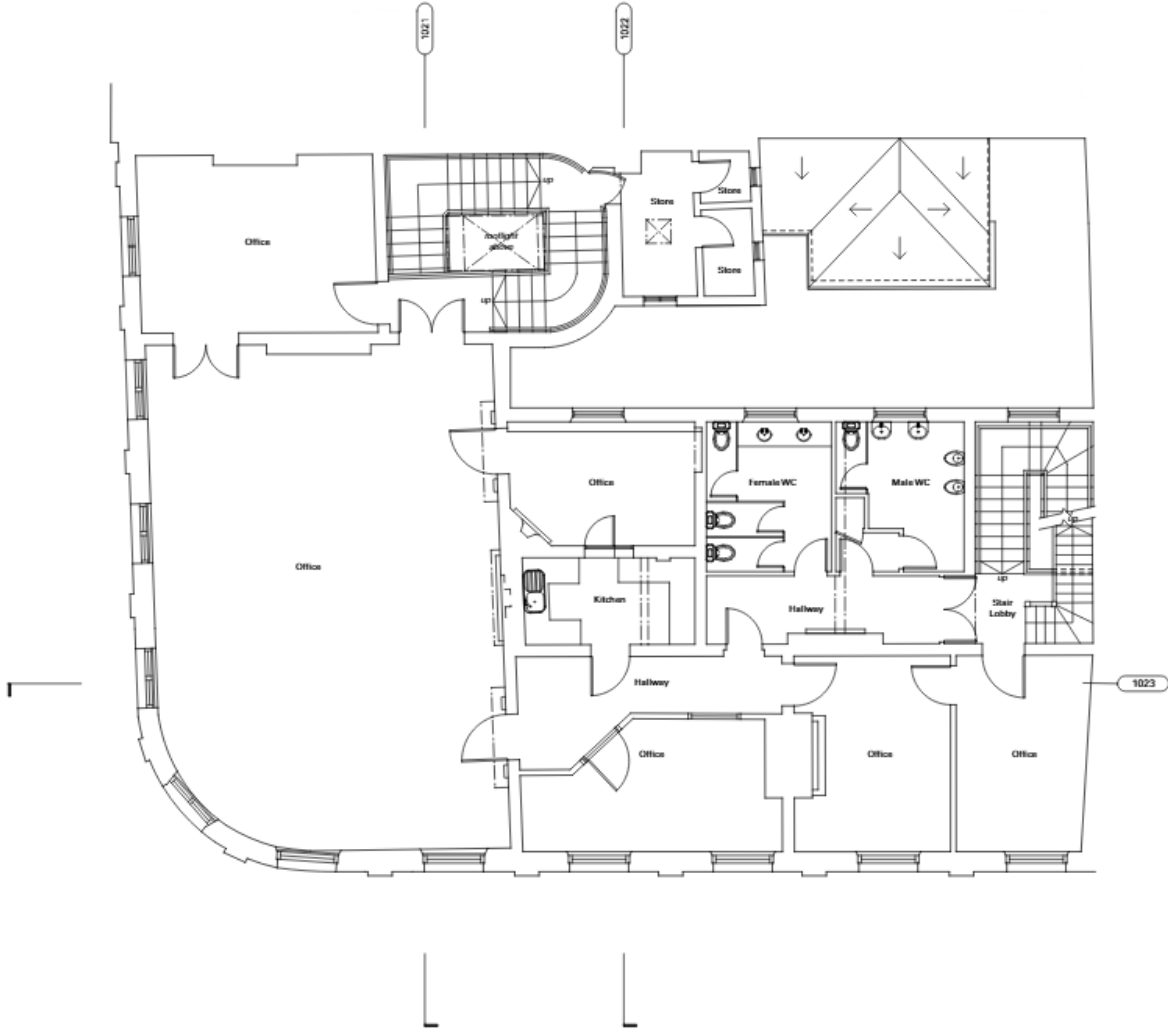
Existing Ground Floor Plan



Proposed Ground Floor Plan



Existing First Floor Plan



Rev	Date	Description
P1	24/01/2025	Issued for Listed Building Consent
P2	14/02/2025	Issued for Listed Building Consent

Existing walls



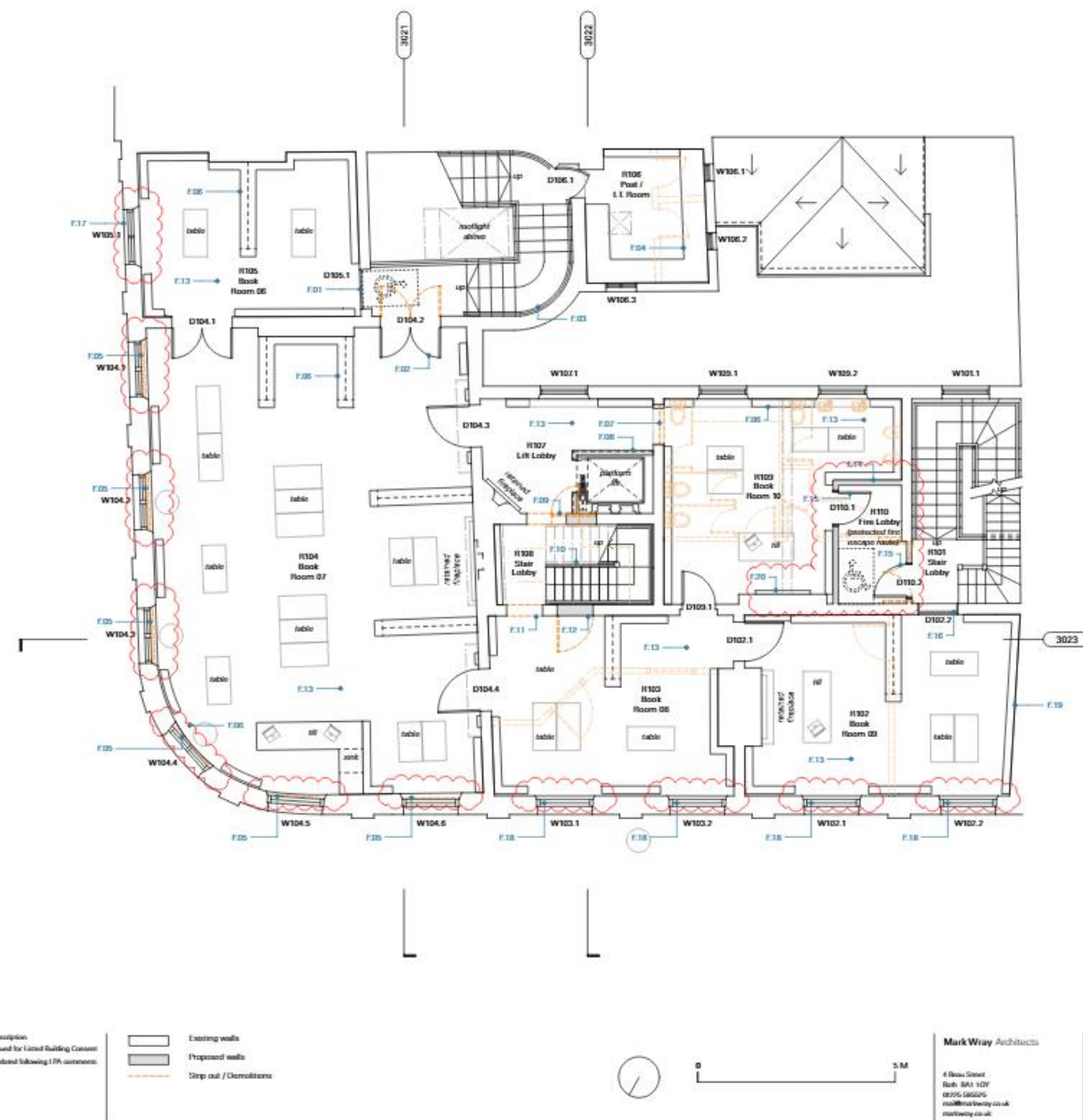
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1 Museum Street, York, YO1 7DT
First Floor Plan as Existing

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Drawing	175 1011 P2
Issue	PLANNING
Scale	1:100
Date	27/11/24

Proposed First Floor Plan



Key to proposed works

First Floor

- F01 Fix shut existing timber panelled door + replace modern glass with painted timber panel.
- F02 Fix shut existing timber panelled door. Refer to 175.3105.
- F03 Replace existing modern handle. Refer to 175.3110.
- F04 Install new desk fittings.
- F05 Remove existing secondary glazing and install new metal frame secondary glazing. Refer to 175.3107.
- F06 Install new bookcase joinery items. Refer to 175.3108.
- F07 Reinstate original door opening.
- F08 Install new platform lift + supporting wall.
- F09 Remove modern closet, widen existing opening + install timber lining. Refer to 175.3110 + 3115.
- F10 Install new timber framed staircase to second floor. Refer to 175.3115 + 3116.
- F11 Form new opening within existing wall + install timber lining. Refer to 175.3110 + 3115.
- F12 Remove timber panelled door and mill door opening. Refer to 175.3115.
- F13 New solid oak boards to be overlaid over existing original boards to suspended floors.
- F14 Install new fire rated partition walls with high level glazing. Refer to 175.3113 - 3114.
- F15 Install new fire rated timber panelled doors. Refer to 175.3113 - 3114.
- F16 Fix shut existing timber panelled door.
- F17 Alter existing sash window to remove modern glazing bar to lower sash + install new metal frame secondary glazing. Refer to 175.3108.
- F18 Install new metal frame secondary glazing to sash window. Refer to 175.3107.
- F19 Make good plaster ceiling + cornice following historic water damage.
- F20 Reinstate original fireplace and surround.

General

Full plumbing upgrade and electrical re-wire. Installation to re-use existing service routes where possible.
Reclassification of existing windows + plaster finishes.
Previously altered fire rated doors to be assessed and upgraded as necessary to provide F030 rating.

Rev	Date	Description
P1	14/05/2025	Issued for Listed Building Consent
P2	20/05/2025	Updated following LBC comments

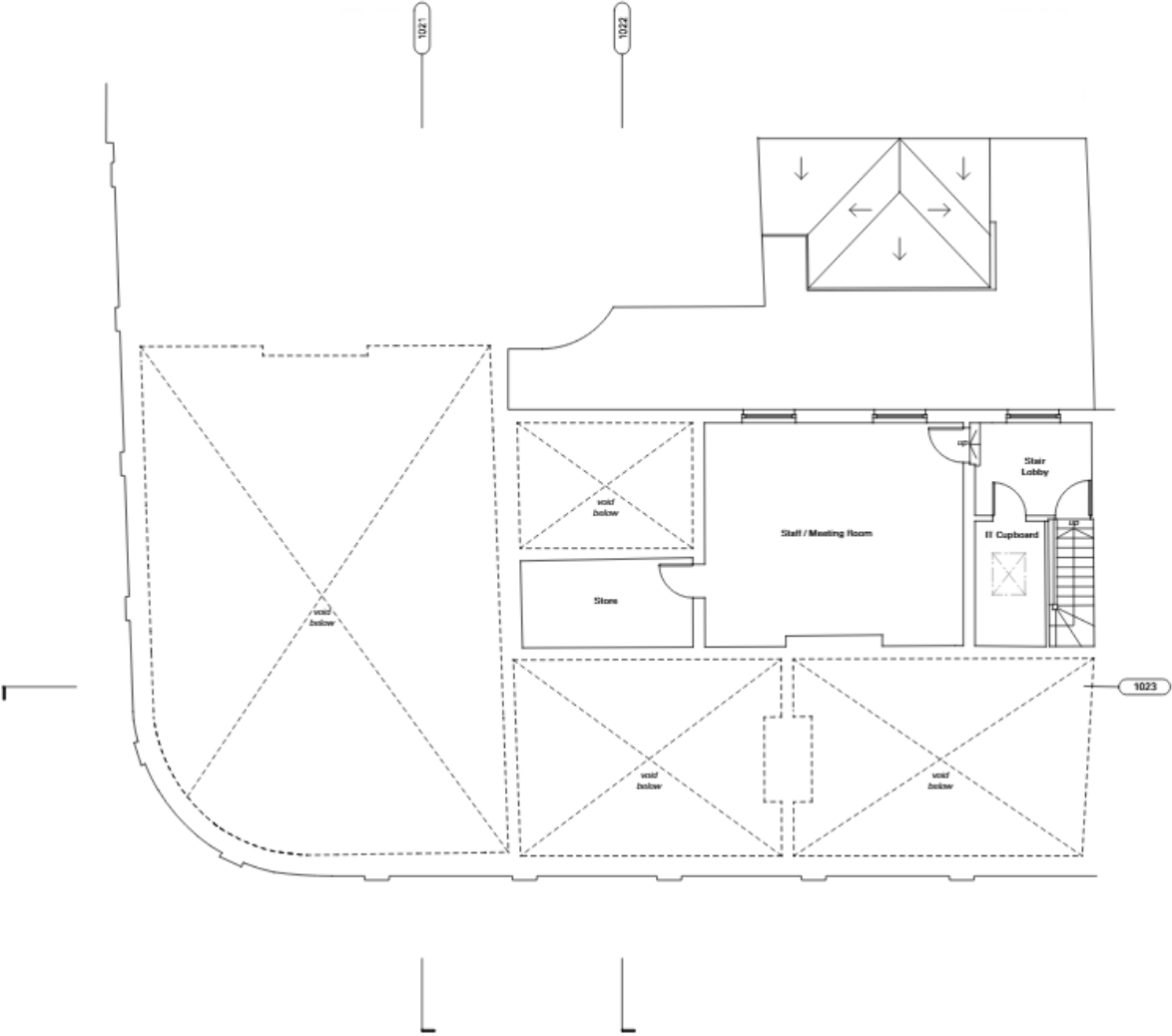
	Existing walls
	Proposed walls
	Strip out / Demolitions

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1 Museum Street, York, YO1 7DT
First Floor Plan as Proposed
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Drawing 175.3011_P2
Issue PLANNING
Scale 1:100
Date 27.11.24

Existing Second Floor Plan



Rev	Date	Description
P1	24/05/2025	Issued for Listed Building Consent
P2	14/06/2025	Issued for Listed Building Consent

Existing walls



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Second Floor Plan as Existing

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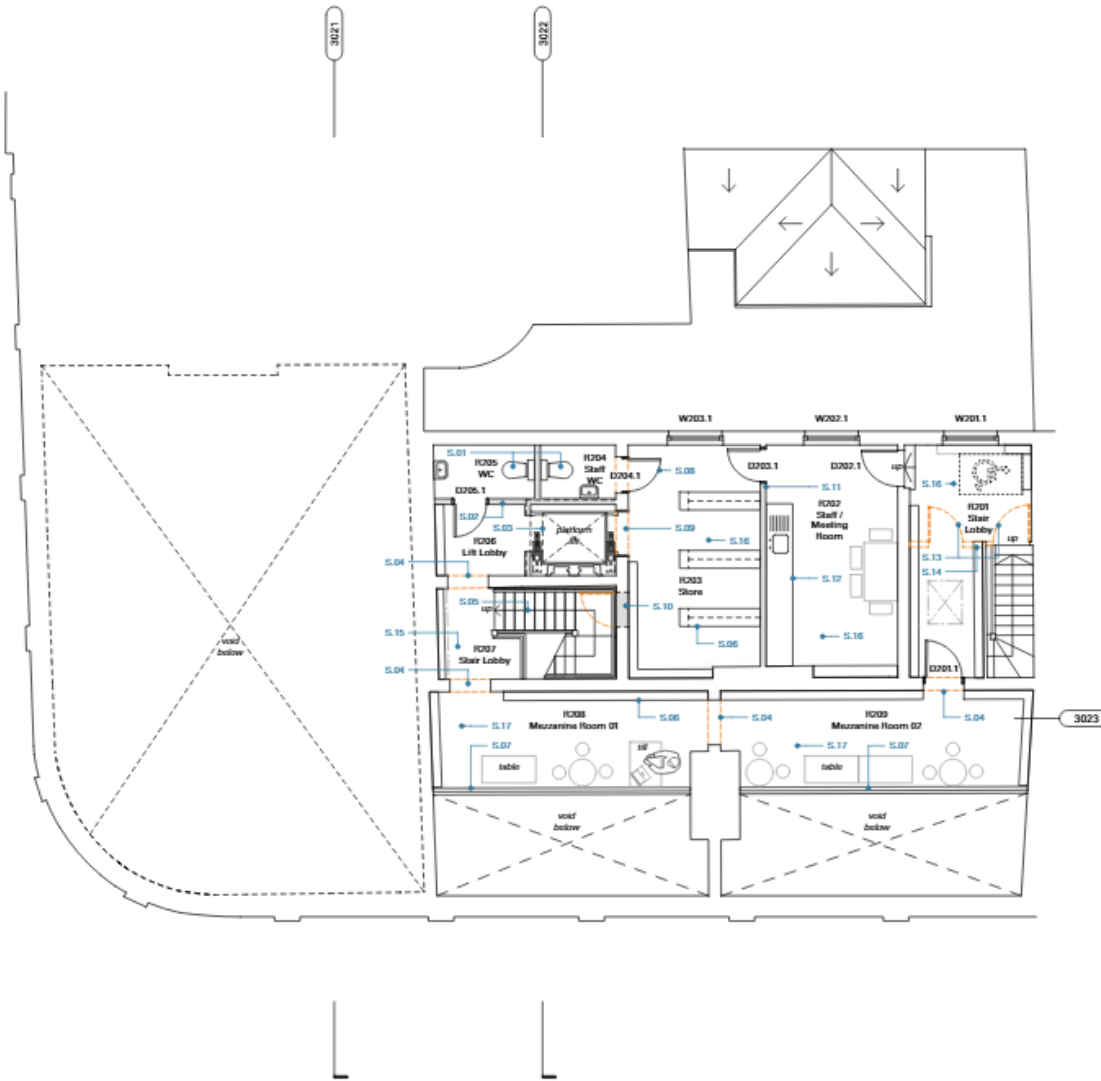
Drawing 175 1012 P2

Issue PLANNING

Scale 1:100

Date 27.11.24

Proposed Second Floor Plan



Key to proposed works

Second Floor

- S.01 Install new sanitary fittings and finishes.
- S.02 Install new partition wall and door set to form WC. Refer to 175-3109.
- S.03 Install new platform lift + supporting wall.
- S.04 Form new opening within existing wall + install timber lining. Refer to 175-3110 + 3115.
- S.05 Install new timber framed staircase to first floor. Refer to 175-3115 + 3116.
- S.06 Install new bookcase joinery items. Refer to 175-3108.
- S.07 Install new mezzanine structure and balustrade. Refer to 175-3117.
- S.08 Form new opening within existing wall and install new timber door.
- S.09 Form new door opening to lift within existing wall.
- S.10 Remove modern timber doors and infill door opening.
- S.11 Install new partition wall and door set. Refer to 175-3109.
- S.12 Install new kitchen fittings and finishes.
- S.13 Remove modern timber doors.
- S.14 Remove modern partition wall.
- S.15 Install new timber floor structure with solid oak board floor finish. Refer to 175-3116.
- S.16 Replace carpet tiles with linoleum sheet floor finish.
- S.17 Install new solid oak board floor finish.

General

- Full plumbing upgrade and electrical re-wire. Installation to re-use existing service routes where possible.
- Redecoration of existing windows + plaster finishes.
- Previously altered fire rated doors to be assessed and upgraded as necessary to provide F100 rating.

Rev. P1 Date: 14/05/2025 Description: Issued for Listed Building Consent

- Existing walls
- Proposed walls
- Strip out / Demolitions



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Second Floor Plan as Proposed

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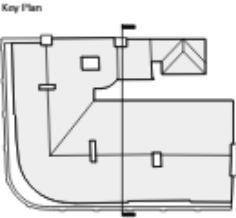
Drawing: 175 3012 P1

Issue: PLANNING

Scale: 1:100

Date: 27.11.24

Existing Section

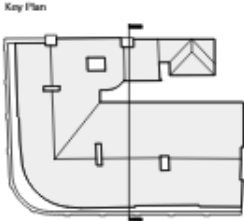
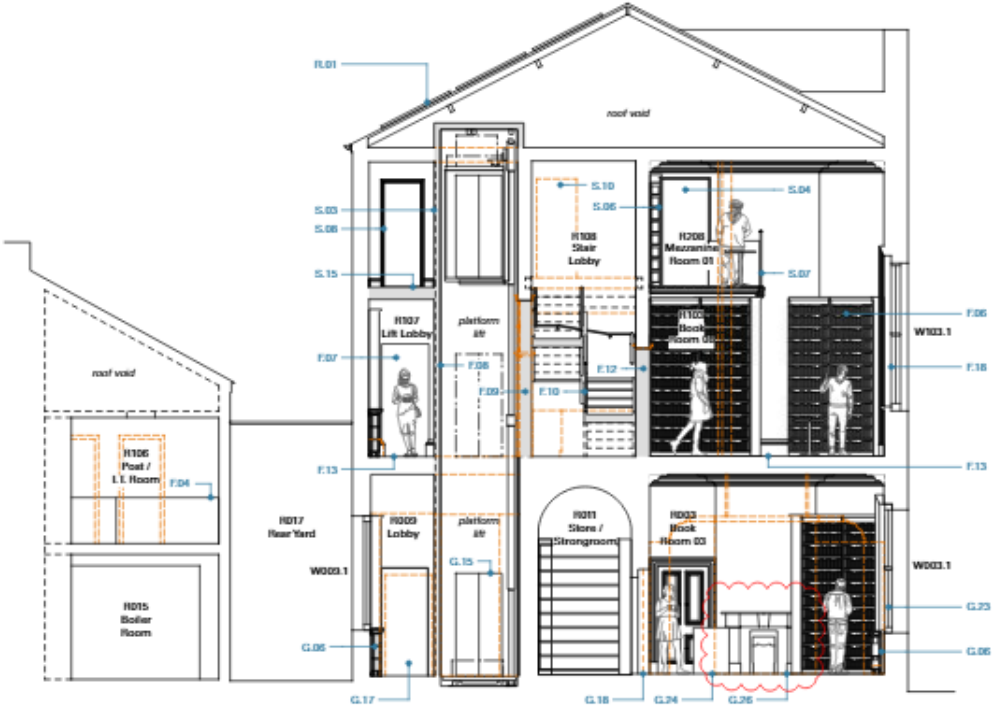


Rev.	Date	Description
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Existing walls

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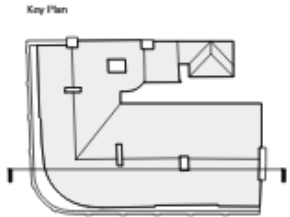
Proposed Section



Rev	Date	Description		Existing walls
P1	14/03/2005	Issued for Listed Building Consent		Proposed walls
P9	24/05/2005	Updated following LPA comments		Strip out / Demolitions
P3	23/05/2005	Original fireplace reinstated		



Existing Section



Rev. Date. Description
P1 14/02/2015 Issued for Listed Building Consent

Existing walls

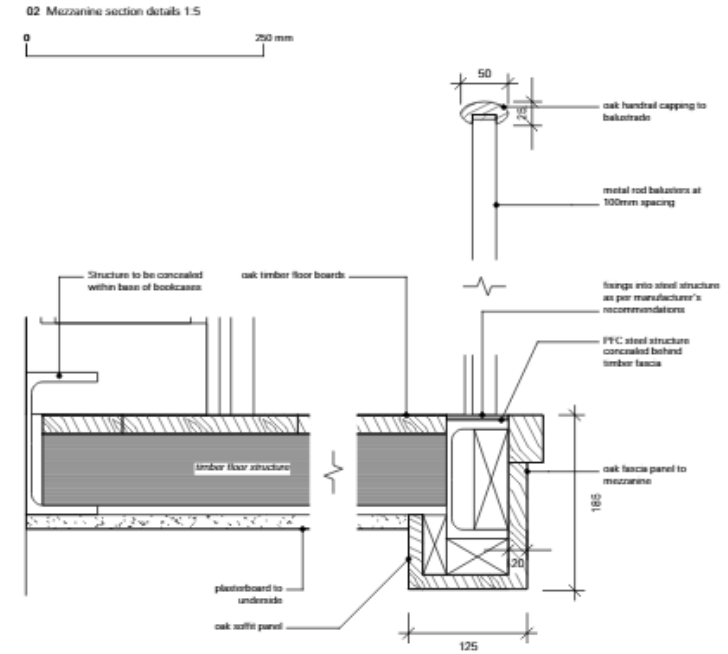
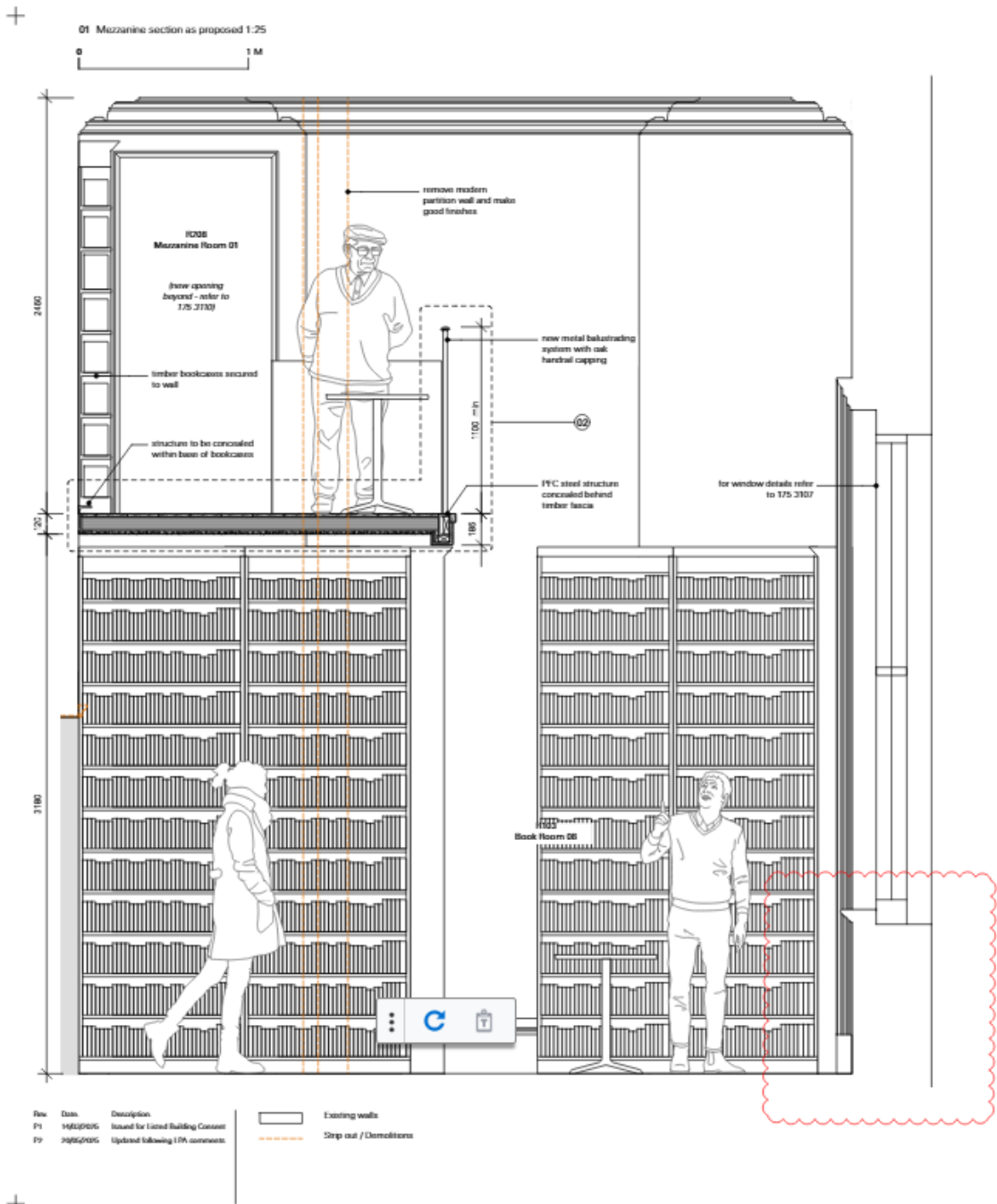
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Proposed Section



Proposed Mezzanine



MarkWray Architects

4 Deans Court
Bath, BA1 1DY
01225 685295
m@a-markwray.co.uk
markwray.co.uk

1 Museum Street, York, YO1 7DT

New mezzanine details

No responsibility is accepted for errors made by others scaling from this drawing. Report drawing errors or omissions to the Architect. Dimensions are in millimetres unless otherwise stated. Dimensions and conditions are to be checked on site prior to commencing work. © MWA 14/03/2016

Drawing 175 3117 P2

Issue: PLANNING

Scale: 1:100

Date: 27.11.24

Proposed Mezzanine

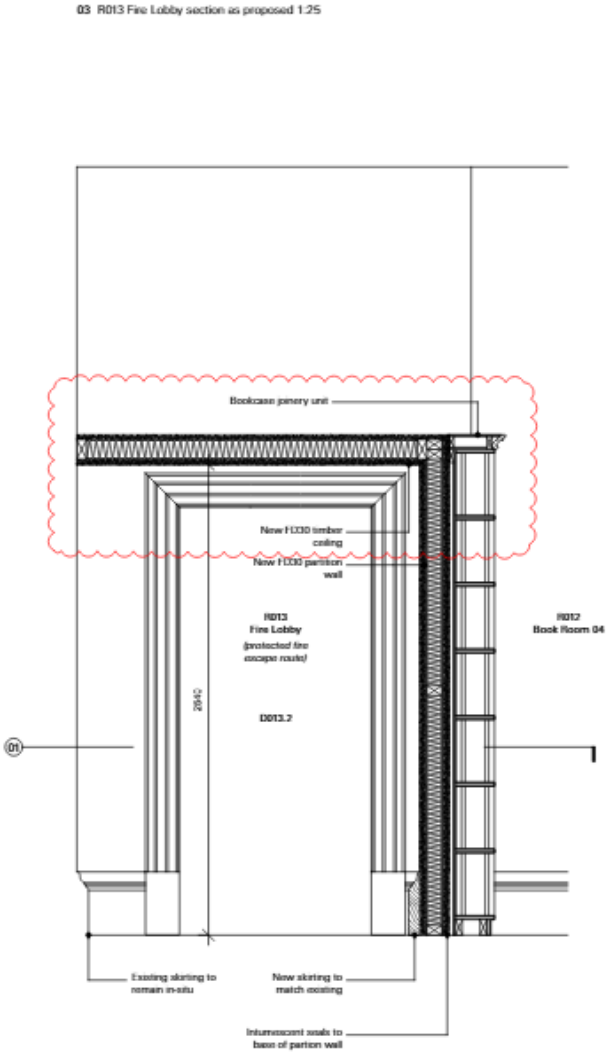
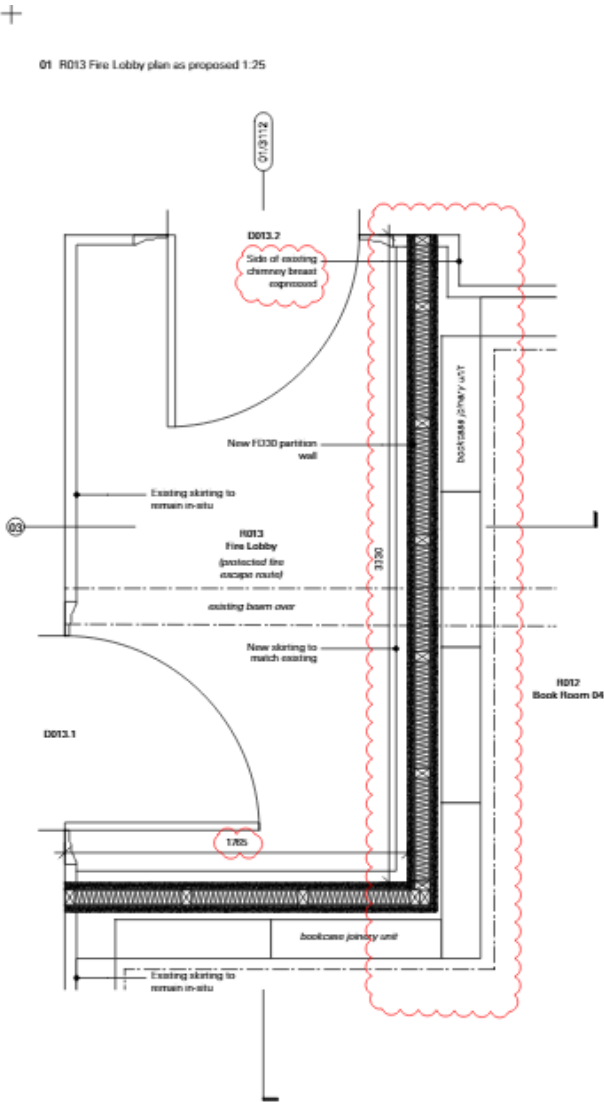


As existing section cut through the former committee room.



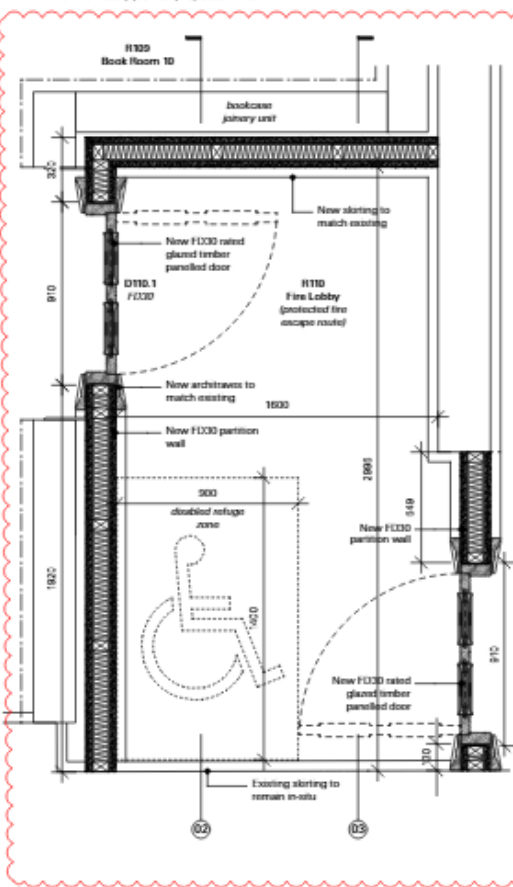
As proposed section cut through the former committee room.

Proposed Fire
Lobby

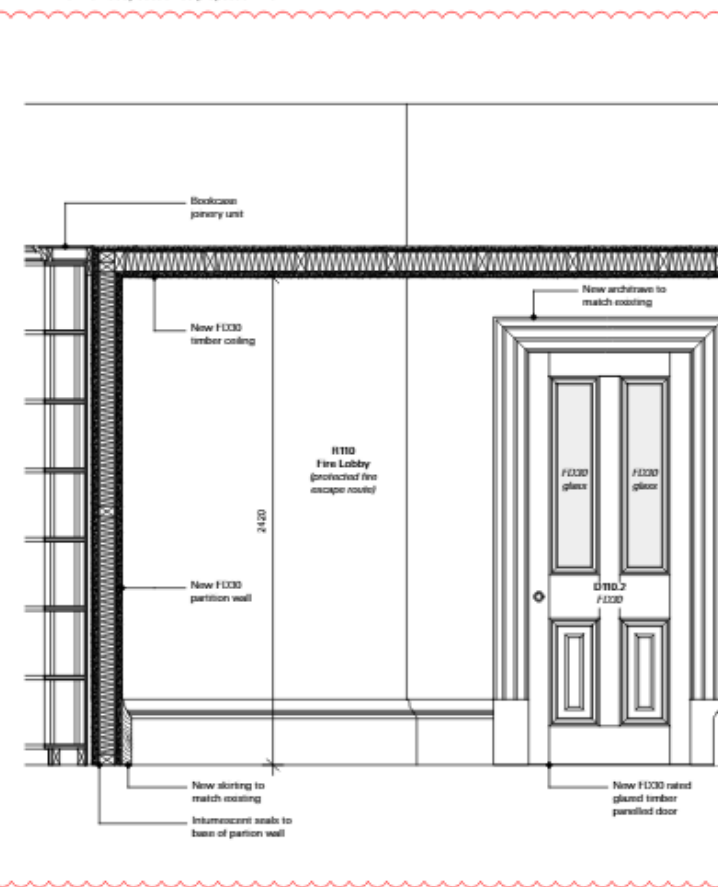


Proposed Fire Lobby

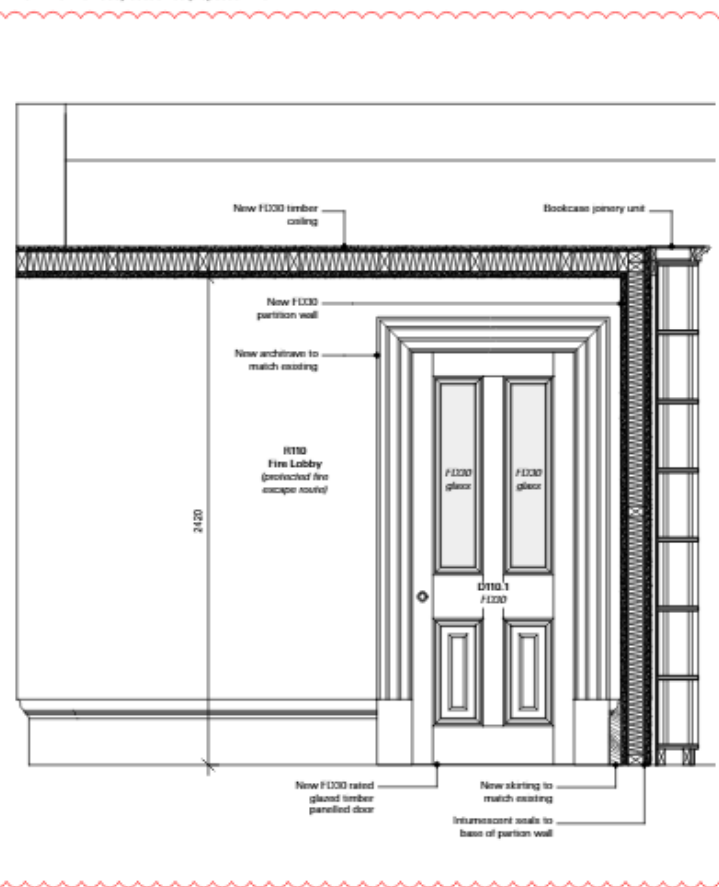
01 R110 Fire Lobby plan as proposed 1:25



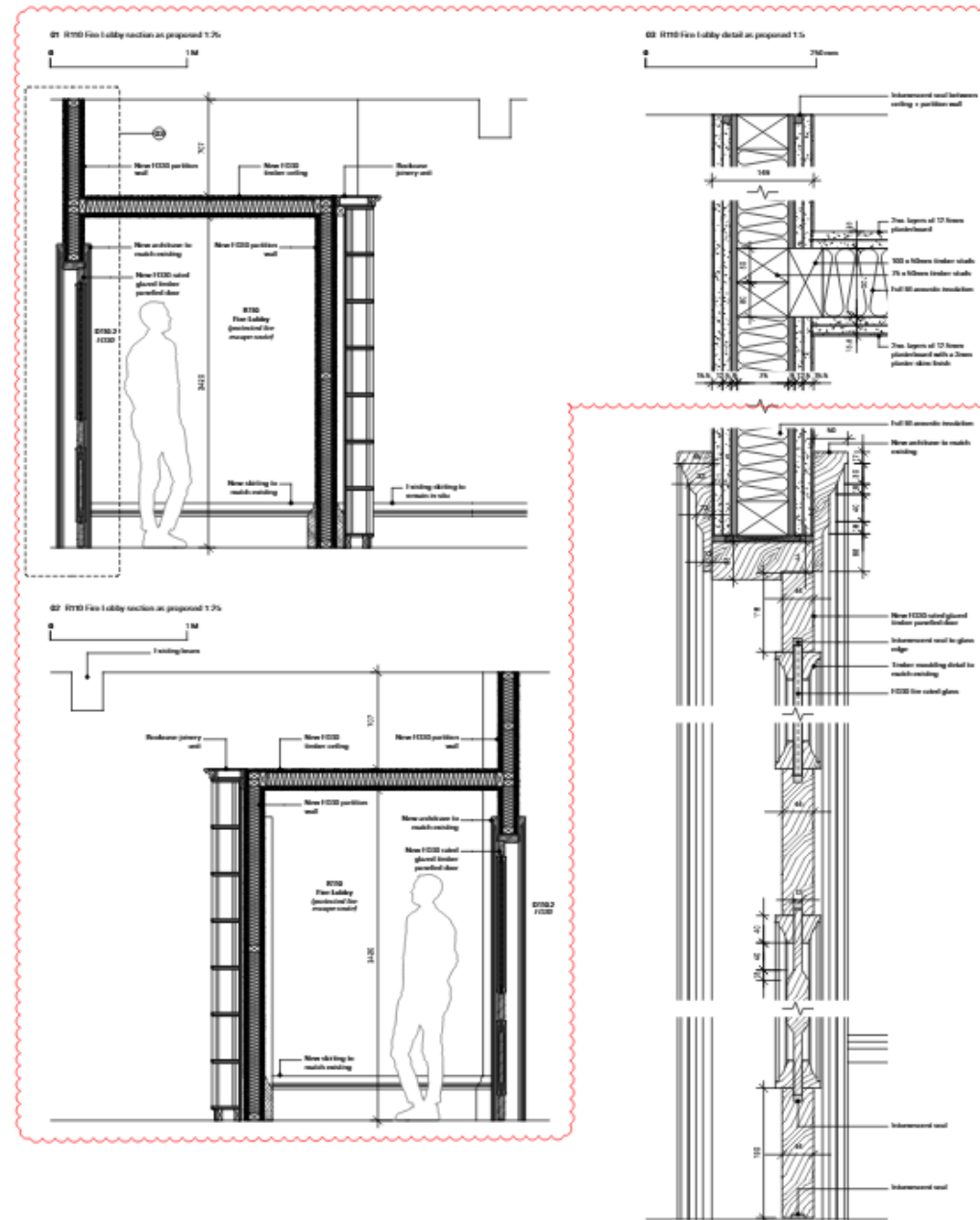
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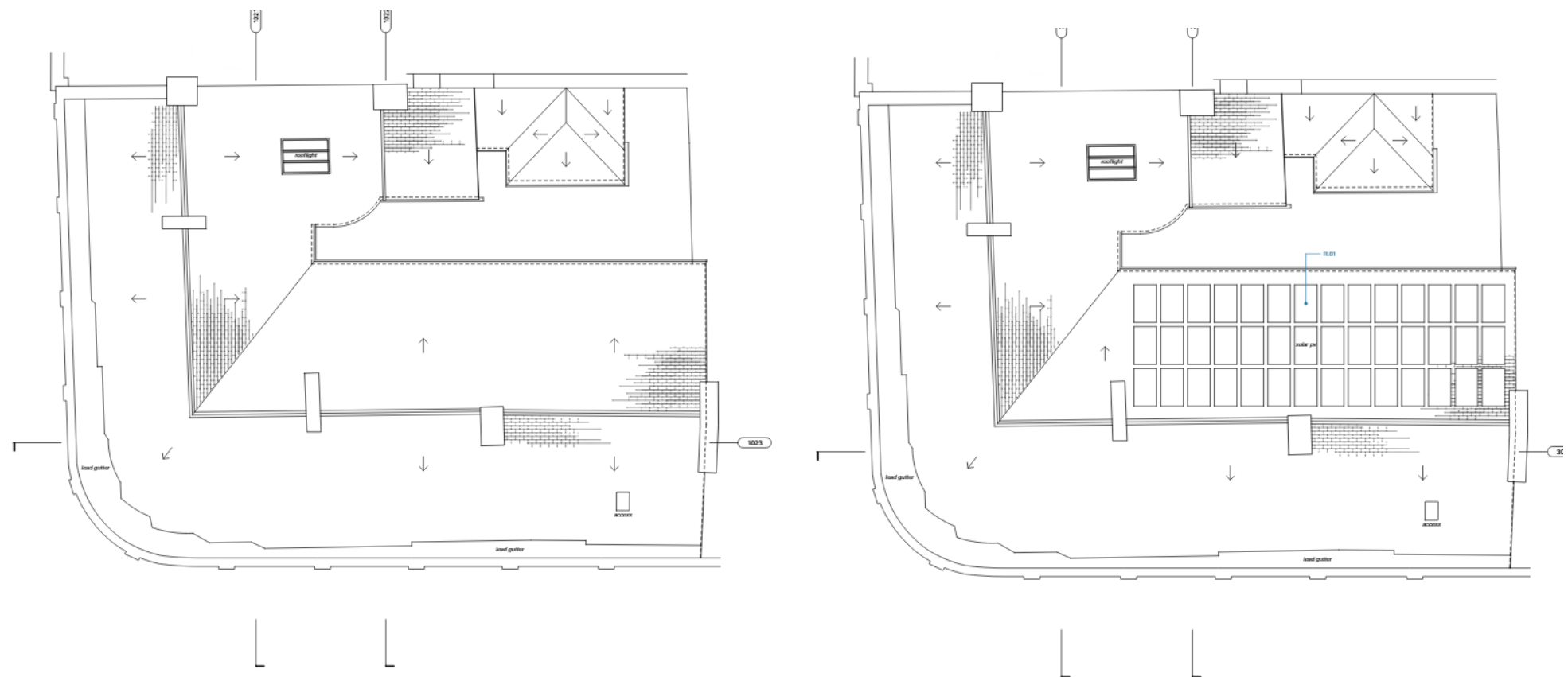
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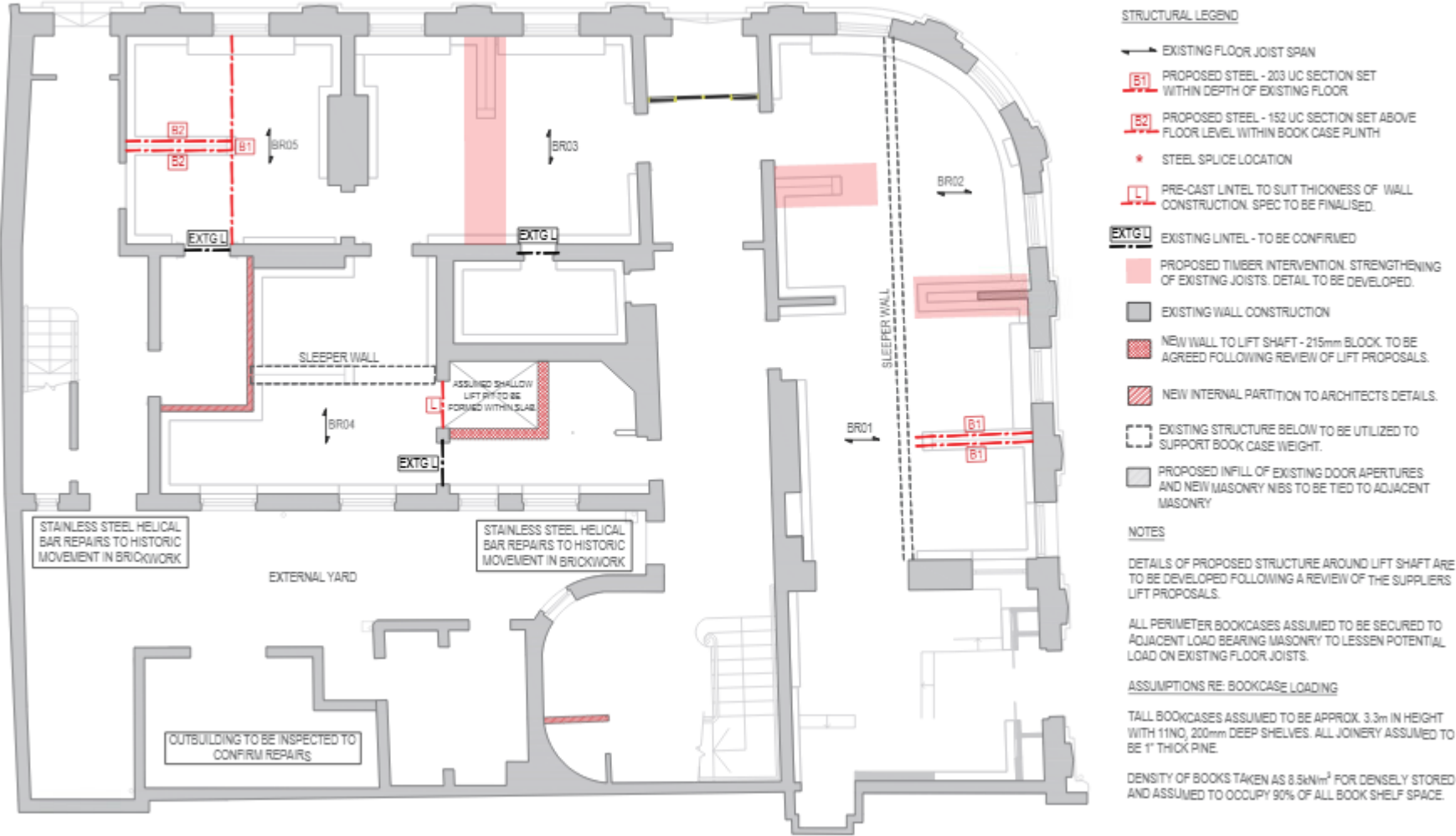
Proposed Fire Lobby



Existing &
Proposed Roof
Plan

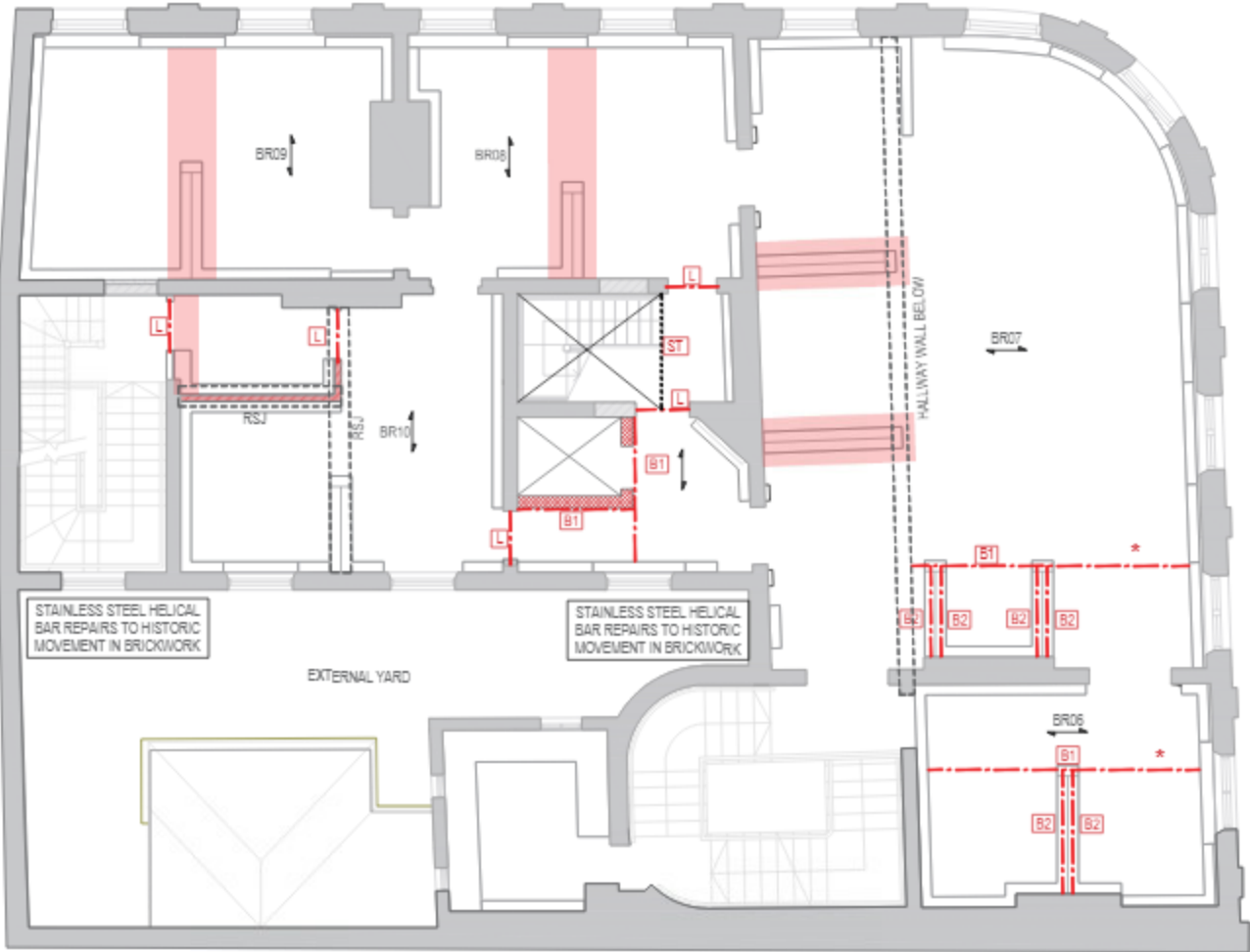


Proposed
Structural
Alterations
Ground Floor



GROUND FLOOR GA SHOWING PROPOSED STRUCTURAL INTERVENTIONS

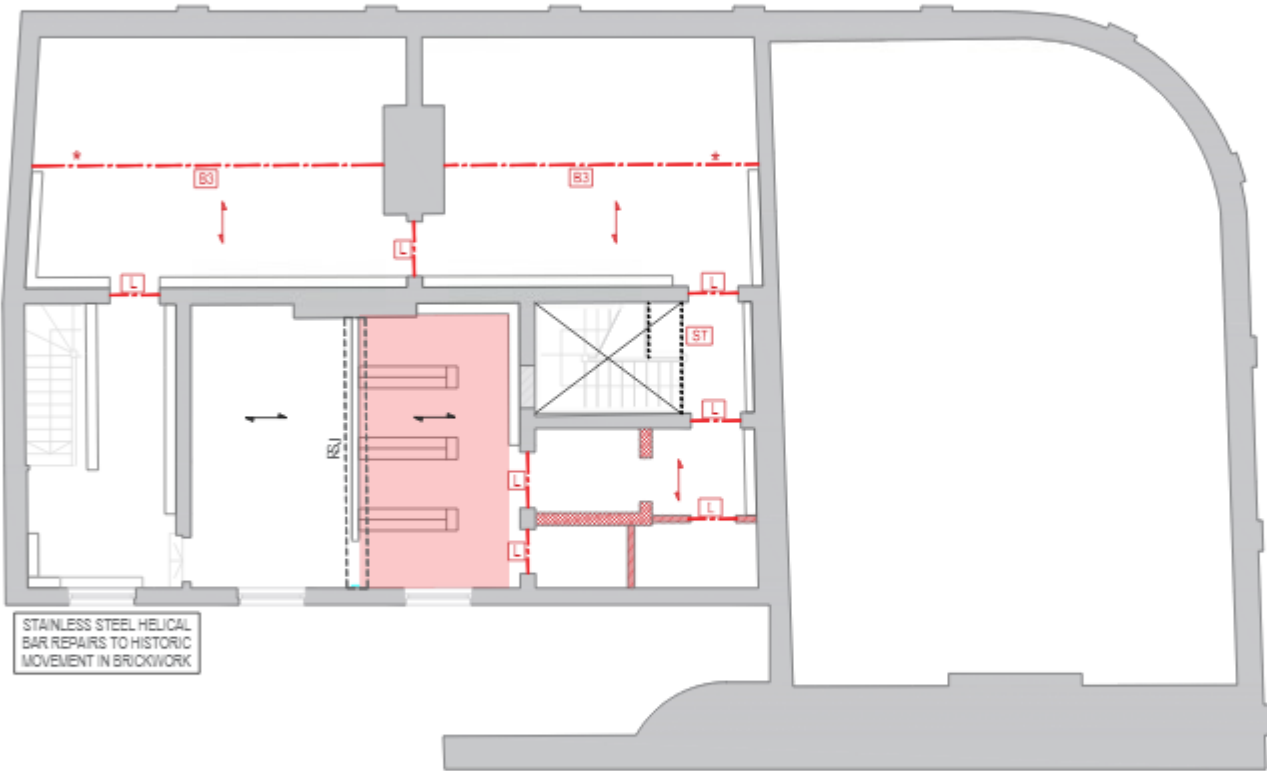
Proposed
Structural
Alterations First
Floor



- STRUCTURAL LEGEND**
- EXISTING FLOOR JOIST SPAN
 - PROPOSED STEEL - 203 UC SECTION SET WITHIN DEPTH OF EXISTING FLOOR
 - PROPOSED STEEL - 152 UC SECTION SET ABOVE FLOOR LEVEL WITHIN BOOK CASE PLINTH
 - STEEL SPLICE LOCATION
 - PRE-CAST LINTEL TO SUIT THICKNESS OF WALL CONSTRUCTION. SPEC TO BE FINALISED.
 - NEW STAIR APERTURE TRIMMER.
 - PROPOSED TIMBER INTERVENTION. STRENGTHENING OF EXISTING JOISTS. DETAIL TO BE DEVELOPED.
 - EXISTING WALL CONSTRUCTION
 - NEW WALL TO LIFT SHAFT - 215mm BLOCK. TO BE AGREED FOLLOWING REVIEW OF LIFT PROPOSALS.
 - NEW INTERNAL PARTITION TO ARCHITECTS DETAILS.
 - EXISTING STRUCTURE BELOW TO BE UTILIZED TO SUPPORT BOOK CASE WEIGHT.
 - PROPOSED INFILL OF EXISTING DOOR APERTURES AND NEW MASONRY NBS TO BE TIED TO ADJACENT MASONRY
- NOTES**
- DETAILS OF PROPOSED STRUCTURE AROUND LIFT SHAFT ARE TO BE DEVELOPED FOLLOWING A REVIEW OF THE SUPPLIERS LIFT PROPOSALS.
- ALL PERIMETER BOOKCASES ASSUMED TO BE SECURED TO ADJACENT LOAD BEARING MASONRY TO LESSEN POTENTIAL LOAD ON EXISTING FLOOR JOISTS.
- ASSUMPTIONS RE: BOOKCASE LOADING**
- TALL BOOKCASES ASSUMED TO BE APPROX. 3.3m IN HEIGHT WITH 11NO, 200mm DEEP SHELVES. ALL JOINERY ASSUMED TO BE 1" THICK PINE.
- DENSITY OF BOOKS TAKEN AS 8.5kN/m² FOR DENSELY STORED AND ASSUMED TO OCCUPY 90% OF ALL BOOK SHELF SPACE.

FIRST FLOOR GA SHOWING PROPOSED STRUCTURAL INTERVENTIONS

Proposed Structural Alterations Second Floor



SECOND FLOOR GA SHOWING PROPOSED STRUCTURAL INTERVENTIONS

STRUCTURAL LEGEND

EXISTING FLOOR JOIST SPAN

PROPOSED NEW JOIST SPAN. 50mm X 225mm C24 JOISTS AT 400mm CTRS - SIZE TO BE CONFIRMED.

PROPOSED STEEL - 200 x 150 RHS TO EDGE OF MEZZANINE - SIZE TO BE CONFIRMED.

STEEL SPLICE LOCATION

PRE-CAST LINTEL TO SUIT THICKNESS OF WALL CONSTRUCTION. SPEC TO BE FINALISED.

NEW STAIR APERTURE TRIMMER. ADDITIONAL STRUCTURE WILL BE REQUIRED TO ACCOMMODATE GALLERY AS SHOWN. REDUCED INTERVENTION IF LANDING GALLERY OMITTED

PROPOSED TIMBER INTERVENTION. STRENGTHENING OF EXISTING JOISTS. DETAIL TO BE DEVELOPED.

EXISTING WALL CONSTRUCTION

NEW WALL TO LIFT SHAFT - 215mm BLOCK. TO BE AGREED FOLLOWING REVIEW OF LIFT PROPOSALS.

NEW INTERNAL PARTITION TO ARCHITECTS DETAILS.

EXISTING STRUCTURE BELOW TO BE UTILIZED TO SUPPORT BOOK CASE WEIGHT.

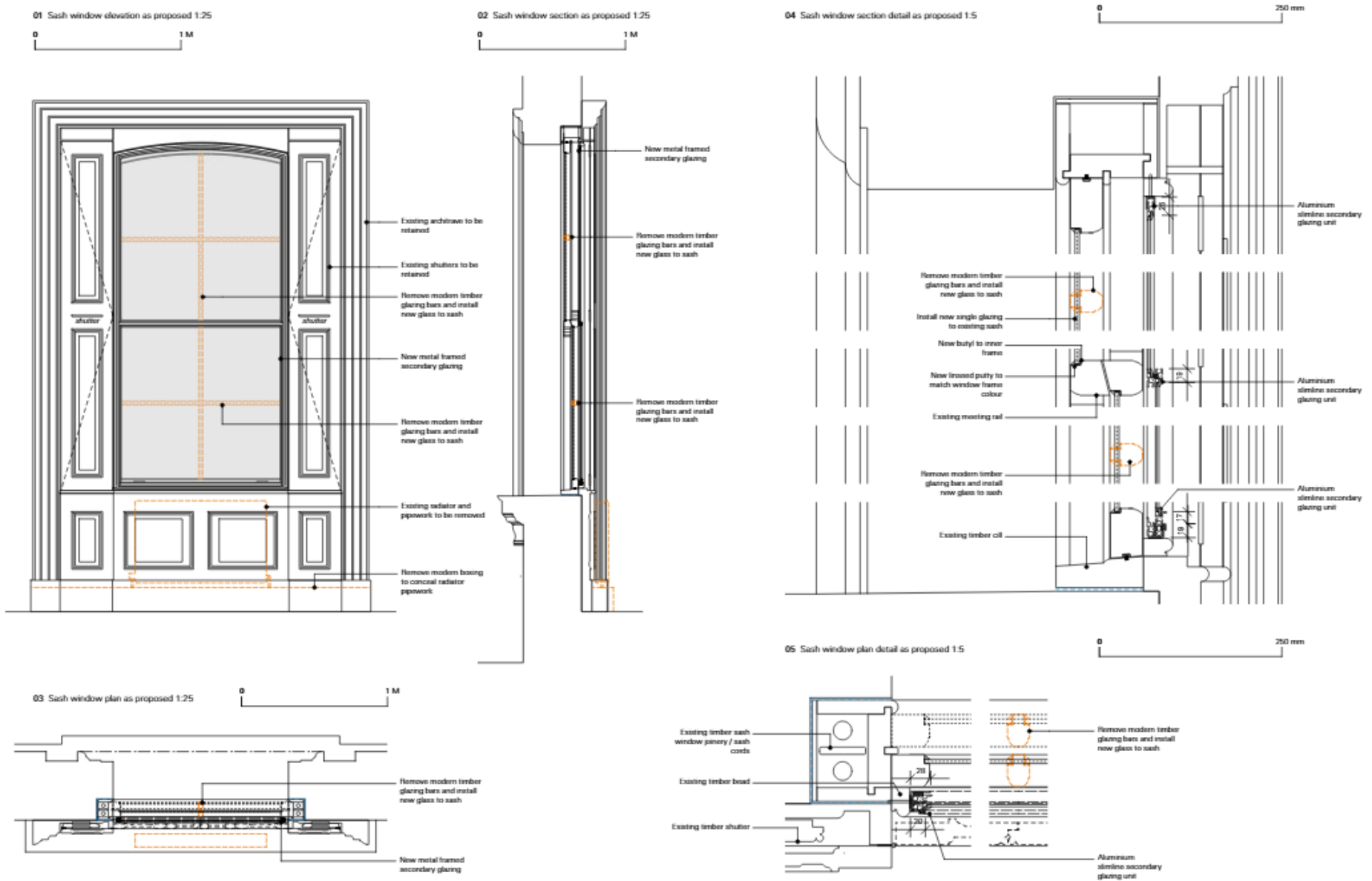
PROPOSED INFILL OF EXISTING DOOR APERTURES AND NEW MASONRY NIBS TO BE TIED TO ADJACENT MASONRY

NOTES

DETAILS OF PROPOSED STRUCTURE AROUND LIFT SHAFT ARE TO BE DEVELOPED FOLLOWING A REVIEW OF THE SUPPLIERS LIFT PROPOSALS.
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Proposed Sash Window Alterations



COMMITTEE REPORT

Date: 15 July 2025 **Ward:** Fulford And Heslington

Team: East Area **Parish:** Fulford Parish Council

Reference: 24/01633/FULM

Application at: York Designer Outlet St Nicholas Avenue York YO19 4TA

For: Change of use of amenity field to temporary (3 years) seasonal (November and December) overflow car park for the use of employees only

By: The DROC York Limited Partnership

Application Type: Major Full Application

Target Date: 15 August 2025

Recommendation: Refuse

1.0 PROPOSAL**The Site**

1.1. The application site (“the Site”) is a parcel of land approximately 1.1 hectares in size. The Site is located to the south of the Designer Outlet shopping complex. The Site can be accessed from the existing Designer Outlet perimeter road via an existing vehicular access.

1.2. The Site is primarily an undeveloped green field. A small section of the site currently contains storage containers and is being used to store rubble and building products. This use of the land is not permitted by any planning permission and therefore is unauthorised development.

1.3. The Site is bound to the east, south and west by undeveloped green fields. To the north of the Site is a mature tree belt, which sits between the Site and the Designer Outlet perimeter road. Fulford Community Orchard is located within this tree belt to the north-east of the Site. A single track road runs along the south of the Site which provides access to a farmstead.

Background

1.4. The application states that the proposed development is required to address parking problems at the Designer Outlet particularly in the run up to and over the Christmas period.

1.5. The application states that there are currently approximately 2700 car parking spaces at the Designer Outlet. The Designer Outlet employs approximately 1,600 employees, albeit approximately 600-700 employees are on site at any one time. At busier periods, such as Christmas and Bank Holidays, the number of employees can rise to 800 – 900 which increases the demand for car parking spaces.

1.6. The application states that whilst many employees are encouraged to travel via public transport, and do so, many members of staff have to travel to the Designer Outlet by car particularly over the Christmas period when shift work is the norm.

1.7. As well as the shopping and food offer, the Designer Outlet hosts the Winter Wonderland, Ice Rink and Summer Beach attraction. These attractions are often located on some of the existing car park which reduces the number of car parking spaces available. These attractions also create the need for additional employees.

1.8. The application states that approximately 200-500 of the car parking spaces at the Designer Outlet are occupied by people using the Park and Ride facility. Many of which are commuters and therefore the spaces are occupied by a single vehicle for the majority of the day.

The Proposed Development

1.9. The applicant is proposing a temporary change of use of the Site from agriculture to a car park for the staff working at the Designer Outlet. The temporary car park would measure approximately 91 metres by 78 metres.

1.10. The applicant proposes that the Site would be used as a temporary car park initially for a period of 3 years between November and December. The proposals would provide 340no. additional parking spaces.

1.11. The parking area would be gated and the parking would only be available for staff. The area would be surfaced with compacted aggregate material with the parking spaces denoted by the use of gravelled grids. Mobile lighting columns will be provided within the site, facing inwards, to illuminate the site during darkness 4pm-9:30pm Monday-Saturday and 4pm-8pm on Sundays.

Planning History

1.12. A planning application (Application Reference: 19/01969/FULM) for the extension of the Designer Outlet Centre, relocation of the existing park and ride facility and outdoor events space was withdrawn prior to determination in September 2024. At the time there was a holding response from Highways England requiring further information.

1.13. In addition to this most recent planning application there have been several planning applications approved over the years for temporary uses on the car park including the ice rink, fun fair, summer beach and 12 hole golf putting course.

1.14. A permanent car wash facility was also approved in 2022 which is located on part of the original car park.

1.15. More recently a similar application to the current proposal was considered under reference 23/01147/FULM. The proposals considered under 23/01147/FULM comprised of the temporary/seasonal change of use from an agricultural field to car park broadly consisting of the same area of land that makes up these current proposals. The 2023 application was withdrawn prior to formal determination. However, it had reached a stage where a formal Officer recommendation of Refusal had been made and published in advance of the application going before Planning Committee. The recommended reasons for refusal included Green Belt, Highways, Drainage, Ecology, Landscape Character and Amenity reasons.

2.0 POLICY CONTEXT

2.1. 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).

CITY OF YORK LOCAL PLAN

2.2. The York Local Plan was adopted by the Council on 27th February 2025, together with any made neighbourhood plan and constitutes the statutory development for the City of York.

2.3. Key relevant Local Plan Policies are:

DP1: York Sub Area

DP2: Sustainable Development

DP3: Sustainable Communities

Application Reference Number: 24/01633/FULM

Item No: 5c

SS1: Delivering Sustainable Growth for York
SS2: The Role of York's Green Belt
D1: Placemaking
D2: Landscape and Setting
D6: Archaeology
GB1: Development in the Green Belt
ENV2: Managing Environmental Quality
ENV4: Flood Risk
ENV5: Sustainable Drainage
T7: Minimising and Accommodating Generated Trips

2.4. The application site is located within a designated Neighbourhood Plan Area, namely the area for the Fulford Neighbourhood Plan. This area was designated in March 2015 enabling work to commence on the formulation of a Neighbourhood Plan. At the time of writing no draft policies have been published and as such the Neighbourhood Plan carries no weight in decision making.

NATIONAL PLANNING POLICY FRAMEWORK

2.5. The National Planning Policy Framework (NPPF) sets out the government's planning policies for England and how these are expected to be applied. The NPPF is a material consideration in the determination of planning applications. Key chapters and sections of the NPPF relevant to this application are as following:

- Chapter 6 Building a strong, competitive economy
- Chapter 9 Promoting sustainable transport
- Chapter 13 Protecting Green Belt land
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 Conserving and enhancing the natural environment
- Chapter 16 Conserving and enhancing the historic environment

3.0 CONSULTATIONS

INTERNAL

CYC HIGHWAY DEVELOPMENT CONTROL

3.1. Object. We agree with the comments of National Highways. Areas of the existing parking are used for other things such as Christmas and summer activities attracting additional visitors whilst removing parking. The outlet can control staff parking, what incentives exist for staff to travel by sustainable modes.

3.2. The site is privately managed. The indiscriminate parking which blocks buses could be managed by the centre through parking stewards, fines. The additional parking will provide no mechanism to stop more vehicles from accessing the site. A full travel plan has not been developed. Does this indicate a lack of commitment to improving sustainable travel modes.

CYC ECOLOGIST

3.3. No objections, subject to conditions. Statutory Biodiversity Net Gain Conditions would apply. In addition to this a Habitat Management and Monitoring Plan would be required and Construction Environmental Management Plan and lighting plan.

3.4. Due to the scale of the Site, a letter report would be considered appropriate if no ecological constraints are identified. However, a more detailed report will be necessary if constraints are identified following the survey work.

CYC LANDSCAPE ARCHITECT

3.5. No comments received.

CYC PUBLIC PROTECTION

3.6. No objections but requests a condition to control the proposed car park lighting.

CYC DRAINAGE ENGINEER

3.7. has confirmed that the type of surface proposed which is interlocking and solid is 100% impermeable and therefore a surface water drainage scheme is required.

3.8. A surface water drainage scheme should be submitted prior to the determination of the application in line with CYC Sustainable Drainage Systems Guidance for Developers.

CYC ARCHAEOLOGY

3.9. No objections. Subject to conditions.

EXTERNAL

FULFORD PARISH COUNCIL

3.10. Object to the proposed development. A summary of the Parish Council's comments are as follows:

- Diversification has led to the loss of parking. It is evident that the applicants own choices have contributed to the current traffic and parking impacts.
- There would be Green Belt harm by virtue of introducing built form into the landscape such as fencing, signage, lighting. This harms openness.
- There would be additional light pollution.

NATIONAL HIGHWAYS

3.11. Recommend that the application should not be approved.

- Further evidence is required to demonstrate that the existing situation is the same now as it was in 2019 when the Transport Assessment was submitted for the previous planning application.
- The applicant should evidence that they have exhausted all options to manage the traffic impact of staff trips via Travel Planning and workplace measures.
- Dependent upon residual traffic impact of the proposed development a vision may be required in line with DfT Circular 01/2022.
- The approach to preparing an interim travel plan before preparing a full one following planning approval is not appropriate and contradictory to requirements.
- The applicant should provide firm commitments to promoting and encouraging staff travel to the site by active travel and sustainable travel modes.
- The proposed modal shift targets are not consistent with the findings of the 2022 staff travel survey and should be revised.
- The applicant should propose a comprehensive Travel Plan Monitoring and management plan.
- Survey evidence should be provided to validate that the proposed development will not generate any increase in the level of traffic from the development proposals.
- Further clarification is required regarding the implementation and enforcement of the development proposals.

HOUSE & DERWENT INTERNAL DRAINAGE BOARD (IDB)

3.12. The board notes that the applicant is proposing permeable materials although we note infiltration testing has failed. If permeable drainage is not suitable and discharge to a watercourse is proposed the IDB would require details of what the applicant is proposing to discharge to and the location of the proposed point of connection. Details would also be required regarding discharge rate.

4.0 REPRESENTATIONS

4.1. The application has been advertised via Site Notice and neighbour notification letters and press notice. A total of 3.no objections have been received and 20.no comments of support.

COUNCILLOR RAVILIOUS

4.2. Objects on the grounds that the proposals are Green Belt land. In addition to citing the previous applications for increased car parking drew a holding direction from Highways England due to the lack of capacity at the A64/A19 junction for additional vehicle.

4.3. The Objections received can be summarised as follows:

- Clearly there is a serious problem with parking at the Designer Outlet. But these proposals do not address the issue. The temporary proposal only setting a precedent for something further down the line.
- I support the reasons for refusal given by others. In particular Green Belt harm.
- The application is on Green Belt Land.
- Highways England have put a hold on previous applications due to a lack of capacity at the A64/A19 junction.

4.4. The comments of support received can be summarised as follows. These have been received from staff at the Designer Outlet and organisations including Make it York, First Bus, York & North Yorkshire Chamber of Commerce and the Member of Parliament for York Outer:

- It is frustrating trying to find somewhere to park.
- Park and Ride is an issue as many people park their car at the outlet just to save money from spending ridiculous amounts of money on parking in York and may even actually shop at the outlet.
- The Ice Rink and Stalls take a lot of space up. Are they really needed.
- Additional parking is needed.
- Visitors to York will have an initial bad impression due to bus queues and lack of management of the provision on approaching A roads.
- Travelling by bus is not an option as there is no direct service.
- This would ease congestion at the site. I use the Park and Ride and find myself having to abandon the bus and walk during peak times.
- Provision of employee parking would help the economy.
- Park and Ride numbers have increased. This causes heavy traffic causing delays for passengers. Preventing buses from being able to move freely.

- The temporary car park is a sensible short medium-term measure to try mitigate some of the transport issues during peak periods.
- The current situation is dangerous.

5.0 APPRAISAL

5.1. The key issues to consider in determining this planning application are as follows:

- Green Belt
- Highways and Access
- Drainage & Flood Risk
- Ecology & Biodiversity
- Landscape Character & Visual Impact
- Air Quality & Land Contamination
- Residential Amenity
- Archaeology

Green Belt

5.2. Following the adoption of the Local Plan the boundaries of the York Green Belt have now been formally defined. Policy GB1 of the Local Plan states that inappropriate development will not be approved except in very special circumstances. Policy GB1 then goes on to state that the construction of new buildings is inappropriate development and states specific exceptions to this.

5.3. The application site is located to the South of the main Designer Outlet building. The boundary of the Green Belt in this location comprises broadly of the outer access road that encircles the centre. The main building and existing car parks are excluded from the Green Belt. The land which surrounds the built extent of the centre is within the Green Belt including the access road from the A19 roundabout. The application site is wholly within the Green Belt.

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

The Green Belt serves 5 purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns;

- to and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.5. 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). At Paragraph 154 the NPPF then goes on to outline a series exceptions which are not considered to constitute inappropriate development within the Green Belt; which are similar to those outlined in Policy GB1 of the Local Plan. The development is not considered to accord with any of these exceptions.

5.6. The applicant argues that Paragraph 154 h) v. is relevant to the determination of the application. This states, in outlining forms of development which are appropriate within the Green Belt 'Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are: v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds.

5.7. Paragraph 155 of the NPPF states that the development of new homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply.

- a) The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the are of the plan;
- b) There is a demonstrable unmet need for the development of development proposed;
- c) The development would be in a susaintable location, with particular reference to to paragraphs 110 and 115 of this framework; and
- d) Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 of the NPPF.

5.8. The application site is not regarded as constituting Grey Belt land. The boundary of the Green Belt in this location very clearly achieves purpose a) of NPPF Paragraph 143 (purposes of Green Belt) by keeping in check the overall sprawl of the existing Designer Outlet complex; setting a defined envelope around the existing site; historically set by the footprint of the former Hospital which used to occupy the site. Furthermore one of the fundamental principles of the York Green Belt is to preserve the setting and special character of the historic town. With one of the identified features of York being the open approaches to the main urban area. In the

case of the existing Designer Outlet complex, when the Green Belt boundaries were being defined as part of the Local Plan process. In this location the land that was regarded as being within the Green Belt was found to contribute to the formation of an extended green wedge which covers a significant swathe of open land south of A19, thus maintaining its relatively compact scale in the wider landscape. Given the proximity of the A64 and Fordlands Road area to the North and Bishopthorpe Village to the West, the extended green wedge also has a role in constraining development from coalescing, maintaining the separate identity and visual separation of the Designer Outlet distinct from other settlements. Furthermore the land to the south of the Designer Outlet forms an important area of open land between the A19 and B1222 Naburn Lane, creating a separation between the Designer Outlet and Naburn village. Cumulatively therefore it is considered that the site and defined Green Belt boundaries in this location also achieves purpose d) of the Green Belt purposes as set out within Paragraph 143 of the NPPF.

5.9. Furthermore paragraph 155 c) requires the development to be in sustainable location with particular reference to paragraph 110 and 115 of the NPPF. Paragraph 110 requires the planning system to actively manage patterns of growth. Noting that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel. Paragraph 115 requires that in assessing development it should be ensured that sustainable transport modes are prioritised, safe and suitable access to the site can be achieved for all users, the design of transport elements reflects current national guidance and that any significant impacts from the development on the transport network can be cost effectively mitigated to an acceptable degree through a vision-led approach.

5.10. The proposals are not considered to accord with Paragraph 155 c) as they would be contrary to Paragraphs 110 and 115. The location of the development is regarded as being unsustainable and as will be discussed in the highways section of this report. The development presents significant impacts upon the transport network and by its very nature fails to prioritise sustainable modes of transport.

5.11. Whether the proposed change of use preserves the openness and does not conflict with the purposes of including land within the Green Belt is considered in the following paragraphs.

5.12. Planning Policy Guidance refers to a number of matters that the courts have identified can be taken into account in assessing openness, which include: spatial and visual aspects, duration of the development and remediability, and the degree of activity generated. Spatially, a formally laid out car park of 1.1 hectares will have an effect on the openness of the Green Belt by virtue of its footprint and occupation

of up to 340 vehicles on a daily basis. Visually, the car park is unlikely to be seen from the A19 given the dense field boundaries and only glimpses will be visible from the Designer Outlet perimeter road, however, it will be prominent in view from Lingcroft Lane, although it is acknowledged this is a single track road to a farmstead which is limited in use. The proposed lighting, although proposed to be directional facing, will increase the visual impact on openness significantly from an unlit open agricultural field to a lit car park. It is acknowledged that the proposed car park is for a temporary 3 year period and could be remediated back to its original state. The activity in the form of traffic generation from approximately 340 cars is considered to significantly effect the openness of the Green Belt.

5.13. In view of the above, on balance it is considered that a formally laid out car park for approximately 340 cars, albeit on a temporary basis, would not preserve the openness of the Green Belt and as referred to above in paragraph 5.7 conflicts with at least 3 Green Belt purposes of including land within it, namely checking the unrestricted sprawl of large built up areas, safeguarding the countryside from encroachment and preserving the setting and special character of historic towns. Therefore, the proposed development would be inappropriate development in the Green Belt. The harm to the Green Belt as a result of this inappropriate development weighs substantially against the proposal.

5.14. Very special circumstances will not exist unless this potential harm to the Green Belt by inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations. These other considerations will now be assessed in the following paragraphs of this report and a conclusion on whether very special circumstances exist, will be given at the end of this report.

Highway and Access

5.15. The proposed development would be accessed using existing means of access from the wider highway network. The primary consideration of this application centres on issues of demand and parking capacity. Policy T1 seeks to minimise the need to travel and ensure that development provides safe, suitable and attractive access for all transport users to and within it. Policy T7 seeks to manage generated trips and where appropriate promote mitigation measures through tools such as travel planning to reduce the number of trips generated and that any new development can be safely accommodated on the local and strategic highway network.

5.16. The NPPF requires development that will generate significant amounts of movement to provide a Travel Plan and should be supported by a Transport Statement or Transport Assessment so that the likely impacts of the proposal can be

assessed (Paragraph 118 of the NPPF). A Travel Plan, and a Transport Statement have been submitted with the application.

5.17. National Highways have been consulted on the application, given the close proximity of the Site to the A64 and the A64/A19 roundabout junction which forms part of the Strategic Highway Network, along with CYC Highways Development Control.

5.18. National Highways have recommended that planning permission should not be granted until further information has been provided. This stance is supported by the Local Highway Authority. Further information has been requested in respect of demonstrating that the existing situation is the same as it was back in 2019 during earlier applications. There are also considered to be deficiencies in the submitted Travel Plan namely that it is only an interim document which is contrary to guidance and policy requirements. It is also not clear whether the applicant has exhausted all options to manage the traffic impact of staff trips via travel planning and workplace measures and the promotion of sustainable.

5.19. The approach taken by the applicant appears to be a very simplistic one. They note that during peak periods that parking at the site is oversubscribed and as a result vehicles end up parking on verges and areas of landscaping in an around the site; so, their solution is to provide more parking spaces.

5.20. However, this approach and the documentation submitted with the application fails to demonstrate that all other methods to resolve the situation have been explored and exhausted. It has not been demonstrated that there is a current Travel Plan in operation at the site to manage and influence the staff travel to resolve the issue. Other options also exist to the site operator with regard to managing and enforcing parking restrictions within the site. It would be within the operators' gift to enforce parking restrictions to prevent vehicles from parking on verges, to assist with aiding the efficient flow of traffic, including Park & Ride buses during peak periods.

5.21. National Highways have also highlighted the possible risk that the existing issue of oversubscribed car parking could be acting to suppress demand currently; people do not visit the site at peak times because they know it will likely be busy and there will be insufficient parking. The proposals have the potential to release that suppressed demand, in essence build more parking and more trips will be generated. As such this would not resolve the current issue. It would likely exacerbate the situation. No evidence has been provided to validate the applicant's assumption that the proposals will not generate an increase in the level of traffic accessing the site. The risk of this increased demand is that it results in more trips

being generated which places additional demand upon the local and strategic highways network.

5.22. There is no evidence to demonstrate that the applicant has sought to manage and influence staff travel demand to the site. Other factors such as the incremental loss of parking areas for other temporary events or ancillary services also contribute to the degradation of parking provision at the site or induce further demand.

5.23. It is acknowledged that the current situation creates issues for the smooth and efficient operation of the Park and Ride at peak times. However, at this stage it is not known whether the proposals would resolve this.

5.24. The areas of issue and concern raised by technical advisors during this application are not new and are consistent with the comments made to previous applications at the site. The information required has not been forthcoming from the applicant suggesting that it cannot be provided or that they are unwilling to provide it. In any event a holding direction such as the one issued by National Highways prevents the Local Planning Authority from granting planning permission and we would be obliged to refuse planning permission.

5.25. Given the lack of Transport information submitted with the application, the impact of the development on the Highway is unable to be assessed. In view of this, the development does not accord with the provisions of Paragraph 118 of the NPPF and Draft Local Plan Policy T7.

Drainage & Flood Risk

5.26. Policies ENV4 and ENV5 of the Local Plan require that new development not be subject to unacceptable flood risk and promote the use of sustainable drainage to attenuate surface water flows on greenfield sites not exceeding the existing rate prior to development. The NPPF at paragraph 181 requires that when determining planning applications, a Local Planning Authority should ensure that flooding is not increased elsewhere.

5.27. The Site is located within Flood Zone 1. Land in Flood Zone 1 has a low probability of flooding from rivers and the sea. The Environment Agency maps indicate that the Site does not experience surface water flooding.

5.28. Infiltration testing at the site has previously demonstrated that permeable drainage measures will not work at the site. In previous applications work had progressed to devise an engineered solution. This demonstrates that there will likely be a suitable drainage solution which exists. In the event of granting planning

permission it would be necessary to condition that prior to the commencement of development details of the drainage solution are submitted for approval.

5.29. It is considered that the proposed development would not give rise to significant drainage or flood risk issues. The site is not considered to be at risk of flooding nor would the proposals materially change the flood risk or flood vulnerability of the site. It is considered that a suitable drainage solution could be secured via condition. As such, subject to such conditions the proposals are considered to accord with Policy ENV4 and ENV5 of the Local Plan and paragraph 181 of the NPPF.

Ecology & Biodiversity

5.30. Policy GI2 relates to biodiversity and access to nature. Paragraph 193 (d) of the NPPF 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. Development should achieve net gain in biodiversity (BNG) in accordance with The Environment Act 2021 and national policy and contribute to the recovery of priority species and habitats and new habitat creation.

5.31. BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a BNG of 10%. Unless exempt, every planning permission granted pursuant to an application submitted after 12 February 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

5.32. The application was accompanied at submission by a Preliminary Ecological Appraisal (PEA) & Biodiversity Net Gain (BNG) Assessment. The PEA has concluded that the site comprises of broadleaved woodland to the north whilst modified grassland in a poor condition dominates the site. None of the trees are assessed as offering potential to support roosting Bats and no evidence of any protected species has been recorded. There is the likelihood that the trees will support nesting birds and therefore potentially impacted by the proposed tree removal works; a total of 10 trees are to be removed. These are situated adjacent to the access point to the site. The PEA concludes that the development would not give rise to any impacts upon protected species or habitats.

5.33. The submitted BNG metric indicates that a net gain of 10.07% in habitat units and a 15.72% net gain in hedgerow units could be achieved on site. This is in

accordance with Schedule 7A of the Town and Country Planning Act 1990 which requires a statutory biodiversity net gain of a minimum of 10%. The Biodiversity Gain Hierarchy should be applied to avoid habitats of most value and where they cannot be avoided; they should be maintained on site. The application site does not contain habitats of special value that should be maintained. BNG is secured by an informative on any decision together with a condition to submit a Biodiversity Gain Plan prior to development commencing. The City Ecologist has reviewed the information submitted and does not raise any objections or dispute to the conclusions as established.

5.34. In reaching their conclusion the Ecologist has requested that a series of conditions be attached to the granting of any planning permission. Requested conditions include a Habitat Management and Monitoring Plan, and Construction Environmental Management Plan, biodiversity enhancements and lighting plan.

5.35. Overall it is considered, subject to the recommended conditions. The development would accord with the provisions of Policy GI2 of the Local Plan.

Landscape Character & Visual Impact

5.36. Policy D2 of the Local Plan states that development proposals will be encouraged and supported where they amongst other things protect and enhance landscape quality and character. The NPPF at paragraph 135 requires development to be sympathetic to the local character and history, including the landscape setting.

5.37. The Site is part of an agricultural field which is located south of the Designer Outlet Shopping Complex, and south of the mature tree belt which forms a strong boundary between the shopping centre, car parks, perimeter access road, and the open countryside.

5.38. The landscape around the Designer Outlet Shopping Complex is characterised as flat and open, with large open fields to the north west and north east and smaller fields to the south, interspersed with hedges and small blocks of woodland. As referred to in the Green Belt section of this report, this open countryside contributes to the historic character and setting of York, providing the open approaches to the city.

5.39. Given the existing open countryside nature of the Site, it is considered that the proposed development, albeit temporary, will have a harmful impact on this landscape character.

5.40. The proposed development does not accord with Policy D2 of the Local Plan or paragraph 135 of the NPPF as the proposal will not protect or enhance the landscape quality and character of the Site, the public experience of it or the positive contribution it makes to the special qualities of York's historic character and setting.

Residential Amenity

5.41. Policy ENV2 of the Local Plan and Paragraph 135 of The NPPF require that proposals do not unacceptably harm the amenity of existing and future residents.

5.42. Acres Farm and Acres Bungalow are located south of the Site on Lingcroft Lane. These are the closest neighbouring properties to the proposed development. The primary sources of potential disturbance to these properties will be the external lighting, in an otherwise unlit area and noise from vehicle movements and associated impacts such as vehicle doors closing. These impact in their own rights are unlikely to give rise to notable impacts upon residential amenity. As they will likely be spread over the course of the day with any peaks being shortly before opening and after closing of the outlet. In reviewing the proposals Public Protection have not raised any concerns in this regard.

5.43. The parking area will be illuminated. In the event of granting planning permission public protection have requested a condition which sets an upper limit for the luminance of this lighting. This is considered to be appropriate. It is proposed that the lighting will be motion sensitive and operated between 4pm and 9:30pm Monday to Saturday and 4pm to 8pm on Sundays. It is also considered appropriate to condition an hour of operation of the lighting to these hours. This will strike a balance between providing suitable illumination for the safe operation of the car park whilst also limiting the potential for disturbance by virtue of the external lighting.

Archaeology

5.44. Policy D6 of the Local Plan states that development proposals that effect archaeological features and deposits will be supported where they are accompanied by an evidence-based heritage statement describing the significance of the archaeological deposits affected and that includes a desk-based assessment. The application is supported by an archaeological statement and desk-based assessment; which has been reviewed by the City Archaeologist.

5.45. The application site is known to be on the edge of a large prehistoric field system and settlement which has been identified through various aerial mapping projects. However, none have been archaeologically investigated. The proposed

works will require the removal of topsoil from the site, limited levelling works, excavation for drainage, cabling and landscaping.

5.46. The proposed works have the potential to impact upon any surviving archaeological resource at the site as it will exist at a shallow depth as features cut into the subsoil. The submitted archaeological assessment has been submitted. This has identified the development site as in a low-lying previously marshy area in between known areas of settlement. It identifies the ridge and furrow on site as partially levelled. It also suggests the following programme of works as mitigation for the scheme. These measures comprise of metal detecting survey prior to topsoil strip. Archaeological strip and map exercise with provision made to include public participation in cleaning and recording exposed surfaces and excavating samples of features and deposits.

5.47. The City Archaeologist has reviewed this information and is content with the approach that is proposed. However in the event of granting planning permission they have advised that a condition should be included to secure a programme of post-determination archaeological mitigation, excavation and evaluation with results being deposited with the City of York Environmental Record.

Very Special Circumstances

5.48. As has been outlined within the Green Belt section of this report. The proposals are considered to constitute inappropriate development within the Green Belt. Therefore, in accordance with Policy GB1 of the Local Plan such development can only be approved in very special circumstances. This is also reinforced by Section 13 of the NPPF. The NPPF at paragraph 153 states that very special circumstances will not exist unless the potential harm to the Green Belt by virtue of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations. Substantial weight is to be given to the harm to the Green Belt.

5.49. With regard to the Very Special Circumstances advanced by the applicant within their submission. They cite the significant benefits to the economy of the city derived from the efficient operation of the Park and Ride and Designer Outlet. The Local Planning Authority attribute moderate weight to these benefits.

5.50. In assessing other harm resulting from the proposal, as referred to in the paragraphs above, the impact of the proposed development on Highways cannot be fully assessed as inadequate information has been provided within the application. Therefore, the Local Planning Authority is unable to determine if the proposal complies with the Local Plan policies and NPPF in this regard. In terms of landscape

character, the proposed development will result in a harmful impact, to which significant weight is attributed and therefore conflicts with Local Plan Policy D2 and NPPF.

5.51. The harm to the Green Belt by virtue of inappropriateness, harm to the openness and the purposes of including land within it, weighs substantially against the proposal. In addition, the harmful impact to the landscape character carries significant weight against the proposal. In terms of other considerations, it is noted that the demand for car parking spaces increases over the Christmas period, however the lack of available car parking spaces is compounded by the temporary uses such as the Winter Wonderland, that are erected on the car park during this time. However, it is not considered that all other options have been explored, such as removing/reducing the temporary uses; making greater efforts to adopt a more robust Travel Plan which promotes and influences staff travel behaviours to ensure that adequate car parking is available during these busy periods, or more robust management of traffic and parking during peak periods and therefore without further justification the need for further car parking above and beyond what exists within the current Designer Outlet shopping complex is given little weight. Additionally, as stated earlier in this report, it has not been demonstrated that the current situation is not actively suppressing demand and that the provision of additional parking will simply release this suppressed demand exacerbating the current issues.

5.52. Although a conclusion on the traffic, transportation and highways implications cannot be reached given the submission of inadequate information, other considerations have not been demonstrated to clearly outweigh the significant harm identified to the Green Belt, which carries substantial weight and the significant harm to landscape character. On this basis it is considered that very special circumstances do not exist to justify this proposed development in the Green Belt even for the temporary periods of usage proposed; the area itself would be surfaced throughout the temporary period, albeit not actively used as a car park. As such the proposals would still constitute inappropriate development in the Green Belt.

Public Sector Equalities Duty

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

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

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

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

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

5.55. 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.

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

6.0 CONCLUSION

6.1. The proposed development is inappropriate development in the Green Belt and should not be approved unless very special circumstances exist. The NPPF at paragraph 153 states that very special circumstances will not exist unless this potential harm to the Green Belt by inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations. In view of the assessment above on whether very special circumstances exist, it is considered that very special circumstances do not exist to justify the proposed development in the Green Belt. As such the principle of the proposed development in this Green Belt location is not acceptable as it conflicts with Policy GB1 of the Local Plan and with National Green Belt Policy (paragraph 154) as contained within the National Planning Policy Framework (NPPF).

6.2. The proposed development will not protect or enhance the landscape quality and character of the Site or the public experience of it or the positive contribution it makes to the special qualities of York’s historic character and setting. The proposed development therefore conflicts with Local Plan Policy D2.

6.3. In addition to the in principle reason to refuse this application as a result of the harm to the Green Belt by virtue of inappropriateness, harm to the openness and the purposes of including land within it, and the harm to the landscape character, the submission of inadequate information on Highway and Access results in Local Planning Authority not being able to fully assess these key issues and are also considered to constitute a reason for refusal.

7.0 RECOMMENDATION: Refuse

1 The proposed development constitutes inappropriate development within the Green Belt which by definition is harmful to the Green Belt. The proposal conflicts with the essential characteristics of the Green Belt (i.e. its openness and permanence) and the purposes of including land within the Green Belt by resulting in the sprawl of built a built up area, encroachment of development into the countryside and would therefore be harmful to the openness of the Green Belt, thus failing to preserve character and setting of the City of York. The Local Planning Authority has concluded that there are no other considerations that clearly outweigh the harm to the Green Belt and other harms, when substantial weight is given to the harm to the Green Belt. Very special circumstances do not exist to justify the proposal. The proposal is therefore contrary to Policy GB1 of the York Local Plan and Section 13 of the National Planning Policy Framework.

2 The submitted Transport Statement and Draft Travel Plan are considered to be insufficient and inadequate to allow the Local Planning Authority and statutory consultees to be able to properly consider and assess the traffic, transportation and highways implications of the proposed development. The proposals are therefore contrary to Policy T7 of the Local Plan and Paragraph 118 of the National Planning Policy Framework.

3 The proposed development will not protect or enhance the landscape quality and character of the Site, the public experience of it or the positive contribution it makes to the special qualities of Yorks historic character and setting. The proposed development therefore conflicts with Policy D2 of the York Local Plan and Paragraph 135 of the National Planning Policy Framework.

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 39) 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:

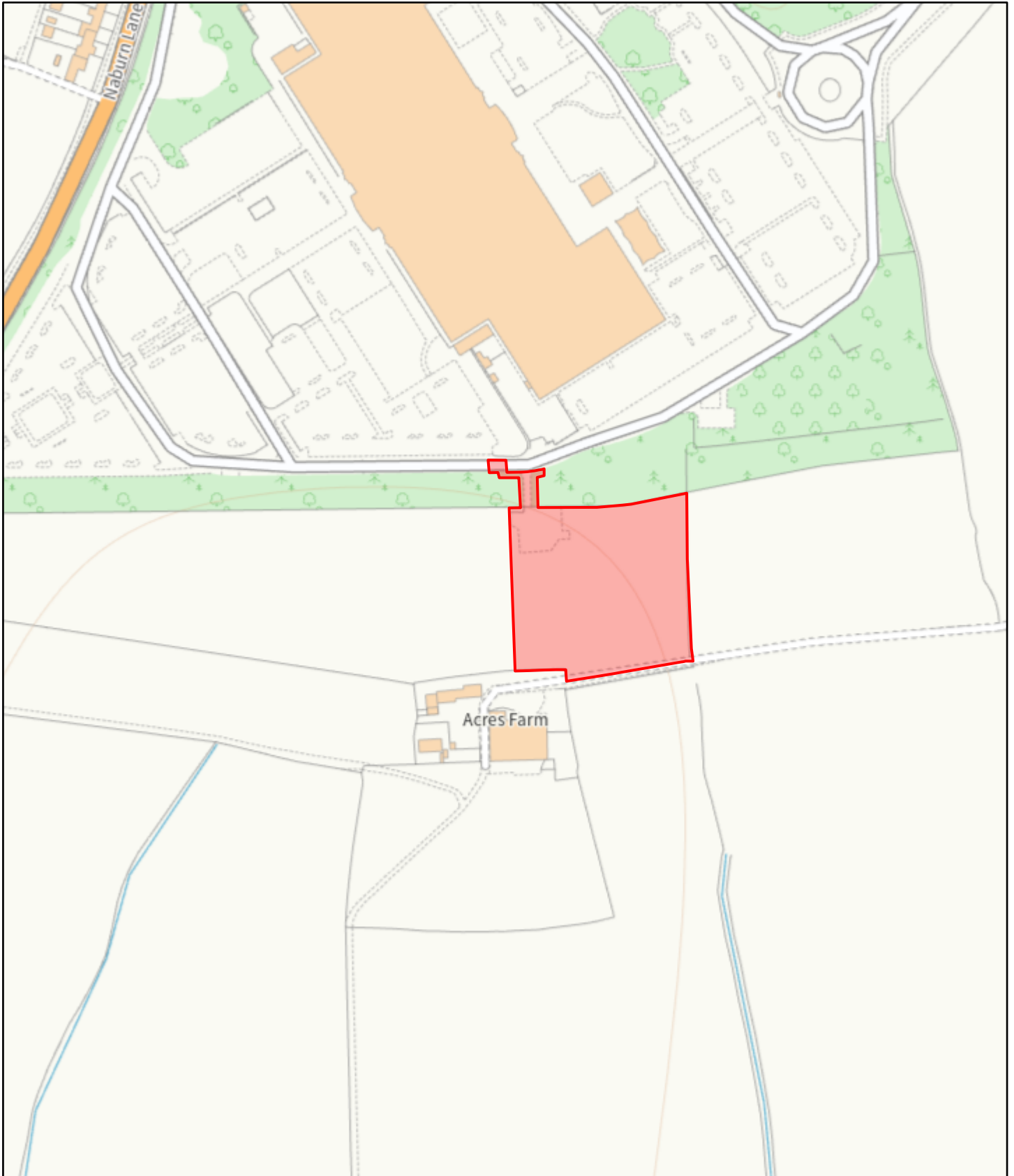
Highlighted to the applicant areas where their information was lacking in detail.

However, the applicant/agent was unwilling to amend the application in line with these suggestions, resulting in planning permission being refused for the reasons stated.

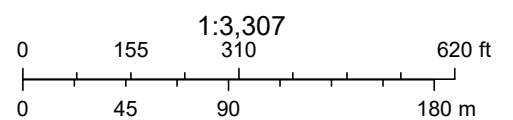
Contact details:

Case Officer: Mark Baldry
Tel No: 01904 552877

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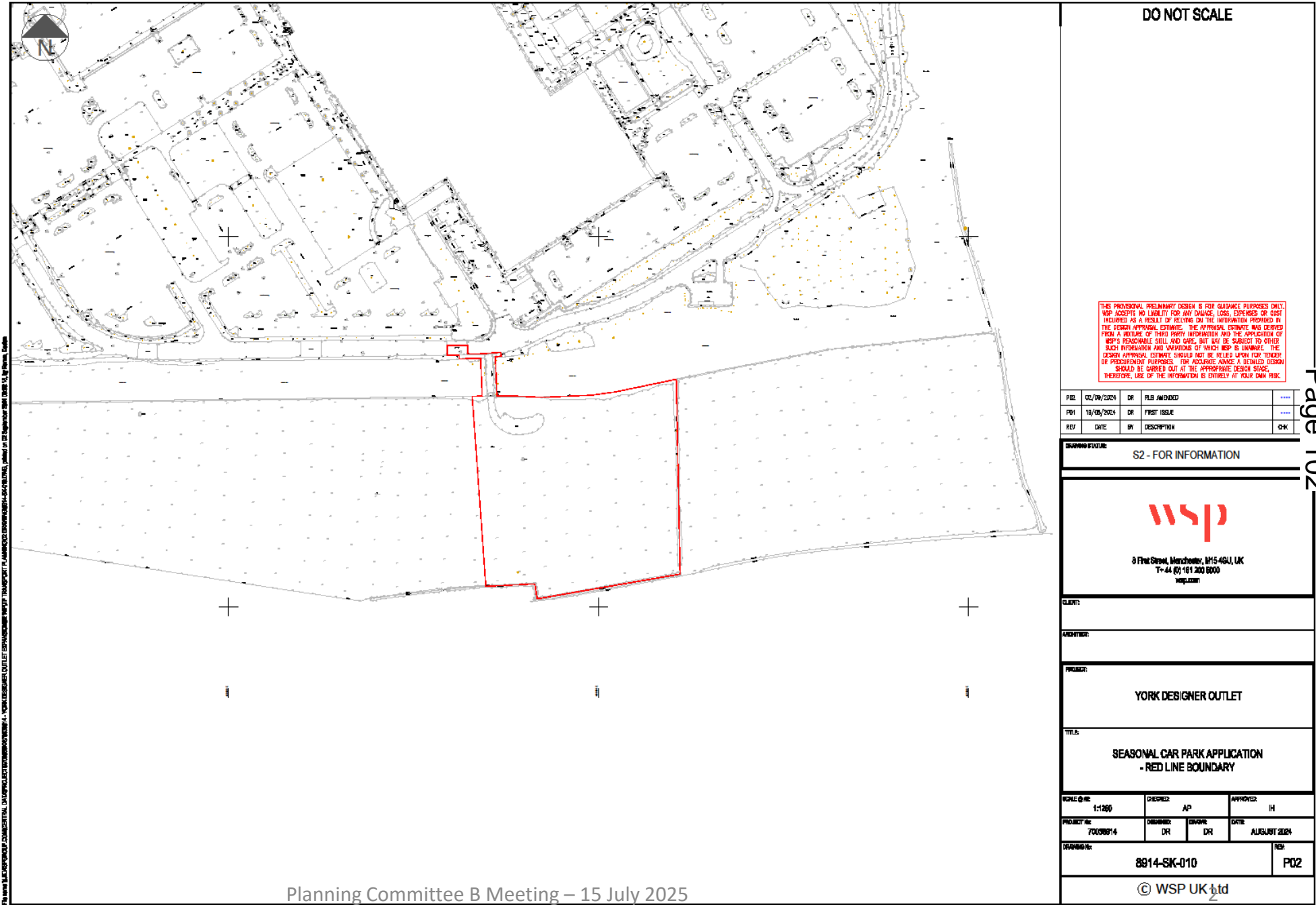


Planning Committee B

24/01633/FULM

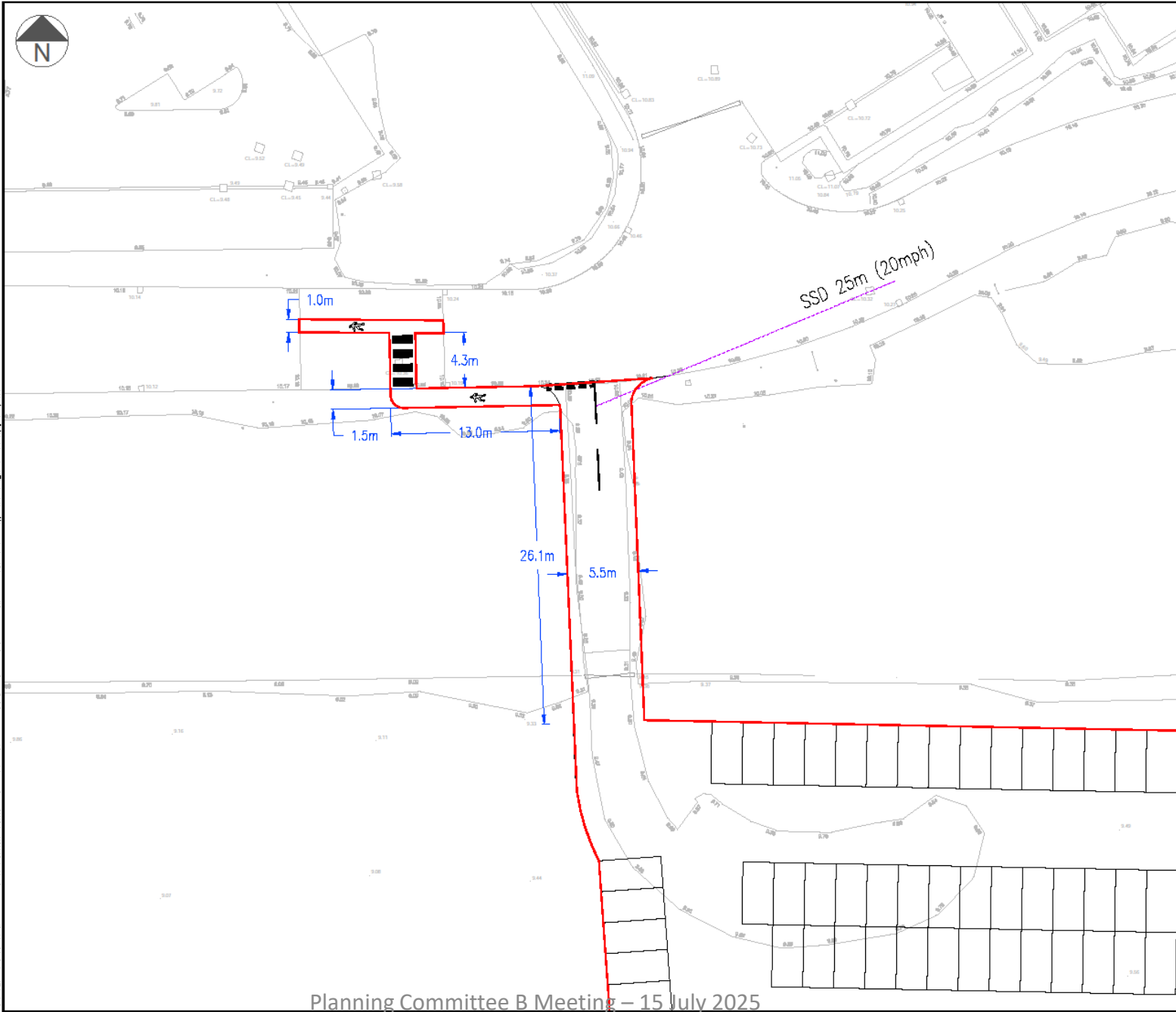
York Designer Outlet St Nicholas Avenue

Site Location Plan





Proposed Access



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REV	DATE	BY	DESCRIPTION	CHK
P01	16/08/2024	DR	FIRST ISSUE	----

DRAWING STATUS: S2 - FOR INFORMATION



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CLIENT:

APPROVED:

PROJECT: YORK DESIGNER OUTLET

TITLE: SEASONAL CAR PARK APPLICATION - SITE ACCESS

SCALE @ 1:200	DESIGNED AP	APPROVED IH
PROJECT NO: 70030614	DESIGNED DR	DATE: AUGUST 2024
DRAWING NO: 8814-SK-012	REV: P01	

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Surfacing and Site Layout Plan



NOTES:
SEE LANDSCAPE ARCHITECT DRAWINGS FOR SURROUNDING
LANDSCAPE SURFACE FINISH LAYOUT

- KEY:
- SITE BOUNDARY
 - MOT CONSTRUCTION
 - BODPAVE CONSTRUCTION
 - EXISTING GRASSCRETE TO BE RETAINED
 - STONE CHIPPINGS
 - FILTER DRAIN

REV	DATE	BY	DESCRIPTION	CHK	APP
1	01/09/2024	DR	PROPOSED CAR PARK LAYOUT		
2	02/09/2024	DR	PROT. LAYOUT		
3	02/09/2024	DR	PROT. LAYOUT		

62 - FOR INFORMATION

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CLIENT:

DESIGNER:

YORK DESIGNER OUTLET EXPANSION
- SEASONAL CAR PARK

PROPOSED
SURFACE FINISHES

SCALE: 1:200	DESIGN: DR	APPROVED: DR
PROJECT NO: 70080914	DESIGN: DR	APPROVED: DR
YDO-WSP-XX-XX-DR-TP-0103		P02

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